

# **Appendix 1**

## **SUMMARY OF DECISIONS REQUESTED**

**in submissions and further submissions**

**BY PROVISION**

**on**

**Proposed Plan Change 4B  
(Groundwater allocation)**

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

**Appendix to Officers' Report**



**29 August 2014**



## Preface

Proposed Plan Change 4B (Groundwater allocation) to the Regional Plan: Water for Otago was publicly notified on Saturday 17 May 2014 in accordance with Clause 5 of the First Schedule of the Resource Management Act 1991 (RMA).

The Otago Regional Council received a total of 16 submissions on the Proposed Plan Change from a range of groups, organisations and individuals. 14 of these submissions were lodged within the statutory time frame specified, by 5pm on Tuesday 17 June 2014. Two submissions were received late and are marked accordingly.

This document summarises the 16 submissions received, ordered by Plan provision.

To view the submissions grouped by individual Submitter, see the Summary of Decisions Requested by Submissions notified on 28 June 2014 in accordance with Clause 7 of the First Schedule of the RMA.

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

Any associated further submission in support or opposition is included following its submission point. These are shown in *italics*. A total of 8 further submissions were received by the closing date of Friday 11 July 2014.

The full original submissions are available at Otago Regional Council offices and on [www.orc.govt.nz](http://www.orc.govt.nz), under Home>Publications and reports>Regional policies, plans, strategies and bylaws>Regional Plan: Water>Proposed Plan Change 4B (Groundwater allocation)>View the submissions.

Alternatively, this is

<http://www.orc.govt.nz/Documents/Publications/Regional/Water/4B/Plan%20Change%204B%20-%20All%20Submissions.pdf>

## Index to Submitters – By Name of Organisation

Organisation Name	Contact (for Service)	Service Contact Org/Co	Address1	Address2	Town	Post Code	Sub #
Cardrona Ltd (Benbrae Resort)	Peter Turner		PO Box 42134	Orakei	Auckland	1745	<b>1</b>
Central Otago Wine growers	Blair Deaker		247 Cairnmuir Rd	Bannockburn	Cromwell	9384	<b>4</b>
Contact Energy Ltd	Rosemary Dixon	Contact Energy Ltd	Level 2, Harbour City Tower, 29 Brandon Street		Wellington		<b>10</b>
Dunedin City Council	Karen Sannazzaro	Regulation and Policy Team Leader – Water and Waste Services	PO Box 5045	Moray Place	Dunedin	9058	<b>2</b>
Federated Farmers NZ	Kim Reilly, Regional Policy Manager, South island		PO Box 5242		Dunedin	9054	<b>6</b>
Fonterra Co-Operative Group Ltd	Sue Ruston - Environmental Policy Manager		PO Box 417		Wellington	6140	<b>5</b>
Holcim (NZ) Ltd	Mark Christensen & Sarah Eveleigh	Anderson Lloyd Lawyers	PO Box 13831		Christchurch	8141	<b>9</b>
Horticulture NZ	Chris Keenan, Manager – Resource Management and Environment		P O Box 10-232		Wellington		<b>7</b>
Irrigation New Zealand Incorporated	Andrew Curtis		6 Sonter Road	Wigram	Christchurch	8042	<b>11</b>
Kai Tahu Ki Otago Ltd	Tim Vial, Resource Management Planner	KTKO Ltd	PO Box 446		Dunedin	9054	<b>13</b>
L&M Lignite Kaitangata Limited David Manhire	Craig Welsh	Resource & Environmental Management Limited	PO Box 1100		Nelson	7040	<b>14</b>
Lincoln University	Penny Lemon & Darryl Millar	Resource Management Group Ltd	PO Box 908	Christchurch Box Lobby	Christchurch	8140	<b>8</b>
Mintago Investments Ltd	A S Roberts	Anderson Lloyd	PO Box 13831	Middleton	Christchurch	8141	<b>12</b>
Oceana Gold (NZ) Ltd (Late	Jackie St John & Stephen Christensen	Anderson Lloyd Lawyers	Private Bag 1959		Dunedin	9054	<b>16</b>

<i>submission)</i>							
"Oil Companies" Z, BP, Mobil (Late submission)	David le Marquand	Burton Planning Consultants Limited	PO Box 33-817	Takapuna	Auckland	0740	<b>15</b>
Southern District Health Board	Michael Wong - Health Protection Officer & Drinking Water Assessor	Public Health South - Southern District Health Board	Private Bag 1921		Dunedin	9054	<b>3</b>

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2	Dunedin City Council	Karen Sannazzaro	Regulation and Policy Team Leader – Water and Waste Services	PO Box 5045	Moray Place	Dunedin	9058
3	Southern District Health Board	Michael Wong - Health Protection Officer & Drinking Water Assessor	Public Health South - Southern District Health Board	Private Bag 1921		Dunedin	9054
4	Central Otago Wine growers	Blair Deaker		247 Cairnmuir Rd	Bannockburn	Cromwell	9384
5	Fonterra Co-Operative Group Ltd	Sue Ruston - Environmental Policy Manager		PO Box 417		Wellington	6140
6	Federated Farmers NZ	Kim Reilly, Regional Policy Manager, South island		PO Box 5242		Dunedin	9054
7	Horticulture NZ	Chris Keenan, Manager – Resource Management and Environment		P O Box 10-232		Wellington	
8	Lincoln University	Penny Lemon & Darryl Millar	Resource Management Group Ltd	PO Box 908	Christchurch Box Lobby	Christchurch	8140
9	Holcim (NZ) Ltd	Mark Christensen & Sarah Eveleigh	Anderson Lloyd Lawyers	PO Box 13831		Christchurch	8141
10	Contact Energy Ltd	Rosemary Dixon	Contact Energy Ltd	Level 2, Harbour City Tower, 29 Brandon Street		Wellington	
11	Irrigation New Zealand Incorporated	Andrew Curtis		6 Sonter Road	Wigram	Christchurch	8042
12	Mintago Investments Ltd	A S Roberts	Anderson Lloyd	PO Box 13831	Middleton	Christchurch	8141
13	Kai Tahu Ki Otago Ltd	Tim Vial, Resource	KTKO Ltd	PO Box 446		Dunedin	9054

		Management Planner					
<b>14</b>	L&M Lignite Kaitangata Limited David Manhire	Craig Welsh	Resource & Environmental Management Limited	PO Box 1100		Nelson	7040
<b>15</b>	"Oil Companies" Z, BP, Mobil <i>(Late submission)</i>	David le Marquand	Burton Planning Consultants Limited	PO Box 33-817	Takapuna	Auckland	0740
<b>16</b>	Oceana Gold (NZ) Ltd <i>(Late submission)</i>	Jackie St John & Stephen Christensen	Anderson Lloyd Lawyers	Private Bag 1959		Dunedin	9054

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## Index to Further Submitters – By Name of Organisation

Organisation Name	Contact (for Service)	Service Contact Org/Co	Address1	Address2	Town	Post Code	F Sub #
Contact Energy Ltd	Rosemary Dixon	Contact Energy Ltd	Level 2, Harbour City Tower, 29 Brandon Street		Wellington		<b>23</b>
Holcim (NZ) Ltd	Mark Christensen & Sarah Eveleigh	Anderson Lloyd Lawyers	PO Box 13831		Christchurch	8141	<b>22</b>
Horticulture NZ	Chris Keenan, Manager – Resource Management and Environment		P O Box 10-232		Wellington		<b>26</b>
Federated Farmers NZ	Kim Reilly, Regional Policy Manager, South island		PO Box 5242		Dunedin	9054	<b>27</b>
Fonterra Co-Operative Group Ltd	Sue Ruston - Environmental Policy Manager		PO Box 417		Wellington	6140	<b>28</b>
Mintago Investments Ltd	A S Roberts	Anderson Lloyd	PO Box 13831	Middleton	Christchurch	8141	<b>25</b>
Oceana Gold (NZ) Ltd	Jackie St John & Stephen Christensen	Anderson Lloyd Lawyers	Private Bag 1959		Dunedin	9054	<b>24</b>
"Oil Companies" Z, BP, Mobil	David le Marquand	Burton Planning Consultants Limited	PO Box 33-817	Takapuna	Auckland	0740	<b>21</b>

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<b>F Sub #</b>	<b>Organisation Name</b>	<b>Contact (for Service)</b>	<b>Service Contact Org/Co</b>	<b>Address1</b>	<b>Address2</b>	<b>Town</b>	<b>Post Code</b>
21	"Oil Companies" Z, BP, Mobil	David le Marquand	Burton Planning Consultants Limited	PO Box 33-817	Takapuna	Auckland	0740
22	Holcim (NZ) Ltd	Mark Christensen & Sarah Eveleigh	Anderson Lloyd Lawyers	PO Box 13831		Christchurch	8141
23	Contact Energy Ltd	Rosemary Dixon	Contact Energy Ltd	Level 2, Harbour City Tower, 29 Brandon Street		Wellington	
24	Oceana Gold (NZ) Ltd	Jackie St John & Stephen Christensen	Anderson Lloyd Lawyers	Private Bag 1959		Dunedin	9054
25	Mintago Investments Ltd	A S Roberts	Anderson Lloyd	PO Box 13831	Middleton	Christchurch	8141
26	Horticulture NZ	Chris Keenan, Manager – Resource Management and Environment		P O Box 10-232		Wellington	
27	Federated Farmers NZ	Kim Reilly, Regional Policy Manager, South island		PO Box 5242		Dunedin	9054
28	Fonterra Co-Operative Group Ltd	Sue Ruston - Environmental Policy Manager		PO Box 417		Wellington	6140



## Index to Reference numbers & pages: Plan Provisions submitted on

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**Grouped by Provision**  
**(matters within the scope of the plan change)**

