

FURTHER SUBMISSIONS IN SUPPORT OF OR IN OPPOSITION TO SUBMISSIONS ON A PROPOSED PLAN CHANGE UNDER CLAUSE 8 OF THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991

To: Otago Regional Council
Private Bag 1954
DUNEDIN 9054

OTAGO REGIONAL COUNCIL
RECEIVED DUNEDIN
27 APR 2009
FILE No. RI221
DIR TO MRP-SV

Attention: Policy Team

Submissions on: Proposed Plan Change 1B (Minimum Flows) and 1C (Water Allocation and Use) to the Regional Plan: Water for Otago

Name: TrustPower Limited (TrustPower)

Address: Private Bag 12023
Tauranga

Contact Person: Laura Peddie, Environmental Officer
Phone: 07 574 4888 (extn 4304)

Further submissions from TrustPower on Proposed Plan Changes 1B and 1C are attached to this document in table form.

TrustPower wishes to be heard in support of its submission.

If others make similar submissions, TrustPower would be prepared to consider a joint case.

Signature: Laura Peddie
Environmental Officer

Date:

Address for Service: TrustPower Limited
Private Bag 12023
Tauranga

Attention: Laura Peddie

Telephone: 07 574 4888 (extn 4304)

Facsimile: 07 574 4877

TrustPower Limited – Table of Further Submissions on Proposed Plan Change 1B

Submitter	Sub. Ref.	Provision Submitted on	Summary of Submission	Support / Oppose	Submitter's Justification
Director General of Conservation	48/7	Schedule 2D.1	<p><i>Request the addition of the following statement to the start of Schedule 2D.1, and subsequent renumbering of list:</i></p> <p><i>"2D.1 When setting minimum flows in Schedule 2A for a catchment, consideration shall be given to the following matters:</i></p> <p><i>a) Any relevant matter required to give full effect to section 6 of the Resource Management Act;"</i></p>	Oppose	<p>Part 2 matters are already referred to as a matter to be considered when setting minimum flows under Schedule 2D.1. Elevating section 6 (from within Part 2) to the beginning of the listed matters to be considered is inappropriate, and will only cause confusion as to the relative importance of section 6 and Part 2.</p>

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Form 6

Further submission in support of, or in opposition to, submission on publicly notified
proposed policy statement or plan

Clause 8 of First Schedule, Resource Management Act 1991

To: **Otago Regional Council**
Name of person making further submission: **Kenneth Murray Stewart**

OTAGO REGIONAL COUNCIL RECEIVED DUNEDIN	
- 5 MAY 2009	
FILE No.	RJ221
DIR TO	MKP-SV

This is a further submission on Proposed Plan Change 1B (Minimum Flows)
(Waianakarua River, Trotters Creek, Luggate Creek & Schedule 2D) to the following
plan:

Otago Regional Council Regional Plan: Water

My submission is:

The Director-General of Conservation has reviewed the summary of submissions on the proposed
Plan Change 1B (Minimum Flows) and wishes to comment on the submission that directly affect
the Director's primary concerns.

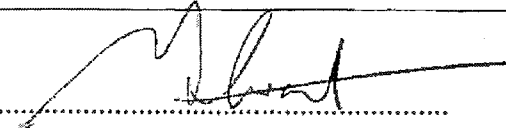
These comments are as set out in **Attachment One**

I wish for the Otago Regional Council to make the following decision:

Accept the amendments to and comments on the plan change the Director-General as described in
Attachment One.

I wish to be heard in support of my further submission.

* If others make a similar submission, I will consider presenting a joint case with them at a
hearing.



Signature of person making further submission

Kenneth Murray Stewart

Acting Community Relations Manager

Otago Conservancy

Department of Conservation

Pursuant to a delegation from the Director-General of Conservation

.....
Date 5th May 2009

(A signature is not required if you make your submission by electronic means.)

Address for service of person
making further submission:

Community Relations Manager

Otago Conservancy

Department of Conservation

PO Box 5244

DUNEDIN 9058

Telephone:

(03) 477-0677

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(03) 477-8626

Contact person: *[name and
designation, if applicable]*

Bruce Hill

Community Relations Officer (Planning)

Ph (03) 474-6959

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Note to person making further submission

A copy of your further submission must be served on the original submitter within 5 working days after making the further submission to the local authority.

