

**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: **Patearoa Station Ltd**

Contact person: Charlie Hore

Address for service: [REDACTED]

Postal address: [REDACTED]

Ph: [REDACTED]

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.

Patearoa Station

5. We are a family run sheep and beef farm located in the south of the Maniototo Plains. We have a water permit from the Taieri River that expires in 2022. Consent 2002.219
6. We use this water permit to grow pasture for our stock.
7. The permit does include a minimum flow condition of 1000L/sec at Waipiata, Taieri River. We turn off our take before the Taieri reaches that flow.

8. We also participate in the Paerau Waipiata Water Management Group and ration our water during low flow times. We have done this for 4 years now as we believe it is important to look after the Taieri River.
9. 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.
10. There are deemed permit holders in our Water Management Group. They have also been rationing water when the Taieri River flow drops close to the minimum even though they do not have a consent condition requiring them to do so.
11. 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.
12. 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.

Maniototo Community

13. The Maniototo Community has a strong history of working together. We have our own pest management company that is very successful. We run our own irrigation company that delivers stored water to 60 shareholders across the valley. Water Management is also a cohesive project by the community.
14. Irrigators have been replacing their permits as Water Management groups for the last 4-5 years. There are only a few applications yet to be lodged or processed including ours with a expiry date in 2022.
15. Once the last of the permits are lodged we anticipated the full catchment would be into the new regime with all permits abiding by the minimum flows and sharing water. At last a level playing field was close.
16. The Taieri catchment has operative minimum flows in the Water Plan. There is an allocation limit and the catchment is assessed as fully allocated. The “sinking lid” Policies in the Water Plan (for example Policy 6.4.2 and 6.4.0A) have been working in combination to improve efficiency and reduce the actual allocation on all water permits that have been renewed to date.
17. 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.

Impacts of PC7 on our farming business

18. Applying the methods described in Schedule 10A.4 to our water permit would result in significant reduction in the annual volume allocation of water that has actually been abstracted and is being used. Therefore taking away more than paper water.
19. We have made on farm decisions and investment related to water. We agree that applicant's need to demonstrate the water allocated is an efficient amount for the climate, soil and crop or pasture and that the farmer has been using that water. However averaging maximum volumes does not apply any of those commonsense tests. Using old data (2012 to 2017) rather than the most up to date or **all** available reliable data is a poor concept.
20. As explained earlier we have been cutting off early when the Taieri River gets low for flow sharing reasons. This practice will now work against us in replacing our permit.
21. Restricting the area to be irrigated to that irrigation in one year three years ago is also a poor idea. The area irrigated in any particular year will vary depending on soil moisture, available water, and crop or pasture grown.
22. If the ORC need to make their standard approach to water assessment a schedule then they should make the Aqualinc tables the ORC approach and they should use the maximum volume and rates ever abstracted with room for corrections of poor data or errors. But most importantly they should seek the advice of irrigation experts when they do this type of work. It is obvious that people who knew nothing about irrigation have written this Plan Change.
23. Restricting the area to be irrigated to that irrigation in one year three years ago is also a poor idea. The area irrigated in any particular year will vary depending on soil moisture, available water, and crop or pasture grown.
24. 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.
25. 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.
26. 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.