

Appendix 1

SUMMARY OF DECISIONS REQUESTED in submissions and further submissions (BY PROVISION)

**on
Proposed Plan Change 3C
(Waiwera catchment minimum flow)**

**to the
Regional Plan: Water for Otago**

Preface

Proposed Plan Change 3C (Waiwera catchment minimum flow) to the Regional Plan: Water for Otago was publicly notified on Saturday 13 December 2014 in accordance with clause 5, Schedule 1 of the Resource Management Act 1991 (RMA).

This document summarises the six submissions received, ordered by Plan provision. All of the submissions were lodged within the statutory time frame specified of 5 pm on Monday 16 February 2015.

To view the submissions grouped by individual Submitter, see the Summary of Decisions Requested by Submissions notified on 28 February 2015 in accordance with clause 7, Schedule 1 of the RMA.

Matters beyond the scope of the plan change are presented at the end of this document.

Any associated further submission in support or opposition is included following its submission point. These are shown in *italics*. A total of two further submissions were received by the closing date of Friday 13 March 2015.

This document is the appendix to the Officers Report on Decisions Requested, dated 27 March 2015.

The full original submissions are available at Otago Regional Council offices and on www.orc.govt.nz, under Home>Publications and reports>Regional policies, plans, strategies and bylaws>Regional Plan: Water>Proposed Plan Change 3C (Waiwera catchment minimum flow)>View the submissions OR further submissions.

Alternatively, this is:

Original Submissions

<http://www.orc.govt.nz/Documents/Publications/Regional/Water/3C/Submissions%20for%203C%20Waiwera.pdf>

Further Submissions

<http://www.orc.govt.nz/Documents/Publications/Regional/Water/3C/Further%20Submissions.pdf>

Index to Submitters – By Name

Surname, First Name <u>or</u> Organisation	Address for Service	Submitter Number
Anderson, Tony	Westridge Farm Ltd 408 Waiwera Gorge Rd RD 2 Clinton 9584	3
Conservation, Minister of	Geoff Deavoll, RMA Planner Department of Conservation Private Bag 4715 Christchurch 8140	5
Kai Tahu ki Otago	Tim Vial, Senior Planner PO Box 446 Dunedin 9054	4
Neame, Phil	PJ & AM Neame Ltd 1862 Clinton Highway 2 RD Clinton 9584	2
Otago Fish and Game Council	Peter Wilson, Environmental Officer PO Box 76 Dunedin 9054	6
Telford, Ken	27 Telford Road 2 RD Clinton 9584	1

Index to Submitters – By Number

Submitter Number	Surname, First Name <u>or</u> Organisation	Address for Service
1	Telford, Ken	27 Telford Road 2 RD Clinton 9584
2	Neame, Phil	PJ & AM Neame Ltd 1862 Clinton Highway 2 RD Clinton 9584
3	Anderson, Tony	Westridge Farm Ltd 408 Waiwera Gorge Rd RD 2 Clinton 9584
4	Kai Tahu ki Otago	Tim Vial, Senior Planner PO Box 446 Dunedin 9054
5	Conservation, Minister of	Geoff Deavoll, RMA Planner Department of Conservation Private Bag 4715 Christchurch 8140
6	Otago Fish and Game Council	Peter Wilson, Environmental Officer PO Box 76 Dunedin 9054

Index to Further Submitters

Name	Address1	Town	Post Code	F Sub #
Dogterom Geddes Ltd Max Geddes	81 Oakleigh Road RD 3	Balclutha	9584	21
David Shaw	766 Hillfoot Rd RD 2	Clinton	9584	22

Index to Reference numbers & pages: Plan Provisions submitted on

Plan Provision	Provision Code Reference number	Page of this document
Policy 6.4.5(b) + Rule 12.1.4.2	1	7
Maps B13, B15; B Index	2	7
Schedule 2A, Irrigation season minimum flow of 260 l/s	4	8
Schedule 2A, May-Sept minimum flow of 400 l/s	5	8
Schedule 2A, Primary Allocation Limit	6	9
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Grouped by provision
(Matters within the scope of the plan change)