### 1 Policy 6.4.10A

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
Dunedin City Council	2	Amend	That there is clear differentiation between the total volume of water able to be taken from an aquifer, and that which is available to be taken by a new consent holder.	The wording of this policy appears to confuse the total available water able to be taken from the aquifer, with what is to be taken (able to be allocated to new consents).
Contact Energy	23	Support Sub 2 ref. 1	<i>Support the need for clarification.</i>	
Central Otago Winegrowers	4	Did not specify	Allocation amounts need to be reworked using data from this area and not compared to other general areas. Put a hold on the allocation volumes, until the Aqualink report has been re-addressed with input from growers and using more accurate data	<p>Variables in the amount of water used in vineyards include:</p> <ul style="list-style-type: none"> <li>- Worst/driest year in 100 years, how much is needed ???</li> <li>- Dry times of the season, differing peak times of use</li> <li>- Wind factors bring extra stress and water usage</li> <li>- Young vines need excessive water in the first few years, vineyards are starting to go through replanting programmes</li> <li>- Inter row cropping and beneficial insect plantings (crops grown alongside vines in the rows) take water from the vines</li> </ul> <p>Central Otago has a unique climate and water rights need to be based on this.</p> <p>There is usage data now available from different individual properties and data recording sites, that growers participate in. ie Sustainable wine growing, Hydro services.</p> <p>Soils in Central Otago are very light with low water holding capacity</p> <p>Climate here is very harsh, and water volumes can spike for short times in the summer.</p>
Contact Energy	23	Support/ Oppose in part Sub 4 ref. 1	<i>Support the allocation limits being based on the best data available, however due to a lack of specificity in the relief sought, the outcome is unclear should the submission be accepted.</i>	
Federated Farmers of New Zealand	27	Support in part Sub 4 ref. 1	<i>Allocation amounts need to be reworked - need to put a hold on allocation volumes until the Aqualink report has been re-addressed with input from growers and using more accurate data. There needs to be greater consideration of location, climate, soils and the nature of the activity.</i>	
Fonterra Co-Operative Group Ltd	5	Oppose	Clarify the position of unconsented groundwater takes by either: 1. Providing for unconsented takes in the definition of “assessed maximum annual take” and/or in	Not sure what “available for taking” means. In particular, it is not clear whether this includes unconsented takes (i.e. permitted takes and takes allowed under section 14(3)(b)). The definitions of “allocation limit” and “assessed maximum annual take” make no allowance for unconsented takes and hence Policy 6.4.10A suggests that unconsented takes are not provided for.

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
			<p>Method 15.8.3.1 such that allowance is made for unconsented takes within limits. (Including, if necessary, raising limits to accommodate additional volumes – depending on their significance); or</p> <p>2. Including an additional policy specifically providing for unconsented takes outside of the regime and associated limits applying to consented takes; and</p> <p>3. Defining “volume available for taking” as relating solely to volumes available for take by way of resource consent.</p>	Submitter opposes this provision for those reasons.
Contact Energy	23	Support/ Oppose in part Sub 5 ref. 1	Any references to “unconsented takes,” particularly where they are to be included within allocation limits (or other provisions) should only relate to lawfully established and operated unconsented takes (i.e. takes under S14(3)(b) of the RMA or Permitted Activities under the Plan). Support the need for clarification.	
Horticulture NZ	26	Support in part Sub 5 ref. 1	There needs to be clarity as to how the policy will be applied so it needs to be clear what ‘available for taking’ includes.	
Federated Farmers NZ	6	Oppose	Take a similar approach to that of Environment Canterbury – that being, an approach where annual volumes aim to fully meet plant requirements in 9 years out of 10, based on factors including Potential Evapo-Transpiration (PET), soil water holding capacity and rainfall	<p>Policy 6.4.10A simplifies what to date has been a relatively complicated policy framework. We support the concept of assessed annual take, providing it reflects nominal water use, is informed by good science and accurately reflects the nature of the water use activity.</p> <p>Our concern with the policy is that the proposed methodology contravenes requirements for efficiency of water use allocation as stipulated under the Otago Water Plan. The plan recognises that full consented rates of take in any season are unlikely to be exercised. However, the proposed methodology within the policy uses full consented rates of take on resource consents to differentiate between water taken and available recharge (mean annual recharge) for groundwater allocation purposes.</p> <p>Additionally, the alternative calculation method within Method 15.8.3.1 does not consider location, climate, soils or the nature of the activity. These omissions could result in significant errors surrounding the outcome of the Method.</p>
Contact Energy	23	Oppose	The submission seeks an allocation limit based on, inter alia, “nominal water use” and that “reflects the nature of water use activity”. Such an	

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
		<i>Sub 6 ref. 1</i>	<i>outcome may be contrary to actual availability and/or allow inefficient uses of water.</i>	
<i>Oceana Gold</i>	<i>24</i>	<i>Support Sub 6 ref. 1</i>	<i>Support a policy approach that takes into account factors such as potential evapotranspiration and rainfall.</i> <i>Agree that “the calculation method within Method 15.8.3.1 does not consider location, climate, soils or the nature of the activity. These omissions could result in significant errors surrounding the outcome of the Method.”</i>	
Horticulture NZ	7	Amend	Amend Policy 6.4.10A (a) as follows: “Determining the volume of water available for allocation to consumptive takes...” Ensure that non-consumptive takes are not included in the maximum allocation limit.	<p>Policy 6.4.10A is proposed to provide a framework for the taking of groundwater through the determining of the maximum allocation limit less the assessed maximum annual take calculated using Method 15.8.3.1.</p> <p>Three calculations are required for the framework:</p> <ul style="list-style-type: none"> <li>• The maximum allocation limit (MAL) - as set through Schedule 4A or 4D</li> <li>• The assessed maximum annual take (AMAT)– calculated using Method 15.8.3.1</li> <li>• The volume ‘available for taking’ – the MAL less the AMAT</li> </ul> <p>Therefore the ‘volume available for taking’ is dependent on the determination of both the MAL and AMAT and the methodology that is used to derive those numbers.</p> <p>The policy refers to the ‘volume available for taking’ but does not specify what this volume includes.</p> <p>Policy 6.4.10A1(b) define the maximum allocation limit and only includes consumptive takes and Rule 12.0.1.3 also only includes consumptive uses. Therefore Policy 6.4.10A should also define ‘volume available for taking’ as being for consumptive takes. Non-consumptive takes should not be taken into account in determining the maximum allocation limit as the water is returned to the aquifer.</p> <p>The policy is dependent on Method 15.8.3.1 as the methodology for calculating the assessed maximum annual take. The method provides an ‘assessed’ volume. Basing a regulatory framework on an assessed volume can lack certainty. Horticulture NZ has concerns with the methodology in Method 15.8.3.1 to the extent that it could overstate the annual take. This then influences the amount of water available for allocation. Changes are sought to Method 15.8.3.1.</p>

## 2 Policy 6.4.10A1

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
Dunedin City Council	2	Amend	That Policy 6.4.10A1 is amended to be made consistent with policies 6.4.1A	Policy previously recognised that it did not apply to groundwater managed under the surface water regime. Existing Policy 6.4.1 recognises some groundwater will be allocated as surface water, and

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
			and 6.4.10A and proposed definitions of “allocation limit” and “maximum allocation limit”, by amending it to read “Define the maximum allocation limit for groundwater takes from an aquifer...”	proposed Policy 6.4.10A enables the taking of water allocated as groundwater. Proposed policy defines allocation “for an aquifer”, rather than for groundwater, which is inconsistent with Policies 6.4.1A and 6.4.10A and with the proposed definitions of allocation limit or maximum allocation limit.  Section 32 report does not explain reason for removal of explicit exclusion of groundwater managed under the surface water regime.
Contact Energy	23	Support Sub 2 ref. 2	<i>For the reasons stated in the [DCC’s] submission.</i>	
Fonterra Co-Operative Group Ltd	5	Oppose	Either: 1. Provide for the replacement of currently consented (and justified) groundwater takes within the allocation limits; or 2. Specify how over-allocation perpetuated through the granting of replacement takes is to be managed in accordance with the NPS-FM.	Concerned about the lack of information on the current levels of groundwater abstraction and consented volumes in the aquifers of Otago. The absence of such information makes it difficult for submitter to adopt a clear position on the changes made to Policy 6.4.10A1. However, what is clear is that while the Change continues to provide for replacement takes above Schedule 4A volumes (or above volumes calculated as 50% of recharge), the status of such replacement takes will change from being legally “within limits” to occurring “above limits”. Submitter is concerned about the implications that flow from this seemingly technical change. It seems to us that the change will make over-allocation more likely. This is a concern because the plan change does not expressly address how over-allocation is to be managed.  Submitter opposes Policy 6.4.10A1 for those reasons.
Contact Energy	23	Oppose Sub 5 ref. 2	<i>The outcome is unclear should the submission be accepted. In any event, the Plan should not provide for over-allocation being created by the granting of consents.</i>	
Horticulture NZ	26	Support in part Sub 5 ref. 2	<i>There needs to be clarity of the information about current levels of groundwater abstraction and consented volumes and how over-allocation may be addressed.</i>	
Federated Farmers NZ	6	Amend	Adopt Policy 6.4.10A1 - but with Schedule 4D contents as a non-regulatory method instead – and with resulting data being maintained outside the plan; and, as consequential changes, reference to Schedule 4D within rules are amended to reflect it is a method.	Submitter supports Policy 6.4.10A1(a). Setting a maximum groundwater allocation volume into the plan with a sound scientific basis is appropriate. It provides for a robust process to examine appropriate aquifer allocation levels.  For those aquifers yet to be fully assessed, we support the interim methodology being 6.4.10A1(b)’s provision for the 50% of the calculated mean annual recharge. This is a useful interim methodology pending more rigorous determination. However, as we will later explain in greater detail, we do not consider takes above the interim MAL set under Policy 6.4.10A1(b) should result in a prohibited activity status – we consider a non-complying status is more appropriate.  We note the addition of the words ‘consumptive use’ within the line ‘avoid allocating for

