

From: [Glenire Farm](#)
To: [Mailroom Mailbox](#)
Subject: Plan change 7 to the LWRP submssion
Date: Friday, 13 September 2019 4:45:02 PM

SUBMISSION ON PROPOSED PLAN CHANGE 7 TO THE CANTERBURY LAND AND WATER REGIONAL PLAN

Clause 5 First Schedule, Resource Management Act 1991

TO: Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan

Environment Canterbury
PO Box 345
Christchurch 8140

By email: mailroom@ecan.govt.nz

Name of submitter:

1 Name: Ryan O'Sullivan
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Trade competition statement:

2 *I, Ryan O Sullivan* could not gain an advantage in trade competition through this submission.

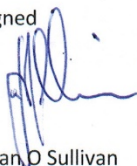
Proposal this submission relates to is:

3 This submission is on proposed Plan Change 7 (PC7) to the Canterbury Land and Water Regional Plan (PC7).

Wish to be heard:

4 *I* wish to be heard in support of this submission.
5 *I* would be prepared to consider presenting a joint case with others making similar submissions at the hearing.

Signed



Ryan O Sullivan

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Ryan O Sullivan

Background

I make this submission in my capacity as an irrigator/shareholder in Opuha water, but also disclose that I am a director of Opuha Water Limited (who is a first schedule party to PC7).

Our farming business, Glenire Farm Limited is located adjacent to the Te Ana wai river and abstracts water for irrigation of pasture for milk production. I am a director/part owner in this business and represent the other shareholders with this submission.

This submission relates to two key areas of the plan:

- 1) Proposed Step 2 minimum flow/pro-rata restriction regime for tributaries.
- 2) Adaptive management regime for main stem flow and allocation.

I have made some specific references to key parts of the plan and some general comments to justify the position taken.

1 Proposed Step 2 Minimum flows/Pro-rata restriction regime

Section/Page number: 14.1A Orari-Temuka-Opihi-Pareora Definitions (pg 125-128)

Subsection: 'Pro-rata restrictions'

Context

Plan proposal is to start pro-rata restrictions when surface water flows correspond to the particular tributaries minimum flow plus the sum of all AA, AN and BA allocations.

It is unnecessary to include AN allocations in this block as they will have ceased abstraction based on the main stem flow at State Highway one before partial restrictions commence on the North/South Opuha and Te Ana a wai tributaries.

Change sought: Amend definition of pro-rata partial restrictions to include AA and BA allocations but exclude AN.

Section/Page number: Table 14 (n) South Opuha Environmental flow and allocation regime from 1 January 2025

Context

The environmental flow, allocation and partial restriction regime set out in table 14 (n) is consistent with the FAWP recommendation to the OTOP zone committee. We believe this flow regime, having been litigated at length by a group of affected parties' strikes a good balance between environmental and economic considerations.

Change sought: Support table 14 (n) flow regime.

Section/Page number: Table 14 (o) South Opuha Environmental flow and allocation regime from 1 January 2030

Context

The environmental flow, allocation and partial restriction regime set out in table 14 (o) otherwise known as 'step 2' is a flow regime that is very destructive to irrigation reliability. The adverse impacts on profitability and viability of farm businesses who irrigate from the South Opuha would be significant and very disproportionate to the likely gains in ecological conditions in the river.

Change Sought: We do not support increases beyond the 2025 flows proposed in table 14 (n). Any changes beyond this are best addressed in the next OTOP plan review which would be well informed by water quality and quantity data, collected in the period post the new 2025 flow regime.

Section/ Page number: Table 14 (q) Upper Opihi Environmental flow and allocation regime from 1 January 2030

Context

The environmental flow, allocation and partial restriction regime set out in table 14 (q) otherwise known as 'step 2' is a flow regime that is very destructive to irrigation reliability. The adverse impacts on profitability and viability of farm businesses who irrigate from the Upper Opihi would be significant and very disproportionate to the likely gains in ecological conditions in the river.

Change Sought: We do not support increases beyond the 2025 flows proposed in table 14 (q). Any changes beyond this are best addressed in the next OTOP plan review which would be well informed by water quality and quantity data, collected in the period post the new 2025 flow regime.

