

**BEFORE THE COMMISSIONERS APPOINTED BY  
THE CANTERBURY REGIONAL COUNCIL**

**IN THE MATTER** of Proposed Plan Change 7 to the  
Canterbury Land and Water  
Regional Plan

**SUBMITTER** **MULLIGAN, M E & KERSE, I J &  
KINGSTON N S**

Submitter 384

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**STATEMENT OF EVIDENCE OF NEIL SYDNEY KINGSTON**

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## STATEMENT OF EVIDENCE OF NEIL SYDNEY KINGSTON

### Introduction

1. My full name is Neil Sydney Kingston. I am a trustee of Shillaleagh Trust that owns land at 131 Peel Forest Road contained in Record of Title CB35C/1031 (the **property**). I have owned by the property for 12 years. Attached to this evidence as **Appendix 1** is an aerial image identifying the boundaries of the property.
2. Together with my neighbours, Mr Kerse and Mr Mulligan we lodged Submission 384 on Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan (**PC7**).
3. The purpose of this statement of evidence is to:
  - a) Outline the nature of our farming operation;
  - b) Outline my current water take resource consent and my experiences with the flow management that has been imposed on Upper Coopers Creek;
  - c) Explain the effect that a minimum flow of 50 L/s will have (and has had) on my farming operations.

### Farming Operations

4. The property is 144 hectares but has an effective area of 135 hectares. The property is flat and is bisected by the Scotsburn Stream which runs north to south before it reaches the confluence with Upper Coopers Creek. The property is located NNE from the Spring Heads at Upper Coopers Creek and North of the Lower Reach as shown in Appendix 1.
5. I run a dairy operation with a capacity for 500 cows in peak season. Our milking production period is between August (when calving starts) and the end of May. The full herd is in milk by November each year.
6. The layout of the property is effectively a square which allows one spray pivot irrigator to be used to irrigate most of the effective area that is utilised. I also utilise 21 Tri-pod sprinklers in the four corners of the property where the pivot irrigator cannot access.

7. I currently employ contract milkers who run the day to day farming operations while I take more of a management/ownership role of the property.

### **Resource Consent**

8. The evidence of Keri Johnston outlines the consenting history for the property and what our future requirements are in terms of water takes from Upper Coopers Creek.
9. I currently hold resource consent CRC194832 which was first issued in 1999 and will expire on 7 December 2030 (**resource consent**). The resource consent allows me to take water at a combined rate of 78 L/s with a volume not exceeding 37,068 cubic metres in any period of six consecutive days, and 589,828 cubic metres per year (for bores K37/0668 and K37/0656). A condition of the resource consent is that from 1 July 2021 that taking of water must cease when the flow in Coopers Creek is at or below 50 L/s when measured from the monitoring point below State Highway 72 (**SH72**).
10. I am not seeking to increase our water take requirements beyond what is outlined in CRC194832 except that I am seeking, through this submission process, to amend the flow management regime from the proposed 50 L/s minimum flow at SH72.

### **Upper Coopers Creek Flow Regime**

11. I took over the property in 2008 and was subject to 50 L/s minimum flow regime until 2013 following the review of the Land and Water Regional Plan (**LWRP**). Following the review of the LWRP I obtained a variation to the resource consent which delayed the imposition of the 50 L/s minimum flow at the SH72 monitoring site and linked the water take to the restrictions on the Orari River.
12. It was very difficult to support a dairy operation while being subject to the 50 L/s minimum flow regime. Our key irrigation season is from November to March when grass growth is critical to milk production. I found the flow regime to be very restrictive in terms of keeping up

grass growth given that there would be significant periods of the year where there were total restrictions on taking water. During these periods I was required to supplement the lack of grass growth by buying in additional feed at a significant financial cost.

13. In my view, the flow regime encourages an inefficient use of water imposing total restrictions on abstracting water as soon as flows at the SH72 monitoring site go below 50 L/s. By way of example, when I was subject to this regime and it became clear that surface water flows would go below 50 L/s and I would be immediately cut off I would run irrigation around the clock to maximise watering before the restrictions were imposed. The risk of not taking any action was leaving the property under-watered for periods of 3 to 6 weeks while surface flows were below the minimum flow.
14. The submission seeks to address inefficient water use by establishing a water users' group for the proposed Upper Coopers Creek Catchment so that myself, Mr Kerse and Mr Mulligan can control water takes during drier months. The water user group would also provide a mechanism for managing projects to enhance the Coopers Creek waterway.
15. As noted earlier in my evidence, the Scotsburn Stream flows through the property. Over the time I have owned the property I have witnessed many flood events which result from rainfall events at Mount Peel/Peel Forest. The relatively straight section of the Scotsburn Stream that passes means that flood waters move very quickly through the property and lead to scouring of the Stream in addition to depositing sediment and gravel once the flooding subsides. The evidence of Mr Kerse and Mr Mulligan both discuss the impacts of flooding events on Upper Coopers Creek which is located within their respective properties.

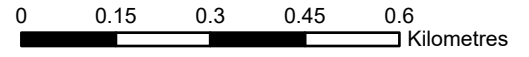
Neil Kingston

**Dated this 17<sup>th</sup> day of July 2020**

## Appendix 1 - Aerial image

Information has been derived from various organisations, including Environment Canterbury and the Canterbury Maps partners. Boundary information is derived under licence from LINZ Digital Cadastral Database (Crown Copyright Reserved). Environment Canterbury and the Canterbury Maps partners do not give and expressly disclaim any warranty as to the accuracy or completeness of the information or its fitness for any purpose.

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Scale: 1:12,000 @A4

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