1 Policy 6.4.5(b) + Rule 12.1.4.2

Submitter Name	Sub #	Position	Decision Requested	Reason for Decision Requested
Minister of Conservation	5	Support	Retain as notified, or words to like effect, and/or in some other appropriate location in the Water Regional Plan.	<ul style="list-style-type: none"> • Gives effect to section 67 (1) RMA, Part II RMA, National Policy Statement on Freshwater Management and Otago's Regional Policy Statement. • Gives effect to Policy 7(a) and 7(d) of the Conservation General Policy (2005), and the Otago Conservation Management Strategy. • Enables a RMA provision link to give effect to and implement Plan rules.
Otago Fish and Game Council	6	Support	Retain notified version	<ul style="list-style-type: none"> • The minimum flow of 260 l/s represents 83% of MALF and, using IFIM, provides approximately 80% of habitat available at MALF for adult brown trout. Proposed flows are acceptable for juvenile trout and spawning. • River is recognised as locally important for resident and sea-run brown trout, game bird habitat, and for angling and hunting. A drop in angler use may be due to perceived water quality issues and a decline in the fishery, as seen in local rivers during the same period. River suffers from reduced water yield due to the drainage of headwater wetlands, and the clearance of tall-tussock grasslands. Thus, its natural flow regime would have once been greater than it is now, which is worth considering in flow-setting. • This is well below the optimum flows for adult brown trout of 3 cumecs, and the point of inflection at 1.5 cumecs.

2 Maps: B index, B13, B15

Submitter Name	Sub #	Position	Decision Requested	Reason for Decision Requested
Minister of Conservation	5	Support	Retain as notified, or words to like effect, and/or in some other appropriate location in the Water Regional Plan.	Gives effect to the plan change as detailed in other specific provisions.
Otago Fish and Game Council	6	Support	Retain notified version [of Schedule 2A and definition of catchment].	No reason given

4 Schedule 2A, Oct-Apr (Irrigation season) minimum flow of 260 l/s

Submitter Name	Sub #	Position	Decision Requested	Reason for Decision Requested
Ken Telford	1	Amend	Raise the minimum flow.	Various: historical, environmental, cultural.
<i>David Shaw</i>	22	<i>Support sub 1 ref. 4</i>	<i>Support submission to oppose minimum flow level at 260 l/s.</i>	<i>Primary allocation takes should fit within a high flow, with a water storage/harvesting requirement, so it is taken only when there is surplus, and not in summer drier periods. Little of catchment headwaters is in natural state.</i>
PJ & AM Neame Ltd	2	Support	Ratify option number 2 [of the S32 Evaluation Report, which is the option of 260 l/s].	Provides economic certainty for the Primary Allocation takes and provides for native fish and brown trout population
<i>Dogterom Geddes Ltd</i>	21	<i>Support sub 2 ref. 4</i>	<i>Support this submitter.</i>	<i>The submitters recognise sound and measured judgement of ORC. Change is unbiased with regard given to environmental, economic and cultural values.</i>
Westridge Farm Ltd	3	Amend	Alter the proposed minimum flow. Increase proposed minimum flow.	Future river health. Values.
<i>David Shaw</i>	22	<i>Support sub 3 ref. 4</i>	<i>Support submission to oppose minimum flow level at 260 l/s.</i>	<i>Primary allocation takes should fit within a high flow, with a water storage/harvesting requirement, so it is taken only when there is surplus, and not in summer drier periods. Little of catchment headwaters is in natural state.</i>
Otago Fish and Game Council	6	Support	Support.	The minimum flow of 260 l/s represents 83% of MALF and, using IFIM, provides approximately 80% of habitat available at MALF for adult brown trout. While this is well below the optimum flows for adult brown trout of 3 cumecs, and the point of inflection at 1.5 cumecs, proposed flows are acceptable for juvenile trout and spawning.
<i>Dogterom Geddes Ltd</i>	21	<i>Support sub 6 ref. 4</i>	<i>Support this submitter.</i>	<i>The submitters recognise sound and measured judgement of ORC. Change is unbiased with regard given to environmental, economic and cultural values.</i>

5 Schedule 2A, May-Sept minimum flow of 400 l/s

Submitter Name	Sub #	Position	Decision Requested	Reason for Decision Requested
Otago Fish and Game Council	6	Support	Support. Otago Fish and Game submit in support of the winter minimum flow proposal of 400 litres per second.	Provides the flows necessary for trout returning to spawn, the development of eggs, and juvenile recruitment.

