

**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

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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)*

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.

**Dairy Farms Partnership in particular Helenslea Dairy Farm**

5. We are a dairy farm located on the Maniototo Plains. We hold deemed permit 97191 which provides the right to abstract up to 300,000L/hr(83.3L./sec) from the Taieri River.
6. We use this water permit to grow pasture for our stock.

7. Our irrigation system is set up so that we can either abstract and supply the water directly to our centre pivot or we can divert the water to our storage facility to apply at a later date.
8. Our whole farm is now equipped with modern spray application methods.
9. The storage was one of the most recent additions. This was built to smooth out the supply and demand curves. In the Taieri when the water is most needed the river supply is the least reliable.
10. Even though we have a deemed permit that doesn't have a minimum flow condition we have been voluntarily sharing water and ceasing abstraction at minimum flow levels. This was the right thing to do given the Taieri has minimum flows.
11. We are members of the Paerau to Waipiata Water Management Group. As promoted by ORC we formed this group four years ago to work as a collective to manage to minimum flows.
12. All group members pay for a consultant to ration the water and call off the irrigators as required. In some years irrigation abstraction has ceased completely on the main stem in the middle of summer yet the river has continued to flow at the minimum level.
13. The deemed permit holders have taken the approach to act in the best interest of the community even though they could have personally benefited when the rest of the takes had to turn off.
14. We are very aware that the times the river might be close to minimum flow is when families enjoy swimming in the river, such as the January school holidays.
15. Most permitted water has been replaced in the Taieri catchment. The ORC did not consider that fact when they introduced PC7 and included the Taieri.
16. The permit replacement process has been exhaustive and has resulted in positive environmental outcomes.
17. We have already replaced water permits associated with our other property known as ATS. When those permits were replaced on the Sowburn we offered 350ha of the Maniototo Scroll Plain, a Regionally Significant Wetland into a Fish and Game covenant. We also relinquished access to some abstracted water during trout spawning, added residual flows and committed to a fish rescue condition. Efficiency allocations were also applied. We were not re issued any paper water. A long term permit was as a result of strong environmental gains.

#### PC7 impacts on our business and environment

18. With the last permits in the Taieri now ready for replacement the ORC has changed the rules.

19. We see no logical reason why the Taieri is even included in PC7. In a few short years the catchment would have all been functioning under the minimum flow regime, water management groups, residual flows and efficiency assessments.
20. If the ORC needs to do a plan change to update their regulations in line with the National Policy Statement Freshwater than it is only fair all permits should be reviewed by the ORC. Not that a few permits should be given short terms while the rest are continuing with long terms.
21. The assessments in PC7's schedule 10A.4 would dramatically reduce the actual water being abstracted by our deemed permit. It would result in infrastructure that has already been installed being stranded dry.
22. Given Helenslea has been sharing flows voluntarily that would now work against the farm. They would have been better off ignoring the minimum flow and the rest of the group and kept abstracting water to get better numbers in their water use data.
23. Using data from the 2012 to 2017 season when we are in 2020 is incomprehensible. We recommend using the most recent data and any data that is of good quality. We also ask that ORC use a method that takes into consideration the practical challenges of water measuring: faulty readings, wet years, and very dry years. We recommend the ORC use the services of an irrigation expert to assist with how this may be done well.
24. Using area irrigated from a different year to the data set is also a very poor choice. The area irrigated three plus years should not be retrofitted to the permits issued in the future. We have been able to improve our efficiency of use by using soil moisture probes, storage and application methods and the current plan encourages this practice. We could end up with pivots being stranded dry with this arbitrary rule on land area. That is \$100,000's of efficient infrastructure investment wasted.
25. Applying for a permit under PC7 would not be a simple process. Our take would not meet the controlled activity status so would need to come in under the non-complying activity. That would be the case for most water users. The level of work and material required for a non-complying activity is huge with the outcome of a maximum of 15years. Given the value of our water infrastructure and investment a 6 or 15 year term is not workable. And then

still many of the other Taieri takes would still not be up for replacement.

26. PC7 doesn't mention Water Management Groups. These are an effective option for water users to share the water as flows decrease. This option may be lost if some irrigators don't get the condition on their permit and if all permits replaced for the next years don't get the minimum flow added.
27. The Upper Taieri water users need the ORC to finish the job that was started in the catchment and bring all permits into the same team. Minimum flows, full environmental assessments and positive environmental gains in return for long term permits. The hearing commissioners and the Environment Court considered 35 years was appropriate on the Kyeburn permits in 2018. That robust assessment needs to be available to all Taieri Water users.
28. ORC have removed the positive outcome that was just around the corner for the Upper Taieri and brought in PC7 that puts Group managed Water and community cohesion on hold for another 8+ years.
29. We ask that PC7 **not** be applied to the Taieri Catchment so that we can get on with looking after the environment and the farming sector.
30. We also ask that it be made clear to the ORC that any future Plan Changes need to be done with competency and relevance to the issues of the region. PC7 has caused unnecessary stress and expense as it is simply such a poor piece of work.