ATTACHMENT ONE

Submitters name	Submitter number	Reference number	Summary of submission	Neither support nor oppose	Reason
Brian Turner	19	5	Trotters- I support a winter minimum flow of 35 l/s.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Brian Turner	19	5	Trotters- I support a minimum flow of 20 [l/s] over summer.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Richard Fitzpatrick	20	5	I would like to support a summer minimum flow of at least 20 l/s in the Trotters catchment	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Richard Fitzpatrick	20	5	I would like to support a winter minimum flow of at least 35 l/s in the Trotters catchment.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in

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					changes to the figures proposed.
Michael Trotter	21	5	Trotters- Conform with the earlier recommendation of 0.035 m ³ /s (35 l/s) during the high flow period from May to October inclusive.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Michael Trotter	21	5	Trotters- Conform with the earlier recommendation of 0.02 m ³ /s (20 l/s) during the low flow period from November to April inclusive.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Michael Charles Rawlinson	22	5	Raise the minimum flow for the Trotters catchment at Matheson's Weir to 30 l/s (October to April).	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Michael Charles Rawlinson	22	6	Raise proposed minimum flow for the Waianakarua catchment at Browns Pump to 300 l/s (October to April). Or Require primary allocation takes to be reduced by 50% (October to April) when flows are between 400 and 200 l/s at Browns Pump. Or some other fair and effective method of keeping flows from falling below the natural MALF as long as possible.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Van Leeuwen	23	6	Waianakarua- We propose a minimum flow rate in the area of 150 to 200 l/s on the Waianakarua	Neither	The department considers that the

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Dairy Group			River.	support nor oppose	methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Gerry Closs	24	5	Trotters- I seek a minimum flow of at least 20 l/s for Trotters Creek from October to April.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Morgan Trotter	25	5	Trotters- I support the proposed winter period minimum flow of 35 l/s.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Errol John Trotter	28	5	Trotters- I oppose the 8 l/s and wish this amended to 20 l/s Minimum flow.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Errol John Trotter	28	5	Trotters- I have to support the ORC initial recommendation of 35 l/s winter [flow].	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.

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D Scott	29	5	Trotters- Oppose the proposed minimum flow of 8 l/s for the summer period.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Palmerston Anglers Club	31	5	Our club opposes the minimum summer flow of 8 l/s and supports the position that a level of 20 l/s be adopted for Trotters Creek.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
David James & Sarah Evelyn Matheson	33	5	Allow the minimum low flow of Trotters Creek to go from 5 l/s to 8 l/s.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Te Runanga O Moeraki	34	5	A minimum flow for the period October to April of at least 20 l/s for Trotters Creek.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Te Runanga O Moeraki	34	5	A minimum flow for the period May to September of 35 l/s for Trotters Creek.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be

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					set. Collection of such data may result in changes to the figures proposed.
Te Runanga O Moeraki	34	6	A minimum flow for the period October to April of at least 300 l/s for Waianakarua River.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Te Runanga O Moeraki	34	6	A minimum flow for the period May to September of 400 l/s for Waianakarua River.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Central South Island Fish and Game	35	5	A minimum flow for the period October to April of at least 20 l/s in the Trotters catchment.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Central South Island Fish and Game	35	5	Support the proposed flow for the period May to September of 35 l/s in the Trotters catchment.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Central South Island Fish and Game	35	6	Waianakarua- A minimum flow of 300 l/s would be a more balanced representation of competing needs within the community.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as

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					inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
New Zealand Federation of Freshwater Anglers Inc	37	5	Trotters- That a minimum low flow of 35 l/s be applied for the remainder of the year [May to September].	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
New Zealand Federation of Freshwater Anglers Inc	37	5	Trotters- That a minimum low flow of 20 l/s be introduced from October to April.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Wainakarua River Community Users	40	6	Wainakarua- The minimum flow be 300 l/s Oct/April.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Wainakarua River Community Users	40	6	Wainakarua- The minimum flow be 400 l/s May/Sept.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Otago Conservation	43	4	Luggate- A summer / autumn season minimum flow for Luggate Creek set at 300 l/s, to protect	Neither	The department considers that the

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Board			aquatic life and freshwater ecosystems.	support nor oppose	methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Otago Conservation Board	43	5	Trotters- A minimum flow in Trotters of 20 l/s October to April.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Otago Conservation Board	43	5	Trotters- A minimum flow of 35 l/s May to September, and a maximum allocation of 30 l/s for the whole river.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Otago Conservation Board	43	6	No allocation to abstractive users from the Waianakarua River, and an investigation by the ORC, in consultation with the local community, of ways to reduce the existing allocation over time. Where this is considered unachievable for whatever reason, a minimum flow of 400 l/s for the entire year should be applied.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Otago Conservation Board	43	6	A maximum primary allocation of 150 l/s for the whole of the Waianakarua during October to April, and 200 l/s secondary allocation on a 1:1 share basis from May to September.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.