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
				<p>consumptive use any water not previously taken under a resource consent'. We note that this addition is likely to enable consideration of non-consumptive takes, where water finds it way back into the aquifer after short-term use. We support this addition on the basis that it optimises the use of groundwater resources where no adverse impacts on the resource or other water users are likely, or where effects are short-term and can be justified.</p> <p>We do have concerns however in regards to how Schedule 4D will be used. Schedule 4D is in effect a method, which calculates maximum allocation limits for those aquifers yet to be assessed into Schedule 4A, and it is best if it is treated as a method. It is also not easily ascertained from Plan Change 4B, how the MALs calculated using the Schedule 4D method will be stored and maintained.</p> <p>Suggest a preference towards the resulting data being maintained in a non-statutory inventory stored on the <a href="http://www.orc.govt.nz">www.orc.govt.nz</a> website. This would enable the maintenance of a register of less rigorously assessed aquifer allocations without the need for a plan change. This register would provide relevant information pending the undertaking of a more detailed assessment.</p> <p>While it is appropriate to have the method within the plan, the table of resulting values should be outside the plan where they can be amended or added to as appropriate.</p> <p>This approach would be consistent with the operative Regional Plan: Water for Otago and would assist the Otago Regional Council in keeping plan users up-to-date on the status of groundwater allocations, thereby reducing enquiries and data requests from managers and practitioners. It is also consistent with Council's commitment under the prohibited activity rules to provide details of an aquifer's allocation status to applicants prior to any application being made.</p>
Contact Energy	23	Support/ Oppose in part Sub 6 ref. 2	Support the intention of the submission whereby the most up to date information is used and held outside of the Plan on the ORC website. Oppose any interpretation and/or implication that the taking of water for irrigation (for example) is a non-consumptive use of water.	
Horticulture NZ	7	Amend	Amend Policy 6.4.10A1 by deleting "and, beyond that maximum, to avoid allocating for a consumptive use any water not previously taken under a resource consent."	<p>The Plan Change seeks to define the MAL for aquifers not listed in Schedule 4A as 50% of mean annual recharge calculated under Schedule 4D so this is dependent on the methodology in Schedule 4D.</p> <p>However the policy goes beyond 'defining' the MAL as it seeks to limit beyond the maximum to avoid allocating for a consumptive use any water not previously taken under a resource consent. This is an 'allocation' matter not a 'defining' matter.</p>
Contact Energy	23	Oppose Sub 7 ref. 2	It is appropriate that the policy seeks to avoid over-allocation.	
Holcim (NZ) Ltd	9	Amend	Amendment to Policy 6.4.10A1 (and	Not the most appropriate way of achieving the objectives, including sustaining the recognised uses of

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
			<i>Policy 6.4.10A2</i> ) so that on renewal, the volume of water taken under the existing consent is, at most, one consideration when determining how much water should be re-consented.	Otago groundwater. No alternative to reducing allocation in over-allocated aquifers is assessed. The changes have potentially significant environmental, economic, social and cultural effects.
<i>Oceana Gold</i>	24	<i>Support Sub 9 ref. 2</i>	<i>Support an approach where, on renewal, the volume of water taken under the existing consent is just one consideration when determining how much water should be re-consented,</i>	
Irrigation New Zealand Incorporated	11	Support	Supports the use of 50% of the mean annual recharge as the default methodology for calculating the allocation limit from an aquifer. This is consistent with the operative Regional Plan: Water for Otago.	This is consistent with the operative Water Plan.
Kai Tahu Ki Otago Ltd	13	Support	Supports the setting of maximum allocation limits for aquifers and, beyond that maximum limit, avoiding allocation of groundwater for consumptive uses	There is a risk that consented allocation based on 50% of MAR will exceed the sustainable allocation limit of an aquifer.

### 3 Method 15.8.3.1

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
Fonterra Co-Operative Group Ltd	5	Amend	Clarify the position of unconsented groundwater takes by either: <ol style="list-style-type: none"> <li>1. Providing for unconsented takes in the definition of “assessed maximum annual take” and/or in Method 15.8.3.1 such that allowance is made for unconsented takes within limits. (Including, if necessary, raising limits to accommodate additional volumes – depending on their significance); or</li> <li>2. Including an additional policy specifically providing for</li> </ol>	Concerned to ensure that permitted groundwater takes and takes allowed under Section 14(3)(b) for domestic and stockwatering needs are not provided for within the groundwater allocation and limit setting regime.



Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
			unconsented takes outside of the regime and associated limits applying to consented takes; and 3. Defining “volume available for taking” as relating solely to volumes available for take by way of resource consent.	
Contact Energy	23	Support/ Oppose in part Sub 5 ref. 3	Support the need for clarification and the appropriate accounting for “unconsented takes”. Any references to “unconsented takes”, particularly where they are to be included within allocation limits (or other provisions) should only relate to lawfully established and operated unconsented takes (i.e. takes under s.14(3)(b) of the RMA or Permitted Activities under the Plan).	
Contact Energy	23	Oppose Sub 5 ref. 3	Oppose any interpretation and/or implication that the taking of water for irrigation (for example) is a non-consumptive use of water.	
Oceana Gold	24	Support Sub 5 ref. 3	Support an amendment to Method 15.8.3 that provides for the netting out of water returned to the same source following abstraction (if that return flow has not been taken into account in setting of the allocation limit).	
Mintago Investments Ltd	25	Support Sub 5 ref. 3	Amend Method 15.8.3 to provide for the netting out of water returned to the same source following abstraction (if that return flow has not been taken into account in the setting of the allocation limit). [Oppose] mine-pit dewatering being included as a consumptive use.  Supports the deletion of the word “immediately” but is concerned that the provision continues to refer to “all of the water” being returned and considers that consents that involve partial return should be taken into account.	
Horticulture NZ	26	Support in part Sub 5 ref. 3	There needs to be clarity as to how the policy will be applied so it needs to be clear what ‘available for taking’ includes.	
Federated Farmers of New Zealand	27	Support Sub 5 ref. 3	Clarification is sought of the position of unconsented groundwater takes to ensure that domestic and stock watering are excluded and not captured under this regime.	
Fonterra Co-Operative Group Ltd	5	Amend	Amend Method 15.8.3 to provide for the netting out of water returned to the same source following abstraction (if that return flow has not been taken into account in the setting of the allocation limit).	Supports the deletion of the word “immediately” but is concerned that the provision continues to refer to “all of the water” being returned and considers that consents that involve partial return should be taken into account.
Fonterra Co-Operative Group Ltd	5	Support	Retain the addition to Method 15.8.3.	Supports the clarification that the assessed maximum annual take sums only those consents allocated as groundwater under Policy 6.4.1A (c) and (d).
Federated	6	Amend	That Council amend Method 15.8.3.1	Supports the concept of assessed annual take as long as it reflects nominal water use, is informed by

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
Farmers NZ			<p>to reflect an approach which uses either the 90th percentile crop water requirement values for the activity (for agriculture) or the maximum consented volume, whichever is the lesser. A suggestion for wording is as follows:  Method 15.8.3 – The assessed annual take of groundwater from any aquifer for the purposes of Policy 6.4.10A(a) will be the sum of:</p> <p>(a) For irrigation – 80% of the 1/10 year drought irrigation return crop water requirement recognising location and relevant environmental considerations, or the maximum value on a resource consent to take groundwater, whichever is the lesser; and</p> <p>(b) For other water uses – 80% of the nominal maximum water requirement for the activity, or the maximum value on a resource consent to take groundwater, whichever is the lesser; and</p> <p>(c) Less any quantity of groundwater that is directly returned to the aquifer or via an appropriately connected surface water body</p>	<p>good science, and accurately reflects the nature of the water use activity.</p> <p>We agree with the section 32 report analysis that defining the estimated annual allocation limit as the assessed take is far preferable to basing it on a consented maximum annual take, which has too many risks and costs, is too conservative and is not consistent with preferred approach of the Environment Court.</p> <p>However, submitter considers that the proposed methodology within Method 15.8.3.1 contravenes the requirements for efficiency of water use allocation as stipulated within the operative plan. The operative plan recognises that consented rates of take in any season are unlikely to be fully exercised.</p> <p>The proposed policy 6.4.10A refers to calculations based upon Method 15.8.3.1, which uses full consented rates of take on resource consents to differentiate between water taken and mean annual recharge for groundwater allocation purposes. Furthermore, the alternative calculation within Method 15.8.3.1 fails to consider location, soils or the nature of the activity.</p> <p>Preference is for an approach which considers either 90th-percentile crop water requirement values for the activity for agriculture or the maximum consented volume, whichever is the lesser, corresponding to nominal aquifer abstraction in relation to mean annual recharge.</p>
Contact Energy	23	Oppose Sub 6 ref. 3	<i>The focus on uses of water and reliability of supply would appear to over-ride any assessment as to the actual availability of the water in question and whether or not such a take will result in over-allocation.</i>	
Horticulture NZ	26	Support in part Sub 6 ref. 3	<i>Further submitter is concerned about the methodology in Method 15.8.3.1 and seeks changes.</i>	
Horticulture NZ	7	Amend	Add an additional point (d) to Method 15.8.3 as follows: Where volumes have been calculated on weekly or litres/second the volumes	The purpose of establishing an assessed maximum annual take is to be able to establish the difference between the take level and the maximum allocation volume, and hence how much water is available for allocation.

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			<p>will be ground-truthed and adjusted if required to reflect actual usage volumes.</p> <p>Add a new calculation for takes for fruit production based on a reduced irrigation season.</p>	<p>Horticulture NZ has previously expressed concern about the methodology and how it will be applied. As it is now intended to use the methodology on a wider basis through Policy 6.4.10A the methodology needs to be robust and fair.</p> <p>Method 15.8.3 sets out a methodology for establishing the assessed maximum annual take, especially where volumes may not be specified on a consent, therefore making a determination of the annual take somewhat problematic.</p> <p>The proposed methodology is supported to the extent that it does not take the ‘worst case’ scenario which would severely limit the amounts available for allocation, even though the amounts of a worst case scenario may never be taken.</p> <p>While a methodology is needed to assess volumes there are concerns about extrapolating litres/sec into an annual volume. If the consented amounts are inaccurate then the inaccuracy is being extrapolation from potentially per second to per year. A small error per second becomes a very large error per year and then aggregated up across the whole district. There should be provision for adjustments if such extrapolations clearly indicate unrealistic figures that consequently distort the assessed volumes. Such figures may need to be ground-truthed to establish the robustness of the derived figures.</p> <p>When applied in conjunction with a restrictions level the physical properties of the aquifer are protected so the ‘balanced’ approach as proposed is supported.</p> <p>The Section 32 Report states that Method 15.8.3.1 is based on ‘reasonable and realistic assumptions regarding actual water use’. The method makes an assumption that all consumptive takes for irrigation are for 150 days. In fruit operations it is unlikely that irrigation will be undertaken for that length of time so it is not a ‘reasonable or realistic assumption’ to make. This in turn means that the calculated volume will be overstated, and the water available for allocation understated</p>
<i>Contact Energy</i>	23	<i>Oppose Sub 7 ref. 3</i>	<i>The focus on water use would appear to over-ride any assessment as to the actual availability of water in question and whether or not such a take will result in over-allocation.</i>	
Irrigation New Zealand Incorporated	11	Oppose	Use a daily water balance model, such as IRRICALC, to estimate the assessed annual take..	<p>Opposes the use of the methodology outlined in (b) where no annual volume is specified on an irrigation consent. The current range of calculations contained in the method produce inconsistent outcomes (volumes). The suggested approach would be consistent with INZ’s suggestion for the revision of proposed Policy 6.4.10A2 and the annual volume allocation methodology ORC uses for irrigation consent volumes based on Policy 6.4.0A.</p> <p>Groundwater irrigators do not extract more water than is required, even if consents allow them to do so. It is widely recognised unnecessary pumping has considerable avoidable costs and productivity</p>

