

Appendix 1

SUMMARY OF DECISIONS REQUESTED

(submissions and further submissions)

on

**Proposed Plan Change 4C
(Groundwater management:
Cromwell Terrace Aquifer)**

to the

Regional Plan: Water for Otago

Preface

Proposed Plan Change 4C (Groundwater management: Cromwell Terrace Aquifer) to the Regional Plan: Water for Otago was publicly notified on Saturday 16 August 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 8 submissions on the Proposed Plan Change from a range of groups, organisations and individuals. All submissions were lodged within the statutory time frame specified, by 5pm on Friday 12 September 2014. A total of 3 further submissions were received by the closing date for further submissions of Friday 10 October 2014.

This document summarises the 8 submissions received, ordered by both submitter and by provision, and the further submissions received by issue. Further submissions in support or opposition are included following their submission point and are shown in *italics*.

The full original submissions and further submissions are available for viewing on our website www.orc.govt.nz and at Otago Regional Council offices at:

- 70 Stafford Street, Dunedin
- William Fraser Building, Dunorling Street, Alexandra
- The Station, First Floor, Cnr Shotover and Camp Streets, Queenstown

Index to Submitters & Further Submitters – By Name

Surname, First Name <u>or</u> Organisation	Address for Service	Submitter/ Further Submitter Number
Central Otago Winegrowers Association	C/- James Dicey, Grapevision Ltd, 128 Cairnmuir Road, RD2, Cromwell 9384	1
Contact Energy Limited	C/- Daniel Druce, PO Box 25, Clyde	6 & 102
Cromwell and District Community Trust	C/- Janeen Wood, 271 Bannockburn Road, RD2, Cromwell 9384	5
Federated Farmers of New Zealand	C/- Kim Reilly, PO Box 5242, Dunedin 9054	2 & 101
Friberg Horticulture	C/- Julie Watson, 80 Queen Street, Dunedin North, Dunedin 9016	3
Horticulture New Zealand	C/- Chris Keenan, PO Box 10 232, Wellington	8 & 103
KJ Hand Family Trust	C/- Kerry Hand, PO Box 989, Dunedin 9054	4
Te Runanga o Moeraki; Te Runanga o Otakou, Kati Huirapa Runaka Puketeraki, Hokonui Runanga (Kai Tahu)	C/- Tim Vial, KTKO Ltd, PO Box 446, Dunedin 9054	7

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Submitter/ Further Submitter Number	Surname, First Name <u>or</u> Organisation	Address for Service
1	Central Otago Winegrowers Association	C/- James Dicey, Grapevision Ltd, 128 Cairnmuir Road, RD2, Cromwell 9384
2 & 101	Federated Farmers of New Zealand	C/- Kim Reilly, PO Box 5242, Dunedin 9054
3	Friberg Horticulture	C/- Julie Watson, 80 Queen Street, Dunedin North, Dunedin 9016
4	KJ Hand Family Trust	C/- Kerry Hand, PO Box 989, Dunedin 9054
5	Cromwell and District Community Trust	C/- Janeen Wood, 271 Bannockburn Road, RD2, Cromwell 9384
6 & 102	Contact Energy Limited	C/- Daniel Druce, PO Box 25, Clyde
7	Te Runanga o Moeraki; Te Runanga o Otakou, Kati Huirapa Runaka Puketeraki, Hokonui Runanga (Kai Tahu)	C/- Tim Vial, KTKO Ltd, PO Box 446, Dunedin 9054
8 & 103	Horticulture New Zealand	C/- Chris Keenan, PO Box 10 232, Wellington

Grouped by submitter

1 Central Otago Winegrowers Association

Ref	Issue	Provision	Position	Decision Requested	Reason for Decision Requested
2	Proposed Maximum Allocation Limit	Schedule 4A	Support	Support the change to Schedule 4A with the adoption of a tailored groundwater management guide to 4 Mm ³ /yr.	<ul style="list-style-type: none"> • Groundwater takes are expensive. • Currently there is degree of uncertainty regarding whether groundwater can be extracted.
10	Beyond the scope of the Plan Change	Beyond the scope of the Plan Change	Not Applicable	Surface water takes should be allowed.	<ul style="list-style-type: none"> • Surface water takes should be allowed as well as groundwater takes. • The reason for not allowing surface water takes (hard to calculate the effect) should not preclude this manner of take.

