

To : Otago Regional Council policy@orc.govt.nz

From : Natasha Burrell (on behalf of the Duncan Cleugh Farming Trust)

Re : Proposed Plan Change 7 to the Regional Plan: Water for Otago

(this is an addendum to the preceding 2 page Submission Form)

Introduction :

Following the loss of my partner Duncan Cleugh (we were farming at Patearoa in the Maniototo) in a tragic on farm accident 3 years ago, I along with our children have moved off farm to live in Christchurch. The farming entity the “Duncan Cleugh Farming Trust” (DCFT) now leases the property to a local Patearoa farming couple. As one of the three Trustees I submit on behalf of the Duncan Cleugh Farming Trust

Background:

Our farm, known as Tearoa, has a permit to take water from a tributary of the Pigburn , high up on the Rock & Pillar range. This permit , originally granted in the late 1970’s , expires later this year. This permit is held jointly with two other neighbouring farms/farmers, namely Pigburn Gorge Ltd and Janine Smith.

Some four years ago all the current abstractors from the Pigburn Creek formed an informal “Pigburn water Users Group” to work towards making a community application for the renewal/replacement of the 6 deemed permits (held by 4 farming entities) and the 4 water permits.

After a lot of data collection and group discussions, aided by the assistance of specialist water planning consultants, a joint application was lodged with the ORC for replacement permits in February this year, before the proposed Plan Change 7 was notified last month. The Pigburn Water Users followed the guidance of the ORC and worked diligently as a group to develop a strong application .

Further the DCFT has a water permit to take and use surface water from Shepherds Creek and a water permit to take water from Deep Creek to augment Shepherds Creek flows . An application to replace these permits is still in progress but it is planned to lodge in the near future.

Further Detailed Comment to Support Comments/Opposition as per SUBMISSION FORM

(i) Status of our Lodged Application

There is no clarity as to whether PC7 has any relevance to the application currently progressing through the ORC system as directed by the current statute, the Resource Management Act 1991 .

There was urgency in lodging our application as our joint permit expires on 30 August 2020 – this year.

In terms of natural justice I strongly submit that PC7 should have no bearing on how our application is processed and granted. In “good faith” we , as a group , have worked four long years, guided by current statute , National Policy Statement relating to water, and the ORC,s existing water plan that has not long been signed off, to arrive at an application that seeks to provide a balance between the environmental values of the Pigburn and the social and economic aspects of our local community. Not only have we each spent a considerable amount of cash on consultants, but individuals within our group have spent hundreds of hours on a pro bono basis in observing flows/collating data/writing reports over the last 3 years.

In summary I strongly contend that it would be a travesty of justice if the rules are suddenly changed and the “rug is pulled from under our feet” so as to speak.

The remedy sought is that the pathway for permits to be processed under the current plan rules and policies to be applied to the Pigburn Users application lodged in February.

(ii) Renewal term restricted to no more than 6 years

As detailed in the “introduction” above, circumstances dictate that I am now faced with a leasing situation. A six year renewal , as proposed in PC7 , is totally incompatible with the requirements of a leasing situation, where the lessee needs to have some certainty over the continued availability of water be it for domestic, stock , or irrigation purposes

A short term renewal, with no certainty over renewal at the end of a 6 years maximum term, was never envisaged by either party (lessor or lessee) in establishing our current lease. The financial implications for both parties must be taken into consideration.

(iii) No Increase in area under Irrigation

Locking in the area irrigated at least two seasons ago is nonsense. We are always looking at ways to make our small water resource more efficient and productive . This includes extending the area under K Line . This would improve the efficiency of the use of my current limited water resources as well as make a small contribution to making the farming unit financially more sustainable.

In summary , 10A.2.2.(b) is no way to control land use or protect biodiversity. I strongly submit that this clause be omitted from any Plan Change that may come out of this process.

(iv) Method of calculating rate of Take/Volumes

If my remedy in (i) above is adopted then the method of calculating rates of take and the various volumes as proposed in Schedule 10A.4 is not an issue for me personally.

However if the above is not the case, then I strongly oppose the contents of 10A.4. While the most recent flow data has been provided on my behalf to a fellow member of the Pigburn Water Users Group, there is just no way that either of us has the ability or IT skills to work out how 10A.4 may potentially affect me. I understand that if one was to employ a consultant to analyse the flow data on my behalf that it may cost up to \$1000.

I find it indefensible that the ORC who are setting the rules, refuse to assist in helping individual permit holders analyse the possible effects of such rules.

Further the anomalies and gaps in the data collected in recent years, may well have a major effect on the results of a 10A.4 analysis. Major technical problems with our Shepherds Creek water meter initially meant that low flows were recorded as zero (issues with the meter in a half filled pipe). The data has been further corrupted when the battery was flat coupled with delays in the service provider fixing issues.

A remedy suggested for such situations, where a 10A.4 analysis may or may not produce meaningful figures, that the objective of ensuring that future takes reflect actual recent takes and not those still on historical paper, could be achieved by a visit to the permit holder by an ORC staffer and an independent consultant who has suitable skills to make a determination to achieve the stated objective.

The ORC already has an established method of removing paper allocation and testing for efficient water use with their Aqualinc tables. Why these established methods weren't used rather than replacing such a simple system with a system that no mortal can calculate and one that will be likely to produce corrupted figures confounds me!

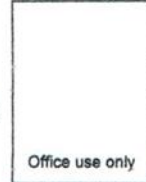
In Summary

The Duncan Cleugh Farming Trust opposes the proposed Plan Change 7 and respectfully suggests the Environment Court rejects Plan Change 7 (Water Permits) to the Regional Plan: Water for Otago



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



Full name of submitter: Natasha Lee Burrell

Name of organisation (if applicable): "Duncan Cleugh Farming 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: Lodged Electronically Date: 27.4.20

(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')

Oppose PC7

- see attached for detailed reasons.

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

Withdraw PC7

Give reasons for the decision you want made:
(e.g. I want policy 'y' changed because...)

See attached.

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.

Please turn over