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				consequences.
Contact Energy	23	Oppose Sub 11 ref. 3	The basis upon which IRRICALC estimates the assessed annual take and its appropriateness for the purposes of the Plan are unknown.	
Horticulture NZ	26	Support in part Sub 11 ref. 3	Further submitter is concerned about the methodology in Method 15.8.3.1 and seeks changes.	
Federated Farmers of New Zealand	27	Support in part Sub 11 ref. 3	A daily water balance model such as IRRICALC is sought to estimate the assessed annual take and a new method to set out parameters to be used when establishing an annual or seasonal volume for irrigation. The methodology proposed within plan contravenes the requirements for efficiency of water use allocation and fails to consider location, soils or the nature of the activity.	
Irrigation New Zealand Incorporated	11	Oppose	Include a methodology that sets out the parameters to be used when establishing an annual (seasonal) volume for irrigation, which should include the parameters to be taken account of and the technical criteria that any methodology should meet (see Reasons and Submission itself for full details of request)..	Seasonal Volumes for Groundwater Irrigation Consents should be based on a model that predicts irrigation water supply requirements for a specified: <ul style="list-style-type: none"> <li>a. Application efficiency (including 80%)</li> <li>b. Water supply adequacy (including 9 years out of 10, or 90 percentile year)</li> <li>c. Land cover (including pasture)</li> <li>d. Soil type</li> <li>e. Climate</li> </ul> <p>The model must provide sufficient outputs to enable a third party to verify that the estimated irrigation water use and water use limit are based on policy-compliant inputs</p> <p>Refer to Submission for model details.</p>
Contact Energy	23	Oppose Sub 11 ref. 3	The focus on uses of water and reliability of supply would appear to over-ride any assessment as to the actual availability of the water in question and whether or not such a take will result in over-allocation.	
Oceana Gold (NZ) Ltd	16	Did not specify	Careful consideration should be given to Method 15.8.3.1. If other appropriate methods or “reasonable and realistic assumptions regarding actual water use” are raised in submissions and would make the Method more robust then Council should apply them.	It is critical that the Method does not over-estimate actual takes and thereby limit opportunities to take groundwater and reduce economic opportunities. This is considered important since proposed new Policy 6.4.10A1 and New Rule 12.0.1.3 effectively prohibit applications for takes from over-allocated aquifers or applications that would cause an aquifer to become over-allocated.
Contact Energy	23	Oppose Sub 16 ref. 3	As no specific relief was stated, the outcome is unclear should the submission be accepted.	

#### 4 Schedule 4D

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
Fonterra Co-Operative Group Ltd	5	Support	Retain the matter 4D.1 (b) in Schedule 4.	Supports the inclusion of irrigation in the calculation of aquifer recharge.
Federated Farmers NZ	6	Oppose	Retain the methodology within Schedule 4D as a non-statutory method with resulting data being stored and maintained in a non-statutory inventory.	Statutory form of Schedule 4D is not needed. It is in effect a non-statutory method and should be treated as such. The information that results from the methodology is interim and provisional, pending a full Schedule 4A assessment, and should be able to be challenged in light of further or additional information. Therefore, it is appropriate that resulting data be stored and maintained outside the Plan.
Federated Farmers NZ	6	Support	Adopt Schedule 4D.1 with capacity to ensure recharge sources include artificial recharge sources and groundwater transfer sources from adjoining aquifers.	While the sources of aquifer recharge provided within 4D.1 are not an exhaustive list, we want to ensure that there is provision for the inclusion of artificial recharge sources and groundwater transfer sources from adjoining aquifers, where this is appropriate.
Federated Farmers NZ	6	Support	Adopt Schedule 4D.2 as proposed.	We support the methods provided for estimating aquifer recharge from various recharge sources remaining an inclusive list – with capacity to consider other relative methods where these are fit for purpose and accepted by the wider community of groundwater scientists and allied professionals.
Horticulture NZ	7	Amend	Amend Schedule 4D to provide greater certainty as to how it will be applied.	The matters listed in Schedule 4D.1 and 4D.2 are prefaced with ‘may include’.  This presents uncertainty as to how the method will be applied. For instance it is not clear why a particular matter may not be included or why other matters would be included. Given the importance of the method in establishing the water available for allocation it needs to be clear how the underpinning numbers are derived.
Irrigation New Zealand Incorporated	11	Amend	The calculation of land surface recharge from excess irrigation drainage needs to reflect the actual irrigation practices in the catchment.; and acknowledge that the limit will need to be revisited periodically as new more efficient irrigation technologies are adopted.	Losses from contour flood or border dyke irrigation are considerably greater than those from modern spray irrigation such as centre pivots. This is particularly important in parts of north and central Otago where less efficient irrigation practices are common and will likely remain so for the foreseeable future.  Providing all irrigators are made aware of this consideration at the time of consent, there is no issue with such an approach. It also ensures the region gains the maximum value from its available water resource over time.
<i>Horticulture NZ</i>	<i>26</i>	<i>Support in part Sub 11 ref. 4</i>	<i>Further submitter considers that there needs to be greater clarity as to how Schedule 4D will be applied.</i>	
Oceana Gold (NZ) Ltd	16	Did not specify	Careful consideration is requested to be given to 4D.2, the methods for calculating aquifer recharge, and that any other appropriate methods raised in	Submitter accepts that introducing new Schedule 4D for calculating MAR for aquifers not included in Schedule 4A should provide greater consistency, certainty and clarity for plan users. However use of an inappropriate method for calculating the MAR may result in unnecessarily restricting the taking of groundwater.

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
			submissions that would make 4D.2 more robust are applied.	

#### 5 Note box in 12.0

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
Dunedin City Council	2	Amend	Amend advice note so that the current allocation status of all aquifers identified within the Water Plan is made publicly available on the Otago Regional Council website.	Water allocation is a core function of the Otago Regional Council under section 30 of the Resource Management Act. Rather than providing allocation information to applicants on request as proposed, it would be more helpful for the Otago Regional Council to make the current allocation status of all named aquifers publicly available on their website (being the total allocation, allocation already assigned to consents, and allocation available to new users).
Contact Energy	23	Support Sub 2 ref. 5	<i>For the reasons stated in the submission.</i>	
Federated Farmers of New Zealand	27	Support Sub 2 ref. 5	<i>Amend advice note so that current allocation status of all aquifers is made publicly available on the ORC website. This enables plan users to make more informed decisions and to have access to clear and current information.</i>	
Lincoln University	8	Oppose	Make the allocation status of the Region's aquifers publicly available. Establish an online tool to provide accurate and up-to-date picture of the Region's aquifers allocation status. Preferably this should be incorporated into an online mapping program.	The Proposed Plan Change seeks to control the over-allocation of aquifers, however the allocation status of the aquifers is not known.
Contact Energy	23	Support Sub 8 ref. 5	<i>For the reasons stated in the submission.</i>	
Federated Farmers of New Zealand	27	Support Sub 8 ref. 5	<i>Make the allocation status of the Region's aquifers publicly available and establish an online tool to provide accurate and up-to-date picture of the Region's aquifers allocation status. This enables plan users to make more informed decisions and to have access to clear and current information.</i>	
Fonterra Co-operative Group Limited	28	Support Sub 8 ref. 5	<i>Accept the relief sought by Lincoln University (and other submitters)</i>  <i>Make notice of allocation status of the Region's aquifers publicly available. Establish an on line tool to provide accurate and up-to-date picture of the Region's aquifers' allocation status. Transparency and ease of plan use require information on the MALs and level of current allocation to be readily available</i>	
Contact Energy Ltd	10	Amend	Require each aquifer's Maximum Allocation Limit (for those aquifers not	Maximum Allocation Limit can be quickly determined by an internal exercise within the Regional Council, calculated in accordance with 6.4.10A1(b), the default 50% of mean annual recharge, but is

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
			listed in Schedule 4A) and Assessed Maximum Annual Take for all aquifers, as calculated by the Otago Regional Council, to be made publicly available such as by listing on the Otago Regional Council website, updating from time to time, or by other public notice.	less transparent than the listing of aquifers in Schedule 4A because it is not publicly available. Making this and AMAT (and thus aquifer status) publically available allows consent holders and other stakeholders to understand when an aquifer is (or is not) coming under pressure and whether allocation may become restricted.
<i>Fonterra Co-operative Group Limited</i>	28	<i>Support Sub 10 ref. 5</i>	<i>Accept the relief sought by Contact (and other submitters). Amend Change 4B to require each aquifer's MAL (for those aquifers not listed in Schedule 4A) and Assessed Maximum Annual Take for all aquifers, as calculated by the Otago Regional Council, to be made publicly available such as by listing on the ORC website. Transparency and ease of plan use require in formation on the MALs and current allocation to be readily available.</i>	
Oceana Gold (NZ) Ltd	16	Amend	The status of aquifers be made publically available on the Otago Regional Council's website, and on request to the Council, and that published information be kept current.	It is important that the public has access to clear and current information on the allocation status of individual aquifers, the relevant MAL for fully allocated aquifers, and any known recharge statistics. The status of aquifers may change with the granting of new consents or the cancellation, surrender or expiry of existing consents. An applicant for consent requires current and reliable information.
<i>Federated Farmers of New Zealand</i>	27	<i>Support Sub 16 ref. 5</i>	<i>That status of aquifers be made publically available on ORC website and on request. This enables plan users to make more informed decisions and to have access to clear and current information.</i>	

