

**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: **Ben Graham**

Contact person: Ben Graham

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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. Hartfield is a sheep and beef farm located downstream of Hyde on the true left of the Taieri River. It is primarily a dryland farm supported by irrigated pasture on the lower terraced land. Over the last few years, we have been upgrading our application methods to efficient centre pivot systems. Along with these improvements we have re-fenced, added water troughs and re-grassed the irrigated areas.

3. Hartfield is a family farm that supports my family, including my wife, myself and our two school age children. The farm also supports another fulltime staff member.
4. Applications for our two water permits to abstract from the Taieri River were lodged with the ORC at the end of 2019. Our permits were part of the Strath Taieri Water Users group application. It was lodged last year because there were permits like one of ours that expired in 2020.
5. Our application is thorough and comprehensive. We have invested in extensive science work and planning expertise to ensure we covered all relevant technical and statutory requirements under the current water plan. Our consultants have also completed a Section 92 request for further information, which included expensive in-field electric fishing of the tributary streams. 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.
6. Some of the water permits in our subcatchment, and many in the subcatchments upstream, have already been replaced. Our group application is one of the last packages of permits to be replaced.
7. The water permit holders on the main stem of the Taieri River between Tiroiti and Sutton have been voluntarily flow sharing during the summer low flow periods for a few years now. As a subcatchment group we anticipated this flow sharing regime to be more formalised under the current water plan once all our permits were replaced.
8. 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.

PC7 implications

9. The bulk of the permits to be replaced in the Strath Taieri are located on the tributaries of the Taieri River. Due to the success of trout in the Taieri River the native galaxiid species have mostly been predated close to extinction. The only remaining habitat that is trout free where we have chance of finding the non-migratory galaxiids is in the tributaries. These are incredibly important locations. We have invested considerable time engaging with the Department of Conservation to understand how we can best protect these remaining habitats.
10. PC7 makes no allowances for the involvement of Department of Conservation in the controlled activity permit replacement process. In fact, the controlled activity requires fish passage. The very thing that may allow the further incursion of trout and the loss of galaxiids.
11. PC7 will not only put the catchment in limbo for 8+ years (6 year terms plus the time taken to replace permits) but may result in the further loss of our very important native species.
12. If the lodged permits were processed under the current plan then special habitats can be assessed and included in the application and applicants can work co-operatively with the Department of Conservation. Farmers in the Lindis Catchment and the Kyeburn Catchment

have agreed to work with the Department of Conservation to develop a plan to look after these habitats.

13. Short term permits do not justify the time, or level of investment required to complete the required assessments or implement any changes to intakes or adaptive management options.

Upper Taieri catchment water management was close

14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. We ask the PC7 be abandoned. And if that doesn't happen then the Strath Taieri should not be included in the Plan Change.