

**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
policy@orc.govt.nz

Name of submitter: **Concept Farms Limited**

Contact person: Greg Kirkwood and Kelly Kirkwood

Address for service: [REDACTED]

Greg: [REDACTED]

Kelly: [REDACTED]

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)

1. We oppose all of the Proposed Water Permits Plan Change Plan Change 7 (PC7).
2. We seek the following relief:
 - a. PC7 be declined in its entirety.
 - b. If PC7 is retained, then we seek that the Taieri catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).
3. The reasons for our submissions are outlined below.
4. 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 not result in sustainable management, as it does not safe-guard life-supporting capacity, allow for mitigation of effects and does not provide for economic and social wellbeing.
 - iii. PC7 fails to give effect to National Policy Statement Freshwater Management (NPSFM).
 - iv. PC7 fails to give effect to the various versions of the Regional Policy Statement (RPS).
 - v. PC7 is based on a flawed assessment of freshwater management in Otago and the Taieri catchment and the outcomes achieved or able to be achieved under existing planning provisions including the Otago Regional Plan: Water for Otago (Water Plan) and the NPSFM.
 - vi. The Section 32 Evaluation of PC7 is faulty and was not carried out in compliance with Section 32 of the Resource Management Act. The evaluation understates and underestimates the adverse economic and social costs of PC7, and also underestimates the direct environmental effects of PC7.

Our Farms

5. Concept Farms Ltd has four farms located in the Maniototo in the Taieri catchment: Edenbank, Vance, Roseneath and Ryders Terrace Farms. Part of both the Roseneath and Ryders Terrace Farms are leased land (160 ha of leased land in total).
6. Edenbank is a runoff block, while the remaining three properties are dairy farms. All of the properties also have some water from the Maniototo Irrigation Company, which delivers

water from the Loganburn dam. The dairy farms are linked to 2 deemed permits from the Pigburn, a tributary of the Taieri.

Our work towards a robust outcome under the Existing Water Plan

7. We are part of the Pigburn Water Users Group. This group includes all of the permit holders in the Pigburn catchment. One of the permits in this group expires in August of this year, so we had to lodge this application earlier this year to ensure all members of our group could continue to operate under their existing permits until a decision was made on our application. This meant that our application was lodged a few weeks prior to the notification of PC7.
8. While we began the formal process of preparing for our application in 2015 as part of this group, we actually started long before then as we were conscious that we would need to exhibit good management practices. This earlier work included planting out areas of our property, fencing of riparian areas, converting to spray irrigation systems. This is primarily to ensure our farm practice aligns with good practice but we were also aware that our farm practices as a whole would be scrutinised through the application process for a replacement permit.
9. As part of the Pigburn Water Users Group we have spent considerable time and energy on the preparation of our consent. This has included meetings and discussions with other members of the group, consultant costs and the time of our own staff in collecting observations and writing up a report on these observations of the Pigburn.
10. This group process hasn't always been easy, as we are all essentially competing for the same resource. However, the potential loss of old priorities, the understanding that our water use and the effects of our abstraction would be scrutinised, and that we might all stand to lose some surety of supply minimum flows and residual flows motivated us to find a solution that worked well both for the waterway and for us. In our case the solution we are proposing involves combining 1 of our takes with the takes of 2 other permit holders and a reduction in abstraction, and a residual flow. This will require a substantial change in infrastructure that will come at further cost to all three of us. This change aims to mitigate effects on the flows and ecology of the Pigburn, while retaining sufficient reliability of supply for our existing efficient irrigation infrastructure.
11. None of this would occur under the controlled activity pathway provided by PC7. The short term is too short to justify expenditure on infrastructure changes, no new minimum or residual flow conditions would be added to consents, and there is no incentive or ability to consider priorities or the effect of priorities. As a result there would have been no motivation for a group approach – in fact this would have created a more competitive, individualistic approach between us all.

Weight to be given to PC7 uncertain

12. We understand that a number of factors can determine the 'weight' that is given to PC7 when considering and making a decision on our application. These factors seem very subjective, and are very grey. There would be considerable injustice if some or all of PC7 were given any weight at all in determining our application, given the mitigation measures we are proposing to achieve long term sustainable management of water in the Pigburn.

Average of Maximums from 2012 to 2017 - Schedule 10A.4

13. The application of the methodology in Schedule 10A.4 would have a significant impact on our allocation. We have had a number of problems with our metering equipment and the design of intake and race, with flow on effects for metering. Weeds and willows in the vicinity of our take has caused the Pigburn to breach its riverbanks, flood paddocks and re-enter our race. This water has then been recorded by our metering equipment. The ORC is aware of this issue and assisted with willow removal in 2018 and 2019, but further work is still required.
14. In addition, we have identified that the by-wash has been set too high for one of our takes. This, in combination with the lack of a defined river-bank at this location, means that water has flowed out of the bed of the Pig Burn and into the race and over the weir (and metering device), rather than out of the by-wash. We have already lowered the by-wash to address this issue and have been observing the effect on the intake. If this does not resolve the issue, further adjustments to the weir intake structure (located on the intake race) will be made to further refine the rate of take.
15. None of these factors can be taken into account under PC7. Our metering issues have resulted in faulty data, with numerous readings above the acceptable margin of error. All of these readings would simply be excluded under Schedule 10A.4, and even though we were taking water this data would simply be excluded and won't count towards any calculations. We expect this would result in a significant reduction in annual allocation which could then leave existing efficient pivots useless in dry seasons.

Flow sharing and voluntarily upholding the minimum flow

16. The deemed permit on Edenbank, our run off block would also lose abstracted water in an assessment done under PC7. Concept is part of the Paerau to Waipiata Water User group and has been voluntarily cutting back water for the last 4 years to uphold the minimum flow. The deemed permits do not have minimum flow conditions but along with the other water users in this sub catchment we thought looking after the river was the right thing to do.
17. As we were voluntarily reducing or turning off our take during the very dry summers our records show lower water use. If the flow had remained above minimum flow during those times we would have been abstracting. It turns out we would have been better

served ignoring the well being of the river and the people like ourselves who swim there by not stopping our abstraction.

18. When the Kyeburn permits were replaced 2 years ago and finalised through the Environment Court the assessment on their records of use made an allowance for the loss of volume through voluntary flow sharing.
19. The Kyeburn permits are an excellent example of long term permits with positive environmental outcomes and adaptive management clauses.
20. PC7 ignores the Group Managed Water option that has worked so effectively in the Taieri during recent years. There is a mention of Allocation Committees but as a method of sharing low flows there is only one catchment in all of Otago that uses the Allocation Committee pathway but many that use the Group Managed Water pathway as covered in the Water Plan policy 6.4.12.

PC7 is not good planning.

21. PC7 seeks to limit irrigation area to an arbitrary season and reduce allocation, but does not link these to any actual effects on the environment. It fails to protect our environment, as no new minimum or residual flows will be required. It requires efficiency assessments but does not provide any guidance on what is considered efficient. It requires fish screening and fish passage, which require significant scientific assessments, but does not link these factors to lack of instream flow that may occur without residual and minimum flows. In short, we consider PC7 to be a 'pick and mix' or 'grab-bag' of planning concepts that do not work together well to look after the environment or to enable good use of water and economic well-being.
22. PC7 creates significant cost and uncertainty for water users. This submission, and the further submission on the new Land and Water Regional Plan are all distractions and extra costs from the real gains that could be made right now under the existing water Plan.