### 16 Policy 6.4.10.A3

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
Fonterra Co-Operative Group Ltd	5	Amend	Amend Policy 11.4.1 (6.4.10A3) to read: <u>Managing the taking of groundwater so as to avoid</u> in any aquifer: (a) Contamination of groundwater or surface water; and (b) Permanent aquifer compaction.	Supports managing groundwater abstraction to avoid groundwater contamination. However, the current wording of Policy 6.4.10A3 is opposed as the obligation to avoid contamination of groundwater has been taken out of the specific context of groundwater abstraction and would apply more broadly. It would set an unrealistic hurdle if the policy was applied rigorously in other contexts.
Federated Farmers NZ	6	Amend	That Council either delete Policy 6.4.10A3 and instead rely on provisions within Plan Change 6A, or amend the first line of the policy to: “ <u>Manage the taking of groundwater so</u>	Without a qualifying link to controlling groundwater takes, Policy 6.4.10A3 may be given wider application and relevance than perhaps intended.  Our concern is that as worded, the policy is too restrictive. Within the context of farming activities, it is likely that contamination would cover Nitrogen – and the policy as worded could be applied in a

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			as to <del>A</del> avoid in any aquifer.....”	land use or discharge consents context with unintended consequences.  We support the retention of previous wording – limiting the context to controlling groundwater takes. This is consistent with Plan Change 6A.
Horticulture NZ	7	Amend	Amend Policy 6.4.10A3 as follows: Manage the taking of groundwater so as to avoid in any aquifer: (a) contamination of groundwater or surface water; and (b) permanent aquifer compaction	Policy 6.4.10.A3 has been moved and is more a policy of water quality than quantity or allocation. The policy needs to be reworded to relate to the taking of groundwater

#### 6 Rules 12.2.3.2A & 12.2.3.4

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
Irrigation New Zealand Incorporated	11	Support	Supports the use of 50% of the mean annual recharge as the default methodology for calculating the allocation limit from an aquifer. This is consistent with the operative Regional Plan: Water for Otago.	This is consistent with the operative Water Plan.
<i>Horticulture NZ</i>	26	<i>Oppose Sub 11 ref. 6</i>	<i>Further submitter seeks changes to Schedule 4D and to ensure certainty as to how volumes will be calculated.</i>	
Kai Tahu Ki Otago Ltd	13	Amend	Amend 12.2.3.2A to provide for the reduction of existing consents to the maximum allocation limit and for the review of new applications for groundwater take to achieve compliance with any maximum allocation limit set under Schedule 4A.	Taking and use of groundwater is supported provided that the volume sought is within the maximum allocation limit. Need to reduce existing consents to the maximum allocation limit and for the review of new applications for groundwater take to achieve compliance with any maximum allocation limit. The NPS requires Council to avoid any further over-allocation of fresh water and to phase out existing over-allocation.
<i>Contact Energy</i>	23	<i>Support Sub 13 ref. 6</i>	<i>For the reasons stated in the submission, particularly the addition of the need to consider the effects of a groundwater take on surface water flows.</i>	
<i>Horticulture NZ</i>	26	<i>Support/ Oppose in part Sub 13 ref. 6</i>	<i>There needs to be clarity as to how over-allocation will be addressed but it needs to be established through a Schedule 1 process.</i>	



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Kai Tahu Ki Otago Ltd	13	Amend	Amend 12.2.3.4 so that Council exercises discretion over the following matters: a. The volume of groundwater that has been taken under the existing consent in at least the preceding five years. b. The effect of the groundwater take on surface water flows; and c. Any maximum allocation limit that is set under Schedule 4A.	Consideration of matter in a. is required to give effect to Policy 6.4.10A2.  Broadening the Restricted Discretionary Activity considerations by including a. to c. is needed to give effect to the National Policy Statement for Freshwater Management 2011, Te Runanga o Ngai Tahu Freshwater Policy, and the Kai Tahu ki Otago Natural Resource Management Plan 2005.
<i>Holcim (NZ) Ltd</i>	22	<i>Oppose Sub 13 ref. 6</i>	<i>Oppose inclusion of “The volume of groundwater that has been taken under the existing consent in at least the preceding five years” as an assessment matter.</i>  <i>While historic use may be a relevant consideration when determining allocation on renewal, it should not be a determining factor. Other factors for consideration could include whether the volume of water allocated represents efficient use, and whether there are circumstances that make reconsenting of existing consented volume appropriate.</i>  <i>There should be no time period included in the assessment matter, as this information may not be available.</i>	
<i>Oceana Gold</i>	24	<i>Oppose Sub 13 ref. 6</i>	<i>Oppose broadening the restricted discretionary considerations to include “The volume of groundwater that has been taken under the existing consents in at least the preceding five years”.</i>  <i>Adding a time period of five years creates an onerous obligation on applicants and information may not be available. Historic use may be a relevant consideration but should not be a determining factor. Other factors such as efficiency of water use are equally relevant considerations.</i>	

### 7 Rule 12.0.1.3

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
Federated Farmers NZ	6	Amend	That the following word change is made or similar: ... is a prohibited activity, unless all of the water taken: (3 ((1)) ) Is allocated as surface water under Policy 6.4.1A; or (4 ((2)) ) Is taken for <u>temporary</u> dewatering at a site to allow a construction or structure	Supports the rule only applying to takes for consumptive use. Similarly, we support the rule not applying to water taken under Policy 6.4.1A or water taken for dewatering at a site to allow for a construction or structure maintenance activity. We consider that it may be more appropriate however, to be limited to ‘temporary’ dewatering. Long term dewatering activities could give rise to significant effects upon aquifer functioning and groundwater allocation.  Return flows should be exempt in a similar manner to those takes specified that also result in no net take. In both scenarios, the exemptions optimise the use of the groundwater resource in situations where no adverse impacts on the resource or other water users are anticipated, or effects are short-

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			<p style="text-align: center;">maintenance activity.</p> <ul style="list-style-type: none"> <li>- That there is an additional exemption for return flows when resulting outcome is no net take;</li> <li>- That for MALs contained within Schedule 4D, calculated under Policy 6.4.10A1(b), non-complying activity status is used.</li> <li>- That Council implements its commitment to provide full details of an aquifer’s current allocation status before any resource consent application is made.</li> </ul>	<p>term and justifiable.</p> <p>Furthermore, appropriate aquifer allocation management should utilise interim maximum groundwater allocation values until such time as they have been appropriately derived and formally adopted into the plan via Schedule 4A. It should be at that time that an activity status for additional groundwater allocation over and above those limits should be prohibited.</p> <p>Within Plan Change 4B as notified, any application for groundwater takes that exceed the “interim” or provisional MAL would be prohibited. This does not give effect to the intention to not unreasonably restrict new groundwater takes on the basis of the interim MAL.</p> <p>Consider that a non-complying activity status for MALs calculated under Policy 6.4.10A1(b) and captured within Schedule 4D is more appropriate. This provides applicants with the opportunity to bring additional specific information in support of a more accurate and acceptable aquifer application. This would increase the reasonableness and accuracy of any decision and reduce the costs to council, ratepayers and applicants.</p> <p>Council has noted at the foot of the prohibited activity rules that Council will upon request, advise applications of an aquifer’s current allocation status before any application is made. Submitter supports this commitment. We consider that our submission in regard to keeping Schedule 4D information as a non-statutory inventory, accessible on ORC website enables Council to more easily and cost-effectively ensure that some of that information is readily available and able to be updated, without need for a plan change. We consider that in providing this information, Council should provide as much details as possible – including methodologies used, estimates given and groundwater allocation status.</p>
<p>“Oil Companies” Z, BP, Mobil</p>	<p>21</p>	<p>Support Sub 6 ref. 7</p>	<p><i>Support that the following word change is made or similar: ... is a prohibited activity, unless all of the water taken: (1) Is allocated as surface water under Policy 6.4.1A; or (2) Is taken for <u>temporary</u> dewatering at a site to allow a construction or structure maintenance activity.</i></p> <p><i>Because there is no definition of “temporary” in the plan, the common ordinary meaning would therefore apply. The intent of the exclusion is for temporary construction and maintenance activities.</i></p>	
<p>Holcim (NZ) Ltd</p>	<p>22</p>	<p>Oppose Sub 6 ref. 7</p>	<p><i>Word “temporary” introduces uncertainty and is unnecessary. Where Assessed Maximum Annual Take exceeds an aquifer’s Maximum Allocation Limit, dewatering activities should be provided for as discretionary.</i></p>	
<p>Contact Energy</p>	<p>23</p>	<p>Oppose Sub 6 ref. 7</p>	<p><i>The outcome sought will weaken the planning regime whereby the rules provide real ‘teeth’ to implement the policies.</i></p>	

