

**Submission on Proposed Water Permits Plan Change (Plan Change 7)
to the Regional Plan: Water for Otago**
(Form 5, Clause 6 of the First Schedule, Resource Management Act 1991)

Form 5

Submission on publicly notified proposal for policy statement or plan
Clause 6 of First Schedule, Resource Management Act 1991

To: Otago Regional Council
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Name of submitter: **Ian Bathgate**

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This is a submission on the following proposed plan change:
Proposed Water Permits Plan Change (Plan Change 7) to the Regional Plan: Water for Otago.

We could not gain an advantage in trade competition through this submission.
I am directly affected by an effect of the plan change that

- (a) Adversely affects the environment; and
- (b) Does not relate to trade competition or the effects of trade competition.

The specific provisions of the proposal that our submission relates to and the decisions we seek from Council are as detailed on the following pages.

We wish to be heard in support of our submission.
If others made a similar submission, I **will** consider presenting a joint case with them at a hearing.

(Delete if you would not consider presenting a joint case)

Signature of submitter: Date:

*(Or person authorised to sign on behalf of person making submission.
Signature not required if you make your submission by electronic means)*

Submission

1. I **oppose all of Plan Change 7**. I want the Plan Change to be declined and removed. PC7 will undermine and stall any environmental and economic gains or opportunities for the Upper and Strath Taieri regions for at least the next decade.

Reasons

PC7 does not meet statutory requirements for plan changes

1. PC7 does not meet the necessary statutory tests:
 - i. PC7 fails to provide a coherent and complete framework for managing the taking, damming, discharging, diverting and re-taking of water in Otago.
 - ii. The objectives and provisions of PC7 are not an appropriate way, or the most appropriate way to give effect to, or achieve Part 2 of the RMA. PC7 will fail to safe-guard life-supporting capacity, does not allow for mitigation of effects and will result in adverse effects on economic and social wellbeing.
 - iii. PC7 fails to give effect to National Policy Statement Freshwater Management.
 - iv. PC7 fails to give effect to the various versions of the Regional Policy Statement.
 - v. PC7 is based on an incorrect assessment of freshwater management in Otago and the Taieri catchment and the outcomes achieved or able to be achieved under the RPW.
 - vi. The Section 32 Evaluation of PC7 is incomplete and incorrect. This has resulted in an evaluation which underplays the failures of PC7 and overplays its effectiveness.

Our farm and water

2. Janefield is our beef cattle and lamb finishing business, purchased in December 2016. When we purchased the block it was run down, with poor quality pasture, and the k-line irrigation system was in disrepair and not working.
3. We spent a great deal of time and money in 2017 clearing weeds, sowing grass, and repairing the k-line.
4. In 2018 we installed a centre pivot on the free draining soils and got the k-line working on some parts of the farm. At the same time, we installed a new suction pipe and a self-cleaning screen to keep weeds and fish from being sucked into the system.

5. In 2019 we got the pivot going and installed fencing. We have spent time in 2020 getting more pasture sown and more work to get the k-line going.
6. We have been preparing for some time now to have our permit renewed in 2021. We have invested considerable funds as described above and have joined up with the Strath Taieri users' group. Our application is nearly ready to be lodged and we have invested in science work and planning expertise to ensure we covered all relevant technical and statutory requirements under the current water plan. Once our application is lodged, we will ask for it to join the Strath Taieri Group application which was lodged last year.
7. Given the cost and time this process has taken so far it seems unreasonable for the ORC to now only issue a 6 year or even 15-year permit.
8. I am aware that some of the water permits in our sub catchment, and many in the sub catchments upstream, have already been replaced. The Strath Taieri group application is one of the last packages of permits to be replaced. All Strath Taieri water users would then work together to look after the minimum flow at Sutton. This is something we have been encouraged to do by ORC staff for some years now and is the reason I started preparing my application when I did.

