



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

Office use only

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

Full name of submitter: **R W Naylor**

Name of organisation (if applicable):

Email: [REDACTED]

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

Telephone: [REDACTED]


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.....

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: ...pp.......... Date:4 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')

I oppose the whole of PC7.

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

Reject PC7 entirely or:

Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative.

Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.

Give reasons for the decision you want made:

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

1. Our family own two farms, Spennymoor and Wallington in the Manuherikia Valley. The properties are farmed together and separated by the neighbour's block owned by the Brown Family. Feed grown and stock are moved between both blocks.
2. Irrigation occurs on both blocks. Water used on farm is from various sources, including private water takes from tributaries of Chatto Creek and irrigation company water delivered from either the County or Matakanui Scheme (of the Omakau Area Irrigation Company(OAIC)). We use the Company water to supplement our private rights (Black Bush Creek and Devonshire/Chandler permits).
3. I currently hold one Deemed Permit and three water permits to take water from Black Bush Creek, Devonshire Creek and Chandler Creek which are tributaries of the Manuherikia River. These permits expire in October 2021.
4. The predominant land use irrigated by these permits is pasture. Stockwater is also supplied.
5. Significant investment has been made in the last decade to upgrade the irrigation infrastructure, water storage and water use efficiency. I have engaged Irritech Otago Limited to design pivot plans for the whole property, with guns in the corners, to replace flood irrigation that is currently occurring in some parts of the property. Further development of storage on the property is also planned to increase the storage capacity and therefore increase irrigation reliability on the property.
6. These further operational efficiencies (in particular conversions from flood to spray irrigation) will enable additional irrigation within the existing allocation. Achieving greater water use efficiency and developing storage requires significant and long-term capital investment.
7. I have acted in good faith and been preparing for these renewals for some years, being mindful of the previously well signalled process and efficiencies that would be required to comply with the existing Aqualinc models and undertaking science work to understand of the effects of my abstraction activities on the instream ecology and hydrology of the Black Bush, Chandler and Devonshire Creeks.
8. Efficiency has been my prerogative with my entire financial outlay. I have planned intensively and invested significantly in all my water development. We were told that we have had to have everything in place by 2021 and I have invested to do that and it will be complete by 2021.
9. A significant investment has been made into freshwater fish and habitat value investigations in these waterways. These investigations commenced several years ago on the understanding that applications to replace my permits would be made under the current RPW planning framework and demonstrating the level of effect on instream aquatic values is necessary when seeking a long term permit to replace them. These water takes are long established and their continuance will not result in any adverse effect on instream aquatic values.
10. Subsequently significant investment has already been made in consultancy, planning and infrastructure.
11. I have nearly completed my application in a timely manner and it is through no fault on my part that the goal posts have now shifted due to resourcing limitations at the ORC that have led to an inability to handle the process despite having known about this looming expiry date for Deemed Permits for the last 30 years.
12. There seems to be a huge amount of indecision all round which has made it particularly hard to keep focused on my water and the complications of ORC.
13. There is no need for PC7. The existing Regional Plan Water (RPW) is proving effective at retiring paper water in catchments where that is an issue. It is not an issue in all catchments, especially in the Clutha. The issues with the current RPW that have been identified in the s32 report are not overcome by PC7. Everything identified in PC7 can still be achieved under the existing RPW framework. More detail on this can be found in submissions made by others.