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<i>Oceana Gold</i>	24	<i>Oppose Sub 6 ref. 7</i>	<i>Oppose use of word “temporary,” as it is unnecessarily restrictive, and introduces uncertainty (what is “temporary”?)</i>	
<i>Horticulture NZ</i>	26	<i>Support in part Sub 6 ref. 7</i>	<i>Rule 12.0.1.3 should be non-complying activity.</i>	
<i>Fonterra Co-operative Group Limited</i>	28	<i>Support Sub 6 ref. 7</i>	<i>Accept the relief sought by Federated Farmers or other such relief would give effect to the submission point.</i> <i>That takes exceeding the Maximum Allocation Limit (MAL) should be non –complying rather than prohibited when the MAL has been set under Policy 6.4.10A1 (b) (i.e. aquifers not listed in Schedule 4A). Prohibited activities should only apply when there is absolute certainty about the appropriateness of the threshold standard (limit).</i>	
Horticulture NZ	7	Amend	Amend Rule 12.0.1.3 to Non-complying status.	The prohibited activity rule is based on assessed maximum annual take. For aquifers not listed in Schedule 4A this is a calculated figure. It is considered that a prohibited activity rule should not be based on calculated or assessed figures, rather that such activities should be assessed as non-complying. Such an activity status enables an applicant to provide data regarding the assessments made.
<i>Contact Energy</i>	23	<i>Oppose Sub 7 ref. 7</i>	<i>The outcome sought will weaken the planning regime whereby the rules provide real ‘teeth’ to implement the policies.</i>	
Holcim (NZ) Ltd	9	Amend	Amendment to Rule 12.0.1.3, to include an exception to the prohibited rule where a consented volume of water within the same aquifer and equal to or greater than the volume sought is transferred or surrendered in conjunction with the application.	Amended Rule 12.0.1.3 seeks to prohibit applications for groundwater takes from aquifers which are over-allocated or would become over-allocated, in order to reduce or prevent further over-allocation. However, over-allocation could be prevented or reduced while providing flexibility to consider new abstractions. Inclusion of an exception to the rule where a consented volume of water equal to or greater than the volume sought is transferred or surrendered would ensure no net loss of water from the aquifer, and no further over-allocation.
<i>Oceana Gold</i>	24	<i>Support Sub 9 ref. 7</i>	<i>Support an amendment to the rule to introduce an exception to the prohibited rule, where a consented volume of water within the same aquifer and equal to or greater than the volume sought is transferred or surrendered in conjunction with the application.</i>	
Kai Tahu Ki Otago Ltd	13	Amend	The following amendment to Rule 12.0.1.3(2) is sought: “Unless all the water taken” ... Is taken for dewatering at a site to allow a construction or structure maintenance activity <u>where all the water taken is returned to the aquifer or a connected surface water body</u> ”	Supports a prohibition on applications for groundwater take where the assessed maximum annual take exceeds the maximum allocation limit, or where the application would cause the maximum annual take to exceed the maximum allocation limit.  An amendment to this rule is requested to clarify that groundwater removed to allow construction or structure maintenance should be returned to that aquifer or a connected surface water body.
<i>“Oil Companies”</i>	21	<i>Oppose</i>	<i>Oppose the amendment to Rule 12.0.1.3(2) sought: “Unless all the water taken ... is returned to the aquifer or a connected surface water</i>	

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Z, BP, Mobil		Sub 13 ref. 7	body.”  <i>The further submitter does not support the amendment sought. It is not always possible to return all water to an aquifer or connected surface water e.g. where it would need to pass through a treatment system prior to discharge. It is not necessary to condition the exclusion further in the rule as issues around the extent and location for returning water to the aquifer or related surface water system will be addressed through the consent process.</i>	
Holcim (NZ) Ltd	22	Oppose Sub 13 ref. 7	<i>A requirement that all water taken is returned to the aquifer or a connected surface water body, should not be included in the exception to the prohibited activity rule for dewatering.</i>  <i>Where Assessed Maximum Annual Take exceeds an aquifer’s Maximum Allocation Limit, dewatering activities should be provided for as discretionary.</i>	
Oceana Gold	24	Oppose Sub 13 ref. 7	<i>Oppose inclusion of word “all” as unnecessarily restrictive. It does not take into account evapotranspiration or other losses. Dewatering activities would be prohibited if not all of the water was returned to the aquifer or connected surface water body.</i>	
Mintago Investments Ltd	25	Oppose Sub 13 ref. 7	<i>The exception to the prohibited activity rule for dewatering activities should not include a requirement that all water taken is returned to the aquifer or a connected surface body of water. Where the assessed maximum annual take exceeds the aquifer’s maximum allocation limit, dewatering activities should be provided for as a discretionary activity.</i>	
L&M Lignite Kaitangata Limited	14	Oppose	It is considered that prohibiting new groundwater takes from aquifers as per the conditions within the proposed amendment to Rule 12.0.1.3 is overly excessive. We consider that the rule should be Discretionary.	Submitter has exploration interests within Otago Regional Council’s jurisdiction and may require to take groundwater if the exploration projects develop further. If Rule 12.0.1.3 stays as Prohibited, this may unnecessarily hinder the efficient use and development of the mineral resource within the Region.  If the rule were to be classified as Discretionary, this would provide the Council with sufficient control to either grant or decline an application on its merits. Whereas, if it were to stay as prohibited this would not be the case as the Council is unable to accept the application and assess the effects on the environment. This is particularly true in cases where the water take is minor of nature.
Contact Energy	23	Oppose Sub 14 ref. 7	<i>The outcome sought will weaken the planning regime whereby the rules provide real ‘teeth’ to implement the policies.</i>	
“Oil Companies” Z, BP, Mobil	15	Support	Ensure that dewatering activities for construction purposes and groundwater monitoring are adequately provided for in the Plan Change 4B. This can be achieved by: (i) Retain without modification the provisions in Section 12.0.1.3; (ii) Confirm reliance can be had on the definition of “bore” in the	It is essential that the proposed provisions be retained, to ensure that dewatering for construction purposes in areas where an aquifers maximum allocation limit has been exceeded is not a prohibited activity and that there is an appropriate consenting pathway for construction dewatering activities. This is currently provided for in the current provisions.  Takes relating to groundwater monitoring are not currently provided for in the rule. This may not be necessary if reliance can be had on the definition of bore, and the activity is considered to be for water sampling purposes.

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
			<p>Plan so that minor takes for groundwater quality monitoring or investigations will not be captured by the prohibited activity rule. If this is not the case, in the alternate, provide an exclusion for groundwater monitoring and investigations on a similar basis to construction dewatering in rule 12.0.1.3.</p> <p>(iii) Make any additions, deletions or consequential amendments necessary as a result of the matters raised in this submission.</p> <p>(iv) Adopt any other such relief as to give effect to this submission.</p>	The proposed provisions will provide greater certainty.
Contact Energy	23	Support Sub 15 ref. 7	For the reasons stated in the submission.	
Oceana Gold	24	Support Sub 15 ref. 7	<p>Support requests either to confirm that reliance can be had on the definition of “bore”, or provide an exclusion for takes for groundwater monitoring and investigations.</p> <p>Takes related to groundwater monitoring are not provided for by the rule. To eliminate uncertainty, minor takes for groundwater quality monitoring and investigations should not be captured by the prohibition.</p>	
Oceana Gold (NZ) Ltd	16	Amend	As an alternative to creating a prohibited activity, the Plan could apply non-complying or discretionary activity status.	Submitter does not support mine pit de-watering activity being prohibited by the Plan.
Holcim (NZ) Ltd	22	Support Sub 16 ref. 7	Include mine-pit dewatering in the exception. Not clear if mine-pit dewatering is covered by the current rule’s exclusion.	
Contact Energy	23	Oppose Sub 16 ref. 7	The outcome sought will weaken the planning regime whereby the rules provide real ‘teeth’ to implement the policies	
Mintago Investments Ltd	25	Support in part Sub 16 ref. 7	Further submitter does not support prohibiting new take applications and non-consumptive & dewatering takes. Mine-pit dewatering should not be included as a consumptive use.	
Oceana Gold	16	Amend	Include “mine pit de-watering” within	It is not sufficiently clear whether mine pit de-watering activity (a consumptive use) would be

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
(NZ) Ltd			Rule 12.0.1.3(2)..	considered “construction or structure maintenance activity” under the rule. Submitter does not support mine pit de-watering activity being prohibited by the Plan.
<i>Mintago Investments Ltd</i>	25	<i>Support in part Sub 16 ref. 8</i>	<i>Does not support prohibiting new take applications and non-consumptive &amp; dewatering takes. Mine-pit dewatering should not be included as a consumptive use.</i>	

### 9 Policy 6.4.10A2

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
Cardrona Ltd (Benbrae Resort)	1	Oppose	Want to keep the same as per our existing consent and not to be based on our current taking of water.	Submitter plans to expand which will increase water take. Will constantly require more water in future; land would become unsaleable if water [availability] was to decrease.
Fonterra Co-Operative Group Ltd	5	Oppose	Amend Policy 6.4.10A2 to clarify intent. Suggests the following wording: Where an application is received to take groundwater by a person who already holds a resource consent to take that water, grant <u>any replacement consent at a maximum annual volume that corresponds to the highest take under the existing consent over no more water than has been taken under the existing consent, in</u> at least the preceding five years, <u>(unless a higher volume is justified in the circumstances) when:</u>	Considers that the intent of this policy is unclear. The phrase “grant no more water than has been taken under the existing consent, in at least the preceding five years” is open to various interpretations. For example it could be read as saying the five-year aggregate take will be imposed as maximum volume under a new consent. Alternatively, it may be read as saying that the annual maximum consented volume will reflect the annual usage over the past five or more years (but is that the average, maximum or minimum annual take over that period?). In any event, while Fonterra supports reallocation of unused water, it considers a case-by-case assessment is appropriate.
Contact Energy	23	<i>Oppose Sub 5 ref. 9</i>	<i>The reference to a higher volume being justified in the circumstances may result in over-allocation being exacerbated, rather than remedied.</i>	
<i>Mintago Investments Ltd</i>	25	<i>Support in part Sub 5 ref. 9</i>	<i>Amend Policy 6.4.10A2 to clarify intent. Where an application is received to take groundwater by a person who already holds a resource consent to take that water, grant <u>any replacement consent at a maximum annual volume that corresponds to the highest take under the existing consent over no more water than has been taken under the existing consent, in</u> at least the preceding five years, <u>(unless a higher volume is justified in the circumstances) when:</u></i>  <i>A case-by-case assessment of reallocation for any unused water allocation is appropriate. The Council should adopt a methodology that provides for a volume that is fair and reasonable for the use required, and in the circumstances. Historic use may not reflect medium or long-</i>	

