

Thankyou for the courts indulgence in finding me an earlier speaking slot

By way of introduction

I have no vested or conflict of interest although I do trickle irrigate new trees and keep my lawn green, as fire is an ever present risk . That water comes from the Falls dam.

I have never been a footsoldier for the environmental movement yet as a farmer I am proud of the fact that I fenced off an area of the Waimea stream in northern Southland in the late 1970s

As an MP I wrote a press release in 2000 suggesting a single hot wire and a waratah to keep cattle off water ways was a reasonable action for land owners with cattle to do . I got quite a flogging for that suggestion So I like to think Im more than just a little credible in the context of this hearing .It has been said that a picture is worth a thousand words

William Blackstone : died 1780 It is well if the mass of mankind will obey the laws when made without scrutinizing to nicely into the reasons of making them

I guess we are all here - to at least try to scrutinize, political decisions -- wrongly made in my view

PC7 is possibly the first time in NZ history that an industry and associated communities have been put on hold for 6 years

Where an essential industry has been told you cannot expand or grow your industry despite being a legitimate and once respected industry - for 100 years

The presence of those of us who have never entered a court until now is a clear indication that the Local authority have dismissed the genuine possibility of real and lasting progress thru a democratic process which the Minister Parker and former chair Hobbs have completely undermined - in my view. Was this collusion or merely cooperation to force plan change7 through I think is a fair question . Clearly a 6 years permit to take water is the default position of government . It is my further belief PC7 is the stalking horse , designed to undermine the process of investment in water infrastructure?? . It really is unbelievable that Government places the importance of food production and rural communities so far below the well being of invertebrates and fish who inhabit the rivers. PC7 creates massive uncertainty

It is important to recognize that in 1998 with the passage of the RMA the govt extinguished an historical right to take and use water in Otago. Miners rights . No compensation was ever paid -no consultation was ever offered . Just a fait a complete that in 2021 such rights were to be extinguished. That decision was one of the most shameful episodes in NZ history that can rank alongside the confiscation of Maori land for a political/ economic purpose

As a councillor I supported plan change 6A during the time I had on the council . I had some reservations, but I realized that time is always needed to bed in any change. It **was** fit for the purpose – of that Im now very sure, as we had a large degree of buy in from water users

Plan change 7 is to provide an interim regulatory framework for the assessment of applications to renew deemed permits in 2021 to allow for the expectation the Regional land and water plan is

expected to be operative in 2023 un quote from the ORC summery of PC7. **That simply wont happen - Your Honour - there is no existing ORC land plan. It is therefore a nonsense to expect an land and water plan - to be operative in 2023 -2 years time . the whole argument of PC 7 is predicated on an extension of time to ensure there is an operative land and water plan. Environment southland is 10-12 years into a land plan with no outcome**

-in this area especially land and water are inextricably linked

2 To date there has been - No comment - no consultation - no advice -nothing

I therefore suggest/believe the chance of an agreed land plan is a very remote – and even if by some miracle there was, there is the reality that Water is of course a public asset **LAND IS A PRIVATE ASSET**. If water is a difficult issue to resolve -land use will be well nigh impossible, as private owners fight tooth and nail to maintain their right to manage their own property.

Some say Water quality is deteriorating (compared to what) and PC7 is needed to put in place an interim regulatory frame work to ensure water quality and quantity improves. It has vastly improved from my time farming No water body anywhere near civilization will be pristine eg Avon River ?? Water quality is important to us all esp rural people . YET It was not the water user who introduced Didymo Liphosaghan or lake snow. I understand That was an inadvertent gift from the rec lobby

Social **rural mental health**

The ORC says in its report on PC7 says there are no social costs of short term consents.