Section/Page number: Table 14 (s) Te Ana wai Environmental flow and allocation regime from 1 January 2030

Context

The introduction of pro-rata restrictions on the Te Ana wai as set out in table 14 (s) will have a very adverse effect on irrigation reliability and therefore business viability and financial survival for the Te Ana wai irrigators. The new regime will necessitate change in farm practices and/or infrastructure therefore 2030 is an unreasonable timeframe for this to occur.

Change Sought: We support the pro-rata restriction regime to come into force not before 2035 to give the businesses affected time to adapt.

Section and Page number: Table 14 (y) Freshwater Management Unit BN Permit Environmental Flow and allocation regimes.

Context

The introduction of increased in minimum flows on the tributaries will have a material impact on irrigation reliability. Given no further sources of water are available to these affected irrigators; we support access to a BN allocation of water. For some, this may provide some relief and offset the loss of AA, AN and BN water allocation.

Change Sought: We support the proposed BN environmental flow and allocation regimes for the South Opuha, North Opuha, Upper Opihi and Te Ana wai rivers contained in 14 (y).

General comments relating to above submission points

We oppose the inclusion of 'second step' 2030 increase in minimum flows on the tributary rivers (South Opuha, Upper Opihi, and {Te Ana a wai pro-rata}) as proposed in the draft plan.

Given that there is already an increase (step 1) in the minimum flows as part of the draft plan, scheduling in a second step increase without having due regard for the changes yet to be observed under the proposed step 1 is premature.

There is expected to be some improvement of in-stream ecological values under the new Step 1 regime, at a cost to irrigation reliability. This loss in irrigation reliability, while material, is not untenable.

The inclusion of a second step increase of higher minimum flows again would suppose further ecological gains; however, this is yet to be proven/tested and merely makes an assumption.

Ecological reports generated by experts engaged by the Flow and allocation working party (FAWP) suggest that there is not a straight-line relationship between flows and in-stream health variables. Some species prefer higher flows i.e. trout, some native species prefer lower flows.

This suggests the ecological gains of a step 2 increase will likely be incremental/negligible but the loss of irrigation reliability to the tributary users would be catastrophic. Step 2 minimum flows for irrigation purposes cross the threshold of reliability where irrigation as an enterprise on-farm becomes unviable. The step 2 regime therefore becomes an extremely unbalanced scenario, major economic impacts for minor environmental gains.

In addition, we have yet to see any robust economic analysis or justification from ECAN as to how this can be imposed on businesses without significant financial consequences.

Unintended Consequences

One of the potential likely outcomes of step 2 being implemented is that tributaries users would no longer retain a 'value proposition' of being shareholders in Opuha water (OWL). If their investment in stored water released in the main stem to compensate their irrigation usage is not recognised, then why would they wish to remain invested?

They will simply adapt to maintain the viability of their business and one pathway to do this would be to decouple from OWL, build on-farm storage utilising BN water takes and revert to an unmodified flow restriction regime on the Opihi.

Their impacted reliability levels are so poor under a step 2 regime, this option would likely create and improvement in their irrigation reliability. With the added benefit of selling down shares and not paying water charges to OWL....logic would suggest they would look to exit their OWL shareholding.

Given 'above dam' tributary users account for over 3,000ha of the scheme, or some 20% of OWL shareholding, this outcome would extremely de-stabilising for OWL as a business.

In addition, it would completely upset the water allocation and management in the catchment. More water captured for on-farm storage and independent irrigation would result in less water in

storage and impact on ability to store/supply for remaining shareholders and supply main stem environmental flows.

Solutions/Options for the Future

One of the weaknesses on the OWL irrigation supply network is the abstraction from tributaries is not offset directly in the tributary, but downstream in the mainstem. OWL has considered this issue in depth in recent times and believes that given time and flexibility, we can come up with some infrastructure solutions to mitigate this issue. It is technically feasible with current piping technologies to take a proportion of water abstraction off-line of the river and deliver direct to farm gate via a pipe. This is a potential win-win as it would remove some abstraction from the river and deliver water with inherently higher reliability (than would otherwise be the case under a step 2 flow scenario) to the farm.