PC7 implications

9. Using take information from an earlier time period, 2012-2017 without regard to investment in efficient irrigation or changes to the farming system in the period subsequent creates difficulties and is not fair.
10. Using averages to set maximum rates or scaling back rather than considering the specific circumstances in play is problematic. We disagree with the methodology outlined in 10A.4 as it fails to correctly account for partial irrigation where crops prevent the application by methods such as K-line on much of the area.
11. In situations where the land was leased and the lessee was bound to use the infrastructure provided, the abstraction rate was lower because the water could not be applied, not because the water was not available or not needed. In this case, investment was made in a Pivot subsequent to the 2012-2017 window. Had the pivot been in place during the abstraction grandparenting period, water would have been applied to the crops and the average daily take would have lifted. In this situation, the average use has merely reflected the land use and infrastructure available at that time. The impact is that low use, and impact of averaging will unfairly constrain future irrigation potential.
12. The existing policy (section 6.4.19) takes account of investment in efficient irrigation techniques and infrastructures – Pivot, screens, upgraded K-line whereas PC7 does not.
13. Short consent period is not aligned with bank requirement to spread the up front cost of infrastructure over a long investment horizon. The uncertainty of future takes and short time frame of current consents reduce feasibility of capital heavy on farm investment.
14. Reduction in takes don't seem to take into account the reduced viability of the farming system in operation. If reliability drops to a point where the farm system in place is no longer viable,

alternative systems that may have poorer environmental, social or economic outcomes will have to be considered.

15. In our situation, the land was leased during the 2012-2017 period prior to us acquiring the block and the predominant system in place was dairy support and in particular winter cow grazing. Brassica crops grown for wintering dairy stock were unable to be watered during the dry periods due to the k-line system in place being unsuited to shifting across the crops. As a result, and through no fault of our own, the 2012 to 2017 period was not a representative period to set the baseline for abstraction in this situation.
16. Since the ownership change, as a result of a very poor state of the mismanaged and little used K-line, a decision was made to invest in a pivot. The decision was premised on the availability of water in sufficient quantity and reliability to generate a return on investment over a long timeframe. Another key factor was the change in land use away from wintering dairy cows year after year which was having a detrimental impact on soils and was likely to have caused a significant Nitrogen loss. The change resulted in the resowing of pasture which allowed water application to occur once again. However, due to the decision to base water abstraction rates on the 2012 to 2017 period, the Bathgate family, as new owners of this property, are unfairly disadvantaged.
17. Under the existing plan the decision made on the farm to upgrade the irrigation were reasonable. PC7 introduces limits retrospectively.

Upper Taieri catchment water management was close

18. Cohesion and fairness between water users in the Taieri Catchment is an important factor in everyone being motivated to work together to look after the resource. The catchment is in the final stages of transferring to the new regime where all the minimum flows will be included in consents, residual flows are in place to look after values at intakes sites and opportunities to look after the unique values are identified and actioned.
19. Most of the remaining consent applications have been lodged or are being prepared. Once those permits are issued the irrigators expect the ORC would implement Policy 6.4.5 and call in any of the permits that are linked to the mainstem flow during low flow and add the minimum flow to the permits.
20. The ORC has introduced PC7 as a holding pattern while the ORC get their own Water Plan updated. This has been done without any regard for the particular circumstances of the Strath Taieri catchment.
21. PC7 will stop any environmental progress for the next 8+ years. It will prevent the application of the minimum flow, as the short term permits proposed under PC7 are not issued with new minimum flows. PC7 does not include any consideration for native freshwater species. The Taieri catchment has galaxiids and long fin eels. Six and fifteen year permits do not provide security for investment or alterations to intakes or abstraction patterns to benefit the environment.

22. The Strath Taieri community along with the rest of the Upper Taieri irrigators have been preparing for post 2021 under the current plan for a long time. It is incredibly frustrating that the ORC has ignored all the Upper Taieri community work and stopped the progress with the inclusion of the catchment in PC7.
23. We ask the PC7 be abandoned. And if that doesn't happen then the Strath Taieri should not be included in the Plan Change.