



# 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: Lauder Creek Limited – Heckler Family

Name of organisation (if applicable):

Email: [REDACTED]

Postal Address (or alternative method of contact): James & Kelly Heckler - email: [REDACTED]

Telephone: [REDACTED]

I **wish** 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.

**Trade competitor’s declaration** (if applicable)

I could not gain an advantage in trade competition from 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.

Signature of submitter: ..... Date: 4<sup>th</sup> 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 oppose Plan Change 7 (PC7) completely. We want PC7 completely removed.

PC7 diminishes our environment and community wellbeing, in comparison to the existing plan.

PC7 discriminates against irrigators who are working tirelessly to produce food, not only for our country, but also for the export market, which is fundamental to our economy.

PC7 fails to address the values of other stakeholders and the National Policy Statement for Fresh Water (NPSFW).

PC7 fails to achieve the objective 10A.1. The interim planning framework **does not** promote the transition to long-term sustainable management of surface water resources in Otago.

**State what decision you want the Otago Regional Council to make:**

*(e.g. amend policy 'y' to say....)*

Otago Regional Council (ORC) should proceed with the current consenting process with at least 30-year consents. We have been gathering information since 2016 for our resource consent application. We have spent significant time, effort, and funds scientifically studying our water bodies so we can provide solutions that sustainably manage our water resource.

The ORC needs to take responsibility for the situation we are currently facing. The delays and inability shown by the ORC has been frustrating for not only ourselves, but also for many stakeholders. The consent process needs to be progressed without impeding us with the incapability's of the ORC. Costs of later applying minimum flows to consents should lie with the ORC. Monetary costs and resources squandered due to the ORC's constant inability to implement plan changes should not be imposed on our irrigator community.

Otago Regional Council has failed stakeholders, failed communities, and failed the natural resource its responsible to manage, due to its own incompetency. It is not fair to project this incompetency onto irrigators which adversely impacts our farming businesses and the wellbeing of rural communities.

**Give reasons for the decision you want made:**

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

*Reasons for the complete removal of PC7*

**No increase in irrigated area - Policy 10A.2.1b Rule**

This policy is detrimental to farming businesses, communities and the environment.

Negative effects of this policy include but are not limited to the following:

Discourages irrigation efficiency and sustainability improvements. We are locked into the irrigation system we had in place 3 years ago. We have already made modifications to improve efficiency. Under proposed PC7 it would be illogical for us to commit to further improvement of water use as we will be unable to utilise water gains from efficiency implementations.

Discourages irrigation infrastructure investment.

Discourages irrigators to adopt innovated technologies, which improve water use and often indirectly reduce nutrient contamination.

Proposing to limit irrigation area based on a single year of data is hugely unjust and ludicrous. As farmers we recognise the need to grow food efficiently and sustainably, while recognising the environmental impact. Locking us into a historical period hinders the farming future in Otago. It will impact on land values and development regardless of the environmental and social impacts.

The proposed policy has no provision for climatic variances.

NIWA data<sup>1</sup> shows summer 2017-2018 (irrigation season 2017-2018) was one of the hottest summers recorded in Central Otago. January 2018 was the single hottest month on record in NZ. The prolonged dry conditions prompted Ministry of Primary Industries (MPI) to declare a medium-scale adverse drought event for Otago region on the 30<sup>th</sup> January 2018.

High evapotranspiration (due to high temperatures) and prolonged dry conditions, over the 2017-2018 irrigation season severely impacted irrigated area. We estimate our irrigation area was reduced by 20-30% that season. For parts of the irrigation season we were allocated 50%, or below, of our regular water allocation.

Through no fault of our own, our farming business is going to be hindered for the future due in an incompetent, unfair policy.

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<sup>1</sup> NIWA Annual Climate Summary 2018 – Issued 8<sup>th</sup> January 2019

No provisions exist in the proposed policy for technical failures. We are implementing ongoing improvements in technology that captures flow data, which would contribute to even more accuracy. The proposed policy would not capture this.

Efficiency of allocated water should be promoted rather than focusing on irrigated area, this will have benefits for our farming businesses, environment, and communities.

#### **Average maximum rate of take - Rule 10A.3.1.1.b.IV**

Using average maximum rate of take does not allow for technical or climatic variances. Many advances have been made in the measuring of rate of flow in recent years. Calibration of rate of flow measuring devices has been brought to attention in the last 3-5 years. Previously, many devices may have not been calibrated regularly to guarantee robust data. ORC technical staff have already dismissed earlier data, as it is not robust. Once again, this rule overlooks the accuracy improvement in recording flow data from the most recent years. This rule creates huge frustration and stress for irrigators. It has complete disregard for the latest science and innovation many irrigators have employed to improve flow accuracy data.

