



SUBMISSION FORM – Proposed Plan Change 7(Water Permits) to the Regional Plan: Water for Otago

Form 5, Clause 6 of Schedule 1, Resource Management Act 1991

Office use only

Full name of submitter: Jocelyn and David Kinney

Name of organisation (if applicable): DB & JWS Kinney Trust

Email: [REDACTED]

Postal Address (or alternative method of contact): [REDACTED]

Telephone: [REDACTED]

I wish do not wish (circle preference) to be heard in support of my further 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)

Trade competitor's declaration (if applicable)

I could could not (circle one) gain an advantage in trade competition from this submission

I am am not (circle one) 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.

Signature of submitter:

Date: 03 May 2020

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

Please note that all submissions are made available for public inspection.

State what your submission relates to and if you support, oppose, or want it amended:
(e.g. support rule 'x', or amend policy 'y')

We personally oppose the proposed Plan Change Seven in full.

State what decision you want the Otago Regional Council to make:
(e.g. amend policy 'y' to say....)

We want the ORC to abolish Plan Change Seven and process further Deemed Permits and other Water Permit applications under the current Plan until the LWRP becomes operative.

Give reasons for the decision you want made:

(e.g. I want policy 'y' changed because...)

Background:

Our family have farmed on this property since the 1870's. Our forefathers leased and then bought small holdings of land while working as road builders. They worked hard to invest in their families future. The land we farm has huge significance to us, and we do not take the responsibilities to our future family members lightly. Our Irish great grandparents looked for a better life for their families and we feel entrusted to do the same. For us to farm here has not been without significant difficulty. Being one of 7 meant that farm succession was seen as an impossibility but after many years of uncertainty we overcame these difficulties. This was not without significant toll to our family and for many years underlying stress. We anticipate our family remaining on this land and are working on succession plans to allow them to carry on farming here. This is in grave doubt without the security of irrigation water allocation. Irrigation is key to our current farming enterprise and the proposed Plan Change 7 will undermine the economics of continuing to farm here due to the reasons outlined below.

Current Irrigation

We are predominantly dry land hill country farmers who have limited access to irrigation water. This means every drop is vital to our farming security. Our small waterbody, which is a tributary of the Taieri River, means that we are only able to irrigate a very small proportion of our farm, and modern spray application methodology is used to ensure efficiency. The total farm size is 899ha with only 26 ha able to be irrigated from our deemed water permit, with the maximum area irrigated at once being 22 ha if sufficient water is present. At times throughout the summer and autumn, flows in our Three Mile Creek are not a reliable and consistent source for irrigation, therefore what we manage to achieve with our limited availability is a real achievement and one we are rightly proud of. Our family have managed the natural process of the creek drying up most summers, and although we have only a small amount of irrigation it is seen as an incredibly valuable resource which makes a significant difference to our farming operation. Irrigation allows us to grow crops and pasture, for fattening lambs throughout the summer and autumn and for winter feed either cut and stored as baleage and hay or fed directly to stock in the paddock. Improved pasture and/or access to crops are vital over shearing and during lambing. It is our small amount of irrigation that allows for consistent growth despite seasonal variations in our dry climate. This has allowed for improvements in stock performance, profitability and overall viability on a predominately dry hill country property.

A term of six years

The proposed term of six years for any further permits (10A.2.2) does not allow for any forward planning in respect to our water use and our general farming system. As we will be unsure of the outcome in another six years we cannot undertake planning of any kind: financial, farm development, succession, environmental, and stock development. Any further reductions in water allocation has the ability to completely change our farming system as our reliance on irrigation water is so significant for our operation. Farm investments and developments will be put on hold as six year will not be long enough to feel the full benefits of these investments before a potential shift in our farming system. This will have adverse impact our economic outcomes, along with our personal health and wellbeing due to anxiety and concerns for the future.

We are also concerned at the fairness of PC7 proposed term. It essentially draws a line in the sand between those who have had their permits approved before PC7 and those that have not. As recommended by the ORC we waited and worked with other water users in our area to submit our application in a timely fashion. However, those in our area who submitted separate from the group application have been able to submit applications before the onset of PC7 and have thus gained a permit with a term of 35 years. We feel as if we have been punished for following the ORC's guidelines as we will not be able to achieve the level of security that others in our region have with a term of only six years. It is worth noting that our joint application was first submitted in November 2019 but is still caught up with this process. How is it that within a matter of months the rules can change so significantly and have such large impacts on our livelihoods?