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
			<i>term needs and stages of a specific project, and should not be the determining factor.</i>	
			<i>Other factors for consideration could include whether the volume of water allocated represents an efficient use of water and whether there are circumstances which make re-consenting of the existing consented volume appropriate.</i>	
<i>Horticulture NZ</i>	<i>26</i>	<i>Support in part Sub 5 ref. 9</i>	<i>There needs to be clarity as to how replacement consents will be considered and it should relate to the highest take under the existing consent unless a higher volume is justified.</i>	
Federated Farmers NZ	6	Amend	Annual (or seasonal) volumes of water allocated should be sufficient for reasonable use, as described (in reasons). This is best calculated using a water balance model such as Irricalc. The total volume of water allocated should be calculated based on the 90th percentile reliability of supply and 80% application efficiency.	<p>Although reference to ‘in at least the preceding five year’s is provided for, we have concerns for applicants who are unable to furnish a full five years of information about past taking of water. In these circumstances we don’t consider an adequate timeframe will able to be considered from which to appropriately account for climatic cycles, with large variations in rainfall occurring over time. It also won’t adequately address the needs of cropping farmers whose rotation system will be up to 8 yearly or really address long-term need.</p> <p>Therefore, submitter’s preference is for the use of methodology based on reasonable use and long term rainfall records. This is also consistent with other policies in the operative plan, namely Policy 6.4.0A, which provides for consideration of climate, soil, crop or pasture type, water availability and the efficiency of the systems used. We consider Council should adopt methodology that provides for a volume that is fair and reasonable for the use required. Actual use may not reflect medium or long-term need (depending on rainfall over the period of assessment).</p> <p>Water take information is very dependent on rainfall levels, which vary year to year. We consider that the volume of water should be sufficient for ‘reasonable use’ based on potential evapo-transpiration, rainfall, soil water-holding capacity and the desired level of reliability (at least 90%). We consider that a good methodology for calculating this is Aqualinc’s Irricalc model. The reasonable use volume will also take into account irrigation application efficiency. Actual use data, particularly over relatively few years, is largely irrelevant.</p> <p>A suggestion is for water allocation to be based on the 90th percentile equivalent crop requirement for agriculture or for reasonable commercial/industrial or municipal use based on the applicable years of water use data. This 90th percentile water allocation approach to agricultural activities is consistent with Council’s current consenting practices.</p>
<i>Contact Energy</i>	<i>23</i>	<i>Oppose Sub 6 ref. 9</i>	<i>The focus on uses of water and reliability of supply would appear to over-ride any assessment as to the actual availability of the water in question and whether or not such a take will result in over-allocation.</i>	
<i>Horticulture NZ</i>	<i>26</i>	<i>Support in part Sub 6 ref. 9</i>	<i>There needs to be clarity to ensure an appropriate method for assessing volumes for consent applications.</i>	

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
Horticulture NZ	7	Amend	<p>Amend Policy 6.4.10A2 as follows: Where an application is made to renew an existing resource consent to take groundwater from:</p> <p>(a) an aquifer where the assessed maximum annual take exceeds its maximum allocation limit; or</p> <p>(b) an aquifer where the take would result in the assessed maximum annual take exceed the maximum allocation limit;</p> <p>consent will be granted based on the highest actual usage over the preceding 10 years taking into account crop rotations, climate and soil and efficiency of use; Except for registered community drinking water supplies where an allowance may be made for growth that is reasonably anticipated.</p>	<p>Policy 6.4.10A2 provides the framework for allocation of groundwater by an existing consent holder where the MAL will be exceeded. The policy provides that the renewal will not grant more water than has been taken under the existing consent in at least the preceding five years. This effectively caps the existing take even if the consented volume was for more than taken. While use of at least five years data is supported there is a need to take in a wider range of factors to ensure that an existing user is not penalised through the limitation. For example:</p> <ul style="list-style-type: none"> <li>• The preceding five years may have been wet years</li> <li>• The crops grown in those years may not have required utilisation of the consented volume.</li> </ul> <p>The Section 32 Report states that “Consideration of water usage over a 5-year period provides for reasonable assessment of actual water needs and facilitates good decision making.” However limiting an existing consent needs to be more than a ‘reasonable assessment’, it needs to be robust to ensure that the existing operation is not compromised through the application of the policy.</p> <p>In addition the policy does not state what figure in the 5 year data will be used – e.g average or maximum. Therefore there is uncertainty as to how the policy will be applied.</p>
Contact Energy	23	Oppose Sub 7 ref. 9	<i>The outcome sought will allow, and possibly promote, continued and/or increased over-allocation.</i>	
Federated Farmers of New Zealand	27	Support in part Sub 7 ref. 9	<i>Concerns with use of 5 year data – seek wording amendment to reliance on highest actual usage over the preceding 10 years. This enables a more accurate account of NZ’s climatic and cropping cycles and systems.</i>	
Holcim (NZ) Ltd	9	Amend	<p>Amendment to Policy 6.4.10A2 so that on renewal, the volume of water taken under the existing consent is, at most, one consideration when determining how much water should be re-consented.</p>	<p>Not the most appropriate way of achieving the objectives, including sustaining the recognised uses of Otago groundwater. No alternative to reducing allocation in over-allocated aquifers is assessed. The changes have potentially significant environmental, economic, social and cultural effects.</p> <p>There may be circumstances where it is appropriate for an existing consented volume to be re-consented, notwithstanding that the full volume has not been taken under the existing consent. That would include circumstances where water has not been used to date but investment or other preceding action has been taken to enable that abstraction.</p> <p>The history of the water take is a blunt tool for assessing whether the volume of water sought is required. It also fails to take into account the costs and benefits of the planning framework for allocation of water, as required by s32. For example, it may enable continued low value and</p>



Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
				inefficient use of water which is consistent with a historical take, while preventing a high value and efficient use of water which has been consented but not fully utilised in the past. While historic use may be a relevant consideration when determining allocation on renewal, it should not be a determining factor. Other factors for consideration could include whether the volume of water allocated represents an efficient use of water.
<i>Mintago Investments Ltd</i>	25	<i>Support in part Sub 9 ref. 9</i>	<p><i>Amendment to Policy 6.4.10A2 so that on renewal, the volume of water taken under the existing consent is, at most, one consideration when determining how much water should be re-consented.</i></p> <p><i>A case-by-case assessment of reallocation for any unused water allocation is appropriate. The Council should adopt a methodology that provides for a volume that is fair and reasonable for the use required, and in the circumstances. Historic use may not reflect medium or long-term needs and stages of a specific project, and should not be the determining factor.</i></p> <p><i>Other factors for consideration could include whether the volume of water allocated represents an efficient use of water and whether there are circumstances which make re-consenting of the existing consented volume appropriate.</i></p>	
Irrigation New Zealand Incorporated	11	Oppose	<p>The policy should require a technically robust water balance methodology to grant irrigators a volume that is fair and reasonable for their situation. (Insert following suggested wording:)</p> <p>Methodology to be used should take into account:</p> <ul style="list-style-type: none"> <li>- the soil water holding properties of the irrigated area</li> <li>- the climate - rainfall and evapotranspiration</li> <li>- the crop - INZ suggests this is split into permanent horticulture, orchard or vineyard for example, or pasture</li> <li>- a reliability of supply - INZ suggests a 9 in 10 year reliability for groundwater</li> <li>- a technical efficiency - INZ suggests 80% application efficiency</li> <li>- the groundwater takes' physical limitations</li> <li>- the irrigation systems' limitations may also be considered.</li> </ul>	<p>It does not account for NZ's cyclical climatic variations, nor provide equitably for rotational cropping farming systems.</p> <p>Approach requested by submitter would be consistent with Policy 6.4.0A.</p> <p>The proposed policy is an extremely crude method for the resolution of groundwater over-allocation and will result in an inequitable clawback. Those whose consents are up for renewal first will end up bearing the greatest impact. Solutions to over-allocation need to engage all permit holders in a fair and equitable manner incentivising them to find practical solution to the over-allocation.</p> <p>If there is over-allocation present, all permit holders (including registered community drinking water supplies) should partake in the discussion as to its resolution. The growth of community drinking water supply should also not be permitted to turn a fully-allocated scenario into an over-allocation scenario or alternatively make an already over-allocated scenario worse.</p>

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
			<p>If an over allocation still exists after the above has been applied, then aquifer-specific policies and rules should be developed and implemented. These should be derived collaboratively in a fair and equitable manner with all impacted permit holders.</p> <p>An equal cut back for all permit holders could be included as a default policy to satisfy the Freshwater Management NPS. However such a policy would also need to clearly signal the intention is to replace it with aquifer specific solutions determined in partnership with all impacted permit holders.</p>	
<i>Contact Energy</i>	23	<i>Support/ Oppose in part Sub 11 ref. 9</i>		<i>Support the underlying proposition that a default position is not ideal, however, the outcome is unclear and possibly impractical should the submission be accepted (particularly in relation to new policies and rules being developed and implemented).</i>
<i>Mintago Investments Ltd</i>	25	<i>Support in part Sub 11 ref. 9</i>		<p><i>Policy 6.4.10A2 should require a technically robust water balance methodology to grant consent holders a volume that is fair and reasonable for their situation.</i></p> <p><i>A case-by-case assessment of reallocation for any unused water allocation is appropriate. The Council should adopt a methodology that provides for a volume that is fair and reasonable for the use required, and in the circumstances. Historic use may not reflect medium or long-term needs and stages of a specific project, and should not be the determining factor.</i></p> <p><i>Other factors for consideration could include whether the volume of water allocated represents an efficient use of water and whether there are circumstances which make re-consenting of the existing consented volume appropriate.</i></p>
<i>Horticulture NZ</i>	26	<i>Support in part Sub 11 ref. 9</i>		<i>There needs to be clarity to ensure that an appropriate method for assessing volumes for consent applications, however further submitter is concerned about the horticulture crop types suggested by the submitter.</i>
<i>Federated Farmers of New Zealand</i>	27	<i>Support in part Sub 11 ref. 9</i>		<i>Policy should require a technically robust water balance methodology to grant irrigators a volume that is fair and reasonable for their situation. This enables a more accurate account of NZ's climatic and cropping cycles and systems</i>
<i>Fonterra Co-</i>	28	<i>Support</i>		<i>Accept the relief sought by irrigation NZ (at least to the extent the principle is acknowledged in Policy 6.4.10A2).</i>