This type of infrastructure does not come cheap and requires OWL to be in a strong position financially to deliver on it. The introduction of a step 2 regime as outlined above could potentially undermine OWL's ability to assist tributary shareholders with this initiative.

2. Submission Points for Opihi Main stem flow regime

Background

OWL and the Adaptive Management Working Group (AMWG) have done an extensive submission on this part of the plan and after over 20 years of operating the dam and seeking to deliver environmental flows at SYB, OWL has gained a huge amount of knowledge and experience in this area. The convening of the OEFRAG committee and development of an adaptive management regime has enabled flow connectivity and reasonable irrigation reliability in the Opihi system through some severely dry periods.

We support the OWL and AMWG submissions in this aspect of the plan. I would make the following specific comments relation to the key areas as follows:

Support: Section 14.4 clause (b) which specifies the flow at sale Yards Bridge (SYB) should be measured on a 24 hour average with instantaneous variance not greater than 500 l/sec.

Support: AMWG artificial fresh regime to achieve improved environmental outcomes.

Oppose: PC7 proposing that a level 1 or 2 flow regime only be entered at the start of the calendar month and must remain in place for the entire month just not sensible. Conditions in South Canterbury can change significantly in a week of either hot dry nor-west winds or significant rain and any adaptive management regime needs to be able to react to that. The adaptive Management working group (AMWG) have refined a management regime that enables the regime to be entered and exited at anytime conditions are met. This is a far more practical and effective solution that will result in better outcomes for more continuous river flows and irrigation. We support the AMWG proposal with respect to this section of the plan.

Support: The role of OEFRAG has historically played a crucial role in managing the flow releases from Opuha dam during low flow periods and as time goes on becomes better informed and capable of making the nuanced decisions sometimes required in managing a finite amount of water. Keen to see OEFRAG persist in some capacity.

Oppose: Partial Restrictions regime: The approach under PC7 of linking a “Level 1 Restriction” to a flat 50% restriction and a “Level 2 Restriction” to a flat 75% restriction, will have significant consequences for the irrigators. This is far too harsh and fails to recognise the benefits of the Opuha Dam which irrigators own and have funded.

As an alternative, we believe that the restriction regime should recognise the criticalities between river demand and irrigation for different times of the year (i.e. variable monthly restrictions). It should also provide for exemption for AA and BA permit holders in the North Opuha, South Opuha, Upper Opihi and Te Ana Wai Rivers which have lower reliability as a result of tributary-specific environmental flow regimes. Adding further main-stem reliability impacts on top of tributary specific restrictions is unjustified, where is the economic analysis to support this?

We also oppose the proposed partial restrictions being a daily 24 hour volumetric restriction. This is hopeless from an operational point of view for irrigators and would also lead to gross inefficiencies in terms of water released from the Dam. This would mean, for example, under a 50% restriction regime, we could only irrigate 12 out of the 24 hours so would be stopping and starting pumps and trying to split consumption rates. From our experience in the dry period of 2014-16, a restriction regime based on a fortnightly volumetric restriction was much more manageable from an irrigator’s point of view and for OWL to manage the river and greater water efficiency. We already provide the necessary real time information to ECan to provide them comfort from a compliance point of view.

Oppose: Table 14 (w) and Table (v) Minimum flows under level 1 and 2 restriction. There appears to be increases in the ‘full availability’ environmental flows which evidently reflect the proposed increase in the minimum flows on the tributaries from 2030. This assumption is completely flawed as the increases in river flows resulting from higher minimum flows actually only occur at low (minimum flow). For arguments sake, this may be say 10% of the time, but the tables mentioned have additional flows at SYB 100% of the time?

Oppose: Table 14 (x): Thresholds for Lake Level triggers are not optimal e.g. Level 1 regime trigger level is 50% of lake full. This is too late to be able to react and does not allow for early enough intervention. We understand that AMWG have agreed on an alternative set of thresholds for Lake Level, snow pack and lake inflows and we support these.