6 Schedule 2A, Primary allocation limit

Submitter Name	Sub #	Position	Decision Requested	Reason for Decision Requested
Ken Telford	1	Amend	Adjust primary allocation.	Various: historical, environmental, cultural.
Otago Fish and Game Council	6	Support	Support 150 litres per second.	This primary allocation limit will maintain flow variability within the river during summer months, or at least ensure that flow variability is not overly-affected by human activities.

7 Schedule 2B, Supplementary minimum flow (first block)

Submitter Name	Sub #	Position	Decision Requested	Reason for Decision Requested
Otago Fish and Game Council	6	Oppose	Requests a supplementary minimum flow (first block) of 800 litres per second.	To make it more consistent with other catchments around Otago.

8 Schedule 2B, Supplementary block size

Submitter Name	Sub #	Position	Decision Requested	Reason for Decision Requested
Otago Fish and Game Council	6	Support	Support.	This is consistent with the water plan and other catchments across Otago.

9 Whole Plan Change or all of Schedules 2A and 2B

Submitter Name	Sub #	Position	Decision Requested	Reason for Decision Requested
Kai Tahu ki Otago Ltd	4	Support	Adopt the proposed allocation limits and minimum flows for the Waiwera catchment.	<ul style="list-style-type: none"> Proposed plan change provides for in-stream habitat and for the wider needs of mahika kai, taoka species and other species of importance to Kai Tahu. The Waiwera River provides habitat for tuna (longfin eel), Roundhead galaxiid, Common bully and Upland bully. The minimum flow site will ensure sustainability of native fish species during low summer flows. The regime supports continuity and variability of flow from the headwaters to the confluence with the Clutha/Mata-au.
<i>Dogterom Geddes Ltd</i>	21	<i>Support sub 4 ref. 9</i>	<i>Support this submitter.</i>	<i>The submitters recognise sound and measured judgement of ORC. Change is unbiased with regard given to environmental, economic and cultural values.</i>

Submitter Name	Sub #	Position	Decision Requested	Reason for Decision Requested
Minister of Conservation	5	Support	Retain as notified, or words to like effect, and/or in some other appropriate location in the Water Regional Plan..	<ul style="list-style-type: none"> • Gives effect to Part II RMA, National Policy Statement on Freshwater Management and Otago Regional Policy Statement. • Gives a very high degree of reliability of supply. • Gives effect to Policy 7(a) and 7(d) of the Conservation General Policy (2005). • Will safeguard the life-supporting capacity of aquatic resources and sustain freshwater fishery values. • Gives effect to the Otago CMS.
<i>Dogterom Geddes Ltd</i>	<i>21</i>	<i>Support sub 5 ref. 9</i>	<i>Support this submitter.</i>	<i>The submitters recognise sound and measured judgement of ORC. Change is unbiased with regard given to environmental, economic and cultural values.</i>

11 Minor & consequential

Submitter Name	Sub #	Position	Decision Requested	Reason for Decision Requested
Minister of Conservation	5	Support	Retain as notified, or words to like effect, and/or in some other appropriate location in the Water Regional Plan.	Gives effect to the plan change as detailed in other specific provisions.

Matters beyond the scope of the Plan Change

12 Matters not in the Plan Change

Submitter Name	Sub #	Position	Decision Requested	Reason for Decision Requested
PJ & AM Neame Ltd	2	Not Applicable	Make water meters mandatory for any water that is taken for dairy shed usage.	Would like to see any water for dairy shed use to be measured and uploaded to the Regional Council.
Westridge Farm Ltd	3	Not Applicable	Provide evidence of the historical water take.	To review the historical river / primary water take.