This line has been drawn without any clear methodology. In the Strath Taieri catchment 78% of water users have already obtained long term permits. There seems to be no reason as to why the remaining 22% cannot also obtain

long term permits. The Taieri river is already fully allocated, with minimum flow set so we are unsure of the reasons behind the short term of permits under PC7 in our area as so much of the work has been done.

Restricting irrigated area to the area irrigated in the 2017-18 season

Limiting the area of the farm that can be irrigated based on the historical area from the 2017-18 season (10A.3.1.1(iii)) is a poor method for restricting irrigated areas. One season is not a sufficient timeframe to gauge an accurate picture of farming practices. Climatic variation from one season to another within Otago is great, leading to significant differences in water usage. Our water take each summer is limited by the flow of water in the creek. If this one season was a wetter one our data would be significantly different to a dry year. No matter the season, one season does not provide substantial evidence to achieve improved water use practices and to sustainably manage Otago's water resources which according to the ORC is one of PC7's objectives¹.

Establishing allocation from average maximums between 1st July 2012 to 30th June 2017

The average maximums methodology used to calculate water allocation of new permits (10A.4.1) is impractical for water users. Firstly, meter readers often give trouble leading to inaccurate records. For us, our meter reader had a fault in 2014, which after quite some time led to us purchase a replacement meter. Exclusion of these records along with any exceedances over the margin of error will reduce the data set significantly. Again this does not build up an accurate picture of water usage to make appropriate allocations from.

Water users must calculate their own average maximums which will lead to mistakes. Many water users are not competent with using software such as excel. Although the council has provided guidelines, they are hard to understand and unclear to everyday farming people. For example, how do farmers obtain the spreadsheet to even begin these calculations? Small instructions such as this are missing from the document and make the guidelines hard to follow.

Section 32

The online survey that was available on the ORC website was inadequate as the template did not allow for enough comment to substantiate our answers. The available options to answer the questions did not fit how we would choose to answer and seemed to defeat the purpose of gaining true feedback. In order to give clarity to our answers we could comment to explain further. However due to the word limit on the comments of each question we could not write what was required. It was frustratingly inadequate and by answering the questions in the available way, we would have been trapped into answers that weren't what we wanted to submit. After several attempts to answer the questions, shorten comments or reword we gave up attempting to submit.

Economic impact

The implementation of PC7 is likely to have a detrimental impact on our economic situation and our ability to provide a livelihood for us and our family. For us the ability to irrigate means we can balance out the effect of the regular dry seasons on the farm and this allows us to best manage the climatic extremes our area is known for. We need to know what access we will have to water beyond 6 years to allow us to plan and implement improved farm practices, maintain stock performance and to continue to develop infrastructure. Financially we need to know we will have the income to cover our expenditure and this is reliant on knowing what we can achieve with our irrigation. The economic impact directly effects our farm succession plan for the next generation, as with insufficient water the income potential and value of the property will reduce significantly .

Trust in the ORC

We have been working faithfully with the ORC to ensure we take the necessary steps to replace our Deemed Permit. We have attended regular meetings, followed the guidelines and spent much time and effort for several years in order to prepare for the replacement process. Now we are nearing the final phase of this process, with our joint application submitted last year, the ORC have proposed a Plan Change suddenly altering the rules we have been working tirelessly towards.

¹ ORC. 2020. Section 32 Evaluation Report Consideration of alternatives, benefits and costs. *"achieve sustainable management of Otago's water resources"*

A change to the plan such as PC7 has only come about due to the findings of the Ministerial investigation. A sudden plan change would not be necessary if the ORC had completed their tasks in a timely fashion and had made prompt progress towards the National Policy Statement for Freshwater Management. This incompetence should not reflect on water users and the proposed plan change 7 does just that.

For the reasons outlined above it is hard for us to trust that the ORC has the environmental benefit for the Otago region at heart when implementing PC7.

Please attach any additional information.

SUBMISSIONS MUST BE RECEIVED BY 5.00 PM ON Monday 4 May 2020

Post to Otago Regional Council
Private Bag 1954
Dunedin 9054

Email to policy@orc.govt.nz

Deliver to Otago Regional Council offices at:

- 70 Stafford Street, Dunedin
- William Fraser Building, Dunorling Street, Alexandra
- Terrace Junction, 1092 Frankton Road, Queenstown

Online at www.orc.govt.nz

Please note:

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.