What impact does all this change have on mental health esp of those who are told their lives are to be put on hold for 6 years . A rural lockdown occurs . Families are put on hold while the ORC tries again to resolve issues . The impasse for another 6 years will see even more criticism from Fand B and from F and Game- sanctioned by govt. Even wine producers are called alcohol famers by extremist elements This absolutely impacts of mental health of rural people

Can I draw to the courts attention the following figures from the Ministry of health

Latest figures show 108 deaths from suicide in rural NZ 87 males -21 females

That is expressed as rate of 26.6 per 100,000 in rural NZ

urban NZ the rate is 17.1 per 100,000,

Rural communities are not just a bunch of farmers/water users ,but consist of a microcosm of urban communities in a rural setting. Without confidence to invest in social and economic activities, rural NZ will slowly but surely collapse as the Golf course ,bowling green local domain where A+P pastoral shows occur. The community hall falls into disrepair .

When the doctor burns out so too do the wider grouping of social services . Life can be difficult enough with out Govts and councils imposing impose its inefficiencies on those who seek to make a life in their chosen rural profession. No serious attempt has been made by the ORC to determine the social and economic of PC7 on rural communities especially .

Economic Quote the ORC -- "Short term consents may create challenges for existing consent holders as shorter term consents might affect the ability to secure lending and this might impact on environmental gains eg efficiency of water use" **In the late 1980s I built a turkey nest dam 100,000**

cubic metres using snow melt and thunder pumps to fill it . A Pivot replaced wild flood I would never do that today with a 6 years consent to take

Virtually all water storage dams need serious refurbishment . The Falls dam alone requires an estimated 50million from private investors for that dam alone. What will the cost be in 6 years time Dangerous dams legislation hangs over this debate as well These dams could well be abandoned - sold in 1989 circa

There must be surety - year on year .

How is it possible for the ORC to say that this plan change has little economic impact when a farmer or a trustee or anyone considering investment in the rural sector will be required by banks to do nothing until this PC7 is sorted with the inevitable result of a 6 years consent.

To say that this plan change (as it does) has little acknowledged economic impact is a nonsense It is simply wrong for the ORC to imply that the dairy industry, the sheep industry , the beef industry the cropping industry , the fruit growing industry and ,every other water user are all to be judged under the one criteria or rule while the ORC tries to find acceptable ways for the future - Can I draw to the court attention that in the 1970s a 12-13 k lamb was what the market wanted - today it is 18k + and necessitated high quality feed /crop to achieve that – yes often with water

What is required into the future -no one knows but the requirement for water will be the only constant. One of the great abilities of the rural sector is to change quickly to meet changing market requirements

–PC 7 is all about a transitional period to allow council even more time to follow the same pathway they always have . The issue is not just one of **how** can the ORC better manage the process but one of -**what** is the best method to achieve outcomes we can all agree on

In my experience in public life , the social and economic aspect of sec 32 of the RMA has been all but ignored by ORC or given so little weighting so as to make it irrelevant. This has also occurred with PC7. Environmental considerations by comparison are given total attention of council

NZ has recently shown the huge importance of food security due to the covid 19 situation . eg This area plays an important role with late maturing lambs merino half quarter bred as stated in my earlier submission to this court.

These things have massive economic impacts on this area Yet the ORC says nothing of any economic note .

And Why 6 years? It is simply an arbitrary figure What principle or consultation has been engaged to determine this figure of 6 years.

We all of us need confidence in the system to invest on and off farm to better improve our infrastructure . Continuous change esp those of a political nature ,destroys investment and therefore confidence in the future

Rural cannot exist under short term consents -indeed no one can; as indicated in my earlier submission

The 6 year term is the ministers default position . No long term consents will be issued . That is very clear and so the future investment desperately needed - simply ends

The economic viability of rural NZ hangs in the balance as the right to take water -even the right to farm hangs by a few threads as the ORC expands its sphere of influence over rural Otago yet has shown it cant even get so many basics right Example

Willows are not mentioned by the ORC They extract 3 million l per day during summer from the Manuherikia River. Gorse and broom being legumes - fix nitrogen and can line river banks . What is their contribution to the nitrate problem ?? White clover is the power house of NZ farming -it is a legume -it fixes n in the soil. The white clover mosaic virus is also decimating white clover . The Govt says artificial N is bad (urea) Not true . It is applied at 60-80kilos per hectare and does not leach where soil moisture is appropriate and plants are active . Phosphate does not leach