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M C Holland Farming Ltd	44	6	Waianakarua- We oppose the setting of a minimum flow of 200 l/s (Oct – April) and 400 l/s (May – Sept) and its imposition on existing resource consents through policy 6.4.5(b).	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
M C Holland Farming Ltd	44	6	Waianakarua- We oppose the setting of a minimum flow of 200 l/s (Oct – April) and 400 l/s (May – Sept) and its imposition on existing resource consents through rule 12.1.4.2.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Scott Clayton Dunavan	60	5	To amend schedule 2A of the proposed plan change to set the minimum flow rate for Trotters Creek at 35 l/s year-round.	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
M J O'Conner Family Trust	66	5	Trotters- Minimum flow to be set at 150 l/s (15 Sept to 30 May).	Neither support nor oppose	The department considers that the methods used by the ORC to determine the minimum flows are flawed, as inadequate flow data has been collected to enable robust minimum flows to be set. Collection of such data may result in changes to the figures proposed.
Submitters name	Submitter number	Reference number	Summary of submission	Support	Reason
Morgan Trotter	25	5	The minimum flow regime and abstraction	Support	The maintenance and enhancement of

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			allocation limits should be designed to mimic natural flow patterns and provide for variability as much as possible.		instream values require such flows.
Bronwyn Judge	26	5	Trotters catchment- The minimum flow should be higher [than] 500 l/s. Or A better system for preserving the character of the river	Support	The method used to calculate the proposed minimum flows and therefore the primary allocation limits is flawed, as the data set is inadequate; and the use of surrogate flow recordings from catchments is inconsistent with: a) Best practice; and b) Comments from the Environment Court.
Bronwyn Judge	26	6	Waianakarua catchment- - - The minimum flow should be higher [than] 500 l/s. Or A better system for preserving the character of the river	Support	The method used to calculate the proposed minimum flows and therefore the primary allocation limits is flawed, as the data set is inadequate; and the use of surrogate flow recordings from catchments is inconsistent with: c) Best practice; and d) Comments from the Environment Court.
Bronwyn Judge	26	13	Trotters general- Policies are needed to ensure that the rivers have adequate flow variability to maintain habitat and provide for key aquatic function in case of consents for supplementary being sought in the future.	Support	The maintenance and enhancement of instream values require such flows.
Bronwyn Judge	26	14	Waianakarua general- Policies are needed to ensure that the rivers have adequate flow variability to maintain habitat and provide for key aquatic function in case of consents for supplementary being sought in the future.	Support	The maintenance and enhancement of instream values require such flows.
Te Runanga O Moeraki	34	7	The addition of new (h) and (i) is proposed in the list under 2D.2: (h) Cultural values of Ngai Tahu as expressed in Schedule 1D.	Support	The proposed amendment gives effect to both the relevant parts of sections 6, 7, 8 and 30 of the RMA.

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			(i) Any other relevant matter in giving effect to Part 2 of the Resource Management Act.		
Central South Island Fish and Game	35	7	Seeks the addition of the following wording to Schedule 2D.2: (h) Any other relevant matter in giving effect to Part 2 of the Resource Management Act.	Support	The proposed amendment gives effect to both the relevant parts of section 6, 7 and 30 of the RMA.
Otago Conservation Board	43	15	Rivers should be managed by way of a maximum allocation for abstraction, as well as a minimum flow.	Support	The maintenance and enhancement of instream values require such flows.
Federated Farmers of New Zealand (Inc)	59	4	Luggate- Delay introduction of minimum flow until calculated minimum flow on robust information.	Support	The method used to calculate the proposed minimum flows and therefore the primary allocation limits is flawed, as the data set is inadequate.
Federated Farmers of New Zealand (Inc)	59	5	Trotters- Delay introduction of minimum flow until calculated minimum flow on robust information.	Support	The method used to calculate the proposed minimum flows and therefore the primary allocation limits is flawed, as the data set is inadequate; and the use of surrogate flow recordings from catchments is inconsistent with: a) Best practice; and b) Comments from the Environment Court.
Federated Farmers of New Zealand (Inc)	59	6	Waianakarua- Delay introduction of minimum flow until calculated minimum flow on robust information.	Support	The method used to calculate the proposed minimum flows and therefore the primary allocation limits is flawed, as the data set is inadequate; and the use of surrogate flow recordings from catchments is inconsistent with: a) Best practice; and b) Comments from the Environment Court.