14. Great progress has already been made by many permit holders, including myself, in improving water use efficiency and environmental performance. Implementing PC7 will stop any progress to improve water use efficiency in its tracks as short duration permits will not enable investment in the required infrastructure or efficiency upgrades.
15. PC 7 creates inequities between permit holders who have already obtained new, replacement long-term permits (including some since PC 7 was notified) and other holders like myself.
16. Schedule10A.4 is fundamentally flawed and completely misunderstands irrigation. Seasons and crops do not have average years. Demand and supply is highly variable. Calculating actual usage should be just that – actual usage. In addition, metering these intakes is a relatively new thing. There were challenges in establishing meters on water takes early on due to there not being a sufficient number of qualified providers able to get them functioning in many permit holders difficult locations. The complexities associated with the locations and instream environments that the meters are located in also means that records in the first few years after installation have not always been accurate and subject to teething problems (e.g. meters getting blocked with high levels of sediment due to the nature of these catchments). I have been undertaking development upgrades on my property over that time, and only recently completed the storage facilities required to be able to take and use all my winter harvesting water. Full abstraction may not have occurred in the 2012-17 years, the infrastructure has now been established based on the on-farm need and current valid permits.
17. The method proposed provides no flexibility or consideration of the individual situations and unfairly impacts on permit holders who have experienced metering issues or have incomplete abstraction records between 2012-2017 for reasons such as development to improve water use efficiency, such as myself.
18. Between 2012 and 2017 I haven't been taking my full entitlement as the measure box has been full of gravel unbeknown to me until NIWA who I employ to maintain these measures recently told me. Only in the last year have the measure box and races been cleaned also so the gravel will not build up in the measure box to the same extent.
19. This last season I have also not been able to utilise my water on our home block because of the development we are doing which has resulted in water races being taken out. This occurred when we did previous developments on our other blocks with our first and second developments also.
20. The creeks I abstract water from have always been steady during summer months except when we get heavy summer rains, in winter they flow at a substantially higher rate as the OAIC do not extract then. This is why I have been financially planning for a number of years to utilise this winter water through upgrading my out of stream storage facilities. I have just finished building a 20million cubic litre dam which will be filled shortly using my private right (Devonshire) which authorises winter harvesting.
21. Relying on the 2012-17 season does not take into account these situations on my property.
22. An evaluation that my consultants, Landpro, undertook using the proposed methodology on my permits indicates that the instantaneous rate, daily, monthly and annual volumes I have been taking and/or re-applying for based on the infrastructure that is now or about to be in place would reduce.
23. The degree of reduction is significant. Combined across all my permits, this methodology indicates:
 - a. my daily volumes would decrease by 26%,
 - b. a 64% reduction in monthly volume, equivalent to 466,528 m³/month less across both the Spennymoor and Wallington irrigation areas,
 - c. a 58% reduction in annual allocation on average across all permits. From an efficient volume determined using Aqualinc of 4,236,626 m³/year to a PC7 volume of 1,766,360 m³/year, equivalent to 2,469,997 m³/year less across both irrigation areas.
24. Operating my properties with such little water would be unsustainable.
25. I am also concerned that the cost of the proposed resource consent processes could put many permit holders out of business. Many struggle to fund long term consent applications, let alone having to go through it twice (once now and again in 6 years). It can take 6 years to gather the data and do the research to lodge an

application! None of this is farmers' fault and so it is unfair to put the farmers to the cost of applying under PC7.

26. In addition, the strict requirements of the proposed controlled activity rule mean that I, along with most other permit holders who have yet to lodge their replacement application, will end up having to follow the non-complying activity pathway simply as a result of water metering records being incomplete/not accurately reflecting the farming situation, thereby defeating the purpose of PC7 to get most permit holders to replace their consents under a simple, roll-over type process. The threshold for a non-complying activity is much harder to overcome given the wording of the proposed policies and will require substantial investment in consultants and science work to demonstrate the effects are less than minor for such a short term consent.
27. There is no explanation as to why PC7 limits the irrigation area to the 2017-2018 season, nor is there any evidence indicating what this is intended to achieve or why the 2017-2018 year would achieve this more than another year. By placing this limit in PC7, permit holders cannot increase efficiency by, for example, moving from flood irrigation to spray irrigation over a larger area. There is no apparent benefit achieved by this rule.
28. The expectations of the policies, conditions of the rules and matters of control in the rules in PC7 do not enable a "short term relatively low-cost consent" as identified by the Council as the expected outcome of the PC7 process. In order to provide information to satisfy the PC7 provisions, permit holders will need to engage expert consultants to:
 - a. review and evaluate water use records,
 - b. interrogate the abstraction data using the proposed methodology (this is not simple and cannot be done by individual permit holders),
 - c. understand the farm system in terms of water use, soil types and irrigation areas,
 - d. undertake water use efficiency calculations using, for example, Aqualinc methodology,
 - e. research and understand any instream ecological values to be able to recommend whether fish screens may or may not be appropriate,
 - f. research and understand hydrological flow patterns, alongside any fish values, to provide an assessment of whether fish passage is required.
29. Reviewing a consent is already provided for in the RMA through section 128(1)(b). Any new limits that may be introduced under the future Land and Water Regional Plan can be brought in through a review. This would address one of the key issues that PC7 is trying to address.
30. A short term consenting framework for existing permits that did not cost permit holders anything might be acceptable whereby no information is required to be researched, prepared, submitted, and audited by ORC (as all of these steps incur substantial costs and of note is that agreement with ORC staff on some of the above points is often time consuming and costly already), but is not preferred because:
 - a. In many catchments it is not necessary. PC7 should be targeted to those places that actually need it (wherever they are).
 - b. It will discourage investment in efficient infrastructure.
 - c. It will discourage permit holders from working with other stakeholder to achieve environmental benefits (e.g. proposing residual flows for the individual waterbodies)
 - d. Now, more than ever, farmers should be investing in things that actually support the economy, not putting the economy on hold for 6 years. PC7 should encourage seeking long term consents under existing rules where that is possible and not cut that off as an option.
31. There has been a complete failure to assess the costs and benefits of PC7 compared with alternatives (including doing nothing). So PC7 should be rejected entirely.

Please attach any additional information.

SUBMISSIONS MUST BE RECEIVED BY 5.00 PM ON Friday 17 April 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/WPPC

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.