Cultural : No cultural costs; unquote

We have a culture of striving for efficient use of water to obtain full value ,when wells dry up , when wet lands and even reaches of streams dry up due to so called efficient use of water. No industry takes up new tech more than primary industry

The cultural importance of rural otago is to be found in every hall in every area impacted by pc7 thru sports teams, the local successes who became national icons

And what of the culture of the ORC? - and its failure to genuinely consult with water users over PC7

The Jan 7 consultation where our speaking time on these important matters before the court -- --
-----was halved from a mere 10 minutes to 5 minutes

Allow me please to quote a sentence from the former chair of the ORC Marian Hobbs to me

Quote "You will have a chance to put in a submission once the plan has been notified , and we will adhere to the times advised to you..... . The plan will be determined in publicly excluded sessions"
unquote

The ORC was and still is - untethered from reality as they continue to impose a top down approach

We are here because a simple concept has been set aside . Trust the people - engage the people

What principle does PC7 engage that allows recreational and leisure activity to trump historical use right which is the cultural foundations of small town central Otago -based on land and water use - that for 100 years has been relatively non-controversial and a wide acceptance of the value of productivity to our entire region

This issue is for the people who live and work at the coal face to determine -where water is the life blood of both production and recreation.

Production for 12 months -recreation for the summer months

In practise -the use of water from our rivers and streams has worked extremely well for 100+ years

100 years of cultural activity is to be cancelled if Govt has its way. How does the council and government justify that . How is it that Maori claims to fresh water are regarded as valid by govt and

council yet 100year old property rights to water are to be treated as a fleeting and disposable thing???

Yet 100 years of legal , historical ,cultural ,social ,economic use and benefit can be dismissed and or renegotiated and not regarded as valid

My plea to this court is to allow the water – the life blood of rural Otago to flow where it does the most benefit

To grow crop ,stock and allow the social and economic life to continue to do its work for us all

I don't ignore the use right of recreational people .

I do not advocate solely for production over preservation

I conclude with this observation

This is from another time -another place - in another court

Where a young women disguised as a man -a doctor of law suggested that ---- my words --

My words are not my words --

I have always accepted that others are indeed entitled to their share -their pound of flesh - to use the analogy from the Merchant of Venice

But I respectfully suggest -not one drop of the life blood - water - can be shed in order to allow others their entitlement - as Portia so brilliantly argued.

No ones future can be forfeited to political expediency

No other country in the world appears to regard irrigation and food production as a negative. Why does NZ? Answer ?

This issue is pure politics in its very worst illustration

ODT October 2020
or early Nov

Fisheries privilege Document

Belgium's fish-fight friend: King Charles II

BRUGES: Belgium may resort to a 17th-century charter granted by King Charles II to retain fishing rights in Britain's coastal waters if London and the European Union fail to agree a trade deal.

With just over two months until Britain ends its transition period out of the EU, Belgium will lose access to much of the area it fishes in the North Sea if there is no deal.

However, a document in Latin issued to Flanders in July 1666 gives 50 Flemish fishing boats access to British waters for perpetuity.

"Knowing how Britain is attached to old habits and old laws, it may have a chance," said Jan d'Hondt, the head archivist in the port city of Bruges.

Charles II signed the document as a gesture to the city that gave him refuge after his father was beheaded during England's

Civil War in 1649, granting the citizens of Bruges the right to use 50 fishing boats in British waters.

While Belgian boats no longer sail from Bruges but from nearby Zeebrugge, the document, known as the Privilege, is still valid, said Hilde Crevits, Flanders' economy minister.

"More than half of our fishing income comes from fish caught in British waters. So if we lose access to that British water or if our quotas go too far down, it could be the death

knell for our fisheries," Crevits said.

"As a consequence, if you have a very old document ... where the king says you have the eternal right to sail with 50 boats in those coastal waters, yes, then we will use that if necessary."

Britain and the EU resumed their talks on a trade deal yesterday, with fisheries among several issues blocking the way. — Reuters



The original "Fisheries Privilege" document. PHOTO: REUTERS

An example of how some countries
value a legal "privilege"