



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:

Name of organisation (if applicable):

Earl and Bernadine Attfield on behalf of The Waikerikeri Creek all water users group.

Email: Bernie.attfield@plantandfood.co.nz; christina@landpro.co.nz (as consultant)

Postal Address (or alternative method of contact): 132 Waikerikeri Valley Rd, Clyde.

Telephone: 021 1709 572

We wish / ~~do not wish~~ (circle preference) to be heard in support of my further submission.

If others made a similar submission, **we 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)

We ~~could~~ / could not (circle one) gain an advantage in trade competition from this submission

We are / ~~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: *Christina Bright* Date: 04 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')

The Waikerikeri Creek all water users group 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. Earl and Bernadine are the majority share-holders as we have the largest command area with need for irrigation. All water users on The Waikerikeri Creek scheme, those being ourselves, R.J & J.P Parsons, and Wayne & Donna Madigan have discussed and agree on the comments below.
2. Earl and Bernadine have a 1,513ha pastoral property running 2,000 merino sheep. The property has been in the Attfield family since 1903 and was originally pastoral lease but became freehold in 1981. The water allocation we have is for the purpose of supporting the irrigation of 45ha Dryland Lucerne, 25ha Borderdyke pasture, 40ha Hard- hose spray irrigation of Lucerne blocks, and 1403ha Semi-arid native pasture.
3. The Attfield property is located at 132 Waikerikeri Valley Rd, Clyde, and the current permits 97073.V2 and 2000.247.V1 authorise the abstraction of water for the purpose of irrigation, stock drinking water, and for domestic use. Both these permits expire 1 October 2021. The water originates from the Waikerikeri creek and flows for an approximate distance of 6km through open race to the concerned parties' properties. Properties being all those named above. The water from the Waikerikeri creek is and has always been used for pasture irrigation, and stock water and is also the source of potable water for 5 households.
4. A meter was installed approximately 2010 and has provided accurate water measure since. NIWA are the holders of these records. The infrastructure and meter perform well, and the only time the NIWA records show any out of character spike is in response to unusually heavy rainfall.
5. Significant investment has been made to maintain the water take, conveyance, storage and irrigation infrastructure in good working order. The Attfield's invested \$200,000 in 2005. This investment covered the cost of an 18,000,000-litre dam, three and a half kilometre pipeline and an Irtec hard hose irrigator.

6. If the Attfield's water permit renewal is granted for the current volume utilised, they intend to install a four and a half kilometre pipeline and replace the current borderdyke system with a fixed grid irrigation system at an approximate cost of \$600,000. We feel that this financial investment will be a substantial hurdle for us if permit renewal is only short term, i.e., 6 years, as only short-term water surety will not be enough to appease the lending institutions requirements.
7. This considerable capital investment will make the farm in general more efficient, productive and environmentally friendly.
8. In 2018 The Waikerikeri creek all water users group applied to the ORC to replace the existing deemed permits. That application has the ORC reference number RM18.292.

The Waikerikeri creek all water users group is seeking the above decision on PC7 for the following reasons:

9. The Waikerikeri creek all water users group has acted in good faith and prepared and lodged their renewal well in advance of the expiry of the current permit. This was carried out being mindful of the previously well signalled process and efficiencies that would be required to comply with the existing Aqualinc models, particularly the very clear messaging from the ORC about shifting away from flood irrigation to spray irrigation of which the Attfield's have made significant progress towards doing. Furthermore, the undertaking of science work to understand the effects of their activities on the instream ecology and hydrology of Waikerikeri Creek was carried out in preparation of the application lodged in 2018.
10. The Waikerikeri Creek all water users scheme has been audited by representatives of the ORC, Fish and Game and DOC who have all given approval for a permit renewal. We are still awaiting approvals from Iwi to progress our application. Iwi have continuously held the process up.
11. Subsequently, significant investment including time has already been made in consultancy, planning and infrastructure by The Waikerikeri creek all water users group.
12. It is through no fault on our part that the goal posts have now shifted some two years after we first lodged our application for replacement.
13. To date, the Attfield's and Parsons have paid the sum of \$20,852.38 dating back to 5/12/2017, these being fees paid to Landpro for consultant advice and guidance for permit renewal. The Attfield's and the Parsons shared the cost of a water meter in 2010 totalling \$14,000. The water meter incurs an ongoing cost paid to NIWA for statistical analysis of water usage. ORC deposit fee \$1,000 for permit renewal. We feel that even though this money has been outlaid, we have gained very little traction in processing our permits. None of this takes into account the time we have spent working through this process.
14. Having to spend additional time and cost to participate in PC7 to ensure our voices are heard adds additional time and cost. It is incredibly frustrating considering the time and money spent over the last 3 to 4 years preparing and lodging our application that we may have to do it all again in 6 years'. It can take 6 years to gather the data and do the research to lodge an application.

15. 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.
16. It is also unclear how Schedule 10A.4 is intended to apply to applications that were filed prior to the notification of PC7. This gives us great uncertainty on top of the uncertainty associated to a 6-year consent term. We strongly believe that Schedule 10A.4 should not apply to any application already lodged, as these applications that were made prior to the notification of PC7 have already undertaken detailed assessment of water use efficiency and allocation assessment.
17. Schedule 10A.4 is fundamentally flawed and completely misunderstands irrigation. Seasons and crops do not have average years. Demand and supply are highly variable. Calculating actual usage should be just that – actual usage.
18. The Schedule 10A.4 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. The Waikerikeri all water users group has utilised its full instantaneous water allocation in the 2012-2017 period, however our preliminary assessment of Schedule 10A.4 would mean a reduction in monthly and annual allocation in relation to our proposal and actual usage is likely. Our proposal included comprehensive Aqualinc assessments to demonstrate the water required for our operations. PC7 has not addressed these water efficiency calculations that are utilised during the renewals process.
19. In addition, the strict requirements of the proposed controlled activity rule mean that The Waikerikeri creek all water users group would end up having to follow the non-complying activity pathway under a PC7 scenario, 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. On a personal note, farmers need long term water permits to allow them to create succession plans for their farms. Our children who wish to carry on the farming legacy need surety that there is a viable operation to return to. Short term water permits do not give this surety and the process associated with gaining them add considerable cost and anxiety to farming families.

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/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.