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
<i>operative Group Limited</i>		<i>Sub 11 ref. 9</i>	<i>Policy 6.4.10A2 should grant replacement takes on the basis that they should receive no more water than required for the purpose of the take. This involves a technically robust water balance methodology to grant irrigators what is fair or reasonable. That principle (encompassed in Policy 6.4.0A of the regional plan) should be part of the decision-making mix under Policy 6.4.10A2 rather than a sole reliance on considering the last 5 years' water usage.</i>	
Kai Tahu Ki Otago Ltd	13	Amend	Provide for a phased reduction in groundwater allocation to the maximum allocation limit for the aquifer, where the maximum annual take exceeds that maximum allocation limit.	<p>The proposed plan change is silent on how the Otago Regional Council will address over-allocation, where:</p> <ul style="list-style-type: none"> <li>- The assessed maximum annual take exceeds the maximum allocation limit for an aquifer; or</li> <li>- The maximum allocation limit (MAL) that is set in Schedule 4A is lower than the default limit of 50% of mean annual recharge (MAR).</li> </ul> <p>There is no explicit mechanism in the plan change to reduce the annual take to the maximum allocation limit.</p> <p>There does not appear to be recognition that groundwater springs may also be a source of surface water flows.</p>
Contact Energy	23	Support Sub 13 ref. 9	<i>For the reasons stated in the submission.</i>	
Horticulture NZ	26	Support/ Oppose in part Sub 13 ref. 9	<i>There needs to be clarity as to how over-allocation will be addressed but it needs to be established through a Schedule 1 process.</i>	
Fonterra Co-operative Group Limited	28	Support in part Sub 13 ref. 9	<p><i>Accept the relief to the extent that Policy 6.4.10A2 be worded to make clear that the purpose of reductions secured at consent replacement is to reduce over-allocation.</i></p> <p><i>The proposed plan change is silent on how over-allocation will be addressed. There is no explicit mechanism in the plan change to reduce the annual take to the maximum allocation limit. Policy 6.4.10A2 should provide for phased reduction.</i></p> <p><i>Change 4B should expressly address the question of how any existing over-allocation will be addressed. Disagrees, however, that PC 4B needs to address the issue of over-allocation that might occur if and when a MAL is set in Schedule 4A that is lower than the default limit (50% of mean annual recharge) because any over-allocation that occurs can, and should, be addressed at the time of the plan change to introduce a new Schedule 4B MAL).</i></p>	
Oceana Gold (NZ) Ltd	16	Amend	Amend new Policy 6.4.10A2 to reduce the time against which the actual use is assessed from “at least the preceding five years” to a lesser period, say “the preceding two years”.	While it may be helpful if an applicant was required to provide evidence, such as water metering records, to demonstrate actual water use, setting a minimum period of five years is onerous and creates additional cost for applicants in meeting this information requirement. It is not necessary to use the same five year period that is used for surface water in the equivalent Policy 6.4.2A. A lesser period of evidence would still provide for reasonable assessment of actual water needs and facilitate

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
				good decision making.

#### 10 Removal of Explanations / Principal Reasons For Adopting

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
Dunedin City Council	2	Oppose	That explanations and principal reasons for adopting are retained.	The explanations and principal reasons for adopting provide helpful information regarding the policy to which they relate, and provide useful context. We particularly note the significant loss of information in relation to former policies 6.4.10A and 6.4.10AA which is not otherwise captured in the Water Plan, or other Otago Regional Council information sources.

#### 11 Definitions: Assessed maximum annual take

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
Fonterra Co-Operative Group Ltd	5	Amend	Clarify the position of unconsented groundwater takes by either: 1.. Providing for unconsented takes in the definition of “assessed maximum annual take” and/or in Method 15.8.3.1 such that allowance is made for unconsented takes within limits. (Including, if necessary, raising limits to accommodate additional volumes – depending on their significance); or 2.. Including an additional policy specifically providing for unconsented takes outside of the regime and associated limits applying to consented takes; and 3.. Defining “volume available for taking” as relating solely to volumes available for take by way of resource consent.	Concerned about the relationship of the definitions and the position of unconsented groundwater takes.
Contact Energy	23	Oppose in part	<i>Any references to “unconsented takes”, particularly where they are to be included within allocation limits (or other provisions) should only relate to lawfully established and operated unconsented takes (i.e. takes under s.14(3)(b) of the RMA or Permitted Activities under the Plan).</i>	

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
		<i>Sub 5 ref. 11</i>		
<i>Federated Farmers of New Zealand</i>	27	<i>Support in part Sub 5 ref. 11</i>	<i>Clarification of unconsented groundwater takes is sought. Provides more certainty and clarification for plan users.</i>	
Lincoln University	8	Amend	Provide a definition of 'assessed maximum annual take' within the glossary of the Regional Plan: Water for Otago.	No definition of the terms could be found.

### 12 Minor

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
Horticulture NZ	7	Amend	Make changes that are consequential to the changes sought in this submission.	

### 13 Miscellaneous

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
Dunedin City Council	2	Support	That any (other) changes to these provisions remain for clarification and simplification purposes only.	Generally support all other amendments in the proposal, in that they result in little effective change to the status quo
Southern District Health Board	3	Support	Did not specify.	Where groundwater is used for potable supply, the Public Health Service is concerned about security of supply issues and water quality issues. Submitter is happy with consistent use of mean annual recharge, and the methodology for addressing historical over-allocation. Pleased with Plan Change's Health Act acknowledgment of registered supplies and how Community Water Supplies are prioritised over other potential users.
Lincoln University	8	Amend	Clarify the difference between 'consented maximum annual take' and 'assessed maximum annual take'.	The Proposed Plan Change seeks consistency between methods for calculating the estimated volume of take from aquifers. It proposes to remove the 'consented maximum annual take' calculation method and retain the 'assessed maximum annual take' as the single calculation method. Submitter supports the consistent use of terms but seeks to clarify the difference between 'consented maximum annual take' and 'assessed maximum annual take'. No definition of the terms could be found.
<i>Contact Energy</i>	23	<i>Support Sub 8 ref. 13</i>	<i>For the reasons stated in the submission.</i>	

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
Oceana Gold (NZ) Ltd	16	Oppose	Provide a suitable lead-in period before the new policies come into force to enable consent holders time to accurately measure water usage and gather the records required.	This is needed if these policies are applied, but submitter submits that these proposed policy changes are not required.
<i>Mintago Investments Ltd</i>	25	<i>Support Sub 16 ref. 13</i>		<i>Provide a suitable lead-in period before the new policies come into force to enable consent holders time to accurately measure water usage and gather the records required. Should the policy be adopted, a grace period should be provided to allow activities to accurately measure consumptive and non-consumptive aspects of water takes as this information may not be available.</i>

### 15 Whole Plan Change

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
Lincoln University	8	Oppose	Withdraw the Proposed Plan Change and undertake investigations to determine the current allocation status of the Region's aquifers. Once the allocation status of the Region's aquifers has been determined, this data be used to inform a revised plan change document.	It is evident that the provisions have been drafted without the current allocation status of the Region's aquifers being known. It is noted that the Regional Council has a duty under Section 68(3) of the Resource Management Act, that in making a rule, it shall have regard to the actual and potential effect on the environment of the activities. Submitter strongly opposes the incorporation of the Proposed Plan Change, where the effects of the plan change have not been quantified and are not able to be assessed, and it is questioned whether the Regional Council have met their duty under Section 68(3).
Holcim (NZ) Ltd	9	Amend	Amend as necessary to ensure that submitter is able to renew or extend any of its existing consents, whether or not they have been exercised.	Submitter wishes to enable the construction and operation of proposed cement plant, quarries and pits.
Holcim (NZ) Ltd	9	Amend	Make any consequential or ancillary relief necessary.	To give effect to the matters raised in this submission.
Contact Energy Ltd	10	Support	Note the elements of particular support (in Submission).	See Submission for discussion.
Mintago Investments Ltd	12	Oppose	The following decision is sought: a. That the provisions in Plan Change 4B be amended to reflect the issues raised in this submission (see Reasons); and/or b. Amendments as necessary to ensure that submitter is able to renew or extend any of its existing	The provisions of PC4B are unclear, do not appear to have been considered on the basis of environmental effects and benefits, and could unjustifiably affect submitter's existing resource consents.  It is the environmental effects of this take that should be properly assessed as part of a resource consent application.  Records currently held are not sufficiently robust to demonstrate actual consumptive and non-

Submitter Name/Further Submitter Name	Sub/Fur Sub #	Position	Decision Requested	Reason for Decision Requested
			<p>consents; and/or</p> <p>c. Such other relief as may be required to give effect to this submission, including consequential amendments to objectives, policies and rules of the District Plan that address the matters raised by submitter.</p> <p>Water should be restricted to the quantity assessed as necessary for operations.</p> <p>It is unclear if Policy 6.4.10A2 is to apply. If it does, there should be a grace period to allow activities such as the Earnsclough Mine to accurately measure consumptive and non-consumptive aspects of its water takes.</p> <p>(In the alternative) that Plan Change 4B is rejected.</p>	<p>consumptive use. Reporting of Water Takes Regulations 2010 do not apply to the taking of water if it is non-consumptive as defined.</p> <p>It is unclear whether submitter's existing take for the Earnsclough Mine would now be considered non-consumptive, or partially consumptive, and dependent on this classification, the volume of water that would be included in the maximum annual take calculation under Method 15.8.3.1 (c) and thus the allocation status of the Earnsclough Terrace Aquifer.</p>
<i>Contact Energy</i>	23	<i>Oppose Sub 12 ref. 15</i>	<i>Prohibited activity status is necessary to give effect to the policy regime.</i>	
"Oil Companies" Z, BP, Mobil	15	Support	Support the main thrust of the changes proposed in the Proposed Plan Change.	Discussions with Council at the draft stage identified a potential issue with the prohibited activity provisions as they could unintentionally affect dewatering activities. This matter has been addressed as notified and submitter wishes these provisions are retained.
Oceana Gold (NZ) Ltd	16	Oppose	Make such other relief as may be required to give effect to this submission, including consequential amendments to objectives, policies and rules of the Water Plan that address matters raised in this submission. If relief is not granted then a decision that PC4B be refused.	<p>Such amendments in submission are necessary to ensure that submitter can renew or extend any of its existing consents to enable ongoing operations, and that mine pit dewatering activity is not prohibited.</p> <p>Other than amendments sought re issues raised in submission, the submitter supports the general intent of the Plan Change to clarify controls for avoiding over-allocation of groundwater.</p>

**Grouped by Submitter**  
**(matters beyond the scope of the plan change)**



## 2 Dunedin City Council

Ref	Issue	Provision	Position	Decision Requested	Reason for Decision Requested
14	General	Beyond the scope	Amend	That the Middlemarch aquifer is mapped in the C-series maps of the Water Plan, and shown as a “groundwater protection zone”.	Tighter controls are sought on activities (particularly discharges of human sewage) in the Middlemarch area as many residents source their potable water from the Middlemarch aquifer. (See Submission for full details)