Under the proposed rule our actual water abstraction will be reduced by 15%<sup>2</sup>. This will mean that our farming system will have to be altered which will impact on our revenue. We will have to reduce our costs which will lead to less spending in our local community.

Extreme climatic events that are happening more frequently are also causing disturbances in the data. Provisions are being put in place to combat these disturbances, but more time is needed to develop a trend that can be used to validate data. The continuous measuring of robust data will aid in more accurate decisions being made which will benefit stakeholders, communities and the environment.

#### **Six-year consent duration - Policy 10A.2.2**

A six-year consent creates uncertainty, impedes development and community wellbeing.

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<sup>2</sup> Available years flow data

We have been frequently been disappointed in the lack of progress shown by the ORC leadership team in regards to water management. The ORC have neglected to provide adequate solutions for deemed permits. Therefore, we fail to see how the ORC is going to rewrite a Land and Water Plan in the 2-3 year timeframe, that will allow it be operative by 2025. We will be in this exact position in six years' time, replacing short term permits for short term permits.

We have already invested in gathering data and formulating our resource consent application which is almost completed. Money spent to date totals thousands, and time has been volunteered which will never be truly accounted for. In the final hour, the ORC proposes to make all this completed work and money spent completely redundant.

In six years' time due to no fault of our own we will have to invest again to repeat the work we have already done. According to the Skelton report<sup>3</sup> there will be 450 consents that will need to be renewed, in six years, if the ORC adopts PC7. Currently, on average, consent renewal costs will be around \$13,000 and \$16,000<sup>4</sup>. These costs address planning, ecology and hydrology studies, assessment of effects and application fees, to meet all the requirements for the application. In six year's time, based on current costs, an additional \$5,850,000 - \$7,200,000 will needlessly have to be spent by the applicants, to achieve the proposed PC7 requirements. In addition to this cost, will be the increased ORC cost due the increase in resource requirements needed to complete the consent processing. The result is unnecessary spending of tens of millions of dollars. To enforce this cost on a single industry holding up our economy is unjust.

Furthermore, this money could be spent on irrigation sustainability and efficiency mitigations which have actual positive impacts on our environment, our farms, and our community.

We will not invest in irrigation infrastructure under PC7, due to uncertainty a six-year consent creates. PC7 stalls investment in our industry, directly halting investment in our farming business, and local businesses which support the industry.

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<sup>3</sup> Investigation of Freshwater Management and Allocation Functions at Otago Regional Council; Report to the Minister for the Environment. Professor Peter Skelton CNZM; D.Nat.Res (Hon); LLB; FEIANZ - 1 October 2019

<sup>4</sup> Based on expenses of formulation for current consent renewal and ORC Fees and Charges from 1 July 2018 <https://www.orc.govt.nz/consents/ready-to-apply-for-a-consent/fees-and-charges>

## **Lack of consultation**

Consultation on plan change 7 is been extremely inadequate.

The December 2019 surveys had inadequate provisions to record real issues.

On the 7<sup>th</sup> January 2020 at the public forum there was minimal time for spokes people to address the council, on water issues, as they were cut off by the chairperson.

We were not invited to attend the focus group held in Lawrence on the 16<sup>th</sup> January 2020. To use this event as public consultation is extremely misleading and is not fair or representative.

We farm in the Manuherekia catchment, which according to the Skelton report is a catchment with many deemed permit holders. One would of thought it would have been prudent to hold a focus group located in this area so the real issues could have been communicated.

The section 32 report fails to identify the real environmental, economic, social, and cultural impacts of PC7. It is misleading and extremely inadequate. Areas not addressed in the Section 32 report, but not limited to, are:

- The economic impact the reduction in irrigated area will have on farming businesses.

- The social impact the reduction in irrigated area will have in rural communities.

- The economic impact the reduction in rate of take will have on farming businesses

- The social impact the reduction in rate of take will have on rural communities.

- Significantly under states the increased costs due to short terms permits

- Fails to identify the costs already spent by deemed permit holders gathering data, which will become redundant under the proposed plan change.

The constant irrigator exclusion is shedding a very dim light on the integrity of the ORC leadership. If the ORC can't engage with the people directly affected by what is being proposed, then the opportunities to develop solutions are ignored and our community will not be able to move forward.

## **Lauder Creek Limited**

Lauder Creek Limited is a sheep and beef operation owned and run by the Heckler family, located in Central Otago. Our properties rely on irrigation to produce food.

As irrigators we want to productively engage with ORC and other stakeholders to formulate solutions that enhance our environment, encourage sustainability, fosters community wellbeing.

**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](mailto: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](http://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.