2 Federated Farmers of New Zealand

Ref	Issue	Provision	Position	Decision Requested	Reason for Decision Requested
2	Proposed Maximum Allocation Limit	Schedule 4A	Support	That the proposed 4 Mm ³ /yr maximum allocation volume for the Cromwell Aquifer Terrace is adopted but only if this does adequately reflect the needs of the local landholders and feedback from the consultation workshops preceding this proposal.	<ul style="list-style-type: none"> • The values and uses the community has identified as important should be provided for in a fair and reasonable manner. • The submitter's support for Plan Change 4C is dependent on the workability and reasonableness of the resulting transition and implementation timelines.
2	Proposed Maximum Allocation Limit	Schedule 4A	Support	That this maximum allocation volume enables socio-economic and cultural wellbeing of those within the catchment and the wider region, while ensuring reliable access to the resource.	<ul style="list-style-type: none"> • In complying with the National Policy Statement for Freshwater Management and the objectives of the Regional Plan: Water, Council must provide for a fair, reasonable management regime for plan users. • The submitter supports an approach that allows the local community to adequately provide for their wellbeing, specifically where it provides scope for further growth in economic sectors and activities reliant on the availability of groundwater on the Terrace.
6	Alternative approaches	Section 32 Evaluation Report	Not Applicable	That the setting of aquifer restriction levels is not necessary due to the only negligible risk of water table decline and aquifer compaction.	<ul style="list-style-type: none"> • The submitters' members seek a surety of supply for existing takes and a limit that reflects that there are currently no known issues with water table decline. • The submitter supports Council's conclusion within

Ref	Issue	Provision	Position	Decision Requested	Reason for Decision Requested
					the Section 32 Report that the setting of aquifer restriction levels is not necessary due to the only negligible risk of water table decline and aquifer compaction.

3 Friberg Horticulture

Ref	Issue	Provision	Position	Decision Requested	Reason for Decision Requested
1	Proposed management regime	Whole Plan Change	Support	Approve the plan change as notified.	<ul style="list-style-type: none"> The submitter owns land above the Cromwell Terrace Aquifer, notes the aquifer is not reacting to the current level of take and has an interest in gaining access to water for irrigation.

4 KJ Hand Family Trust

Ref	Issue	Provision	Position	Decision Requested	Reason for Decision Requested
1	Proposed management regime	Whole Plan Change	Support	Approve the plan change as notified.	<ul style="list-style-type: none"> The submitter has an interest in gaining access for water for irrigation. The submitter has a property above the aquifer. The submitter's understanding is that recent investigations show the aquifer is well connected to Lake Dunstan, the Clutha and Kawarau. The aquifer is well capable of successful response to extraction.

5 Cromwell and District Community Trust

Ref	Issue	Provision	Position	Decision Requested	Reason for Decision Requested
2	Proposed Maximum Allocation Limit	Schedule 4A	Support	Restrict the annual amount of extraction from the aquifer to 4 million cubic metres.	<ul style="list-style-type: none"> The submitter does not want the lake to be compromised in any way. Excessive uptake could change the nature of the lake. This ruling on water is needed to cover growth in the community - but not to the extent that it alters the environment. The submitter does not want to allow too much water onto what is traditionally arid land.

Ref	Issue	Provision	Position	Decision Requested	Reason for Decision Requested
					<ul style="list-style-type: none"> • The submitter does not think dairying is an appropriate activity for this basin. • The submitter wants to preserve the environment and landscape values of the area and wants to ensure that the water uptake is limited and not excessive to affect the lake when drawing water and the land this water will be applied to.

6 Contact Energy Limited

Ref	Issue	Provision	Position	Decision Requested	Reason for Decision Requested
1	Proposed management regime	Whole Plan Change	Amend	<p>Amend Plan Change 4C to detail aquifer restrictions for new consumptive groundwater takes and replacement consumptive groundwater takes from the Cromwell Terrace Aquifer as set out in recent resource consent decisions in the upper Clutha i.e. restrictions that provide a degree of protection to the resource consents providing for the operation of Lake Dunstan and Contact's hydroelectric operations.</p> <p>The standard conditions as set out in recent resource consent decisions in the upper Clutha are as follows:</p> <ol style="list-style-type: none"> 1. <i>During the period 1 May to 31 August in any calendar year the taking of water for the purposes of irrigation authorised by this consent shall cease.</i> 2. <i>At all other times the taking of water for the purposes of irrigation authorised by this consent shall cease when:</i> <ol style="list-style-type: none"> i) <i>the combined flow levels in the following rivers are below 250 cubic metres per second:</i> <ul style="list-style-type: none"> • <i>Clutha River at Cardrona (NIWA Hydrological Recording Site No.</i> 	<ul style="list-style-type: none"> • Recent resource consent hearings for resource consent applications upstream of the Clyde Dam have considered the effect of new groundwater takes with high degrees of hydraulic connection to the Clutha River on the resource consents of the submitter. • In all cases Council decision makers or Hearing Commissioners have considered that it is appropriate to place restrictions on new applications for consumptive takes of water to provide a degree of protection to the resource consents and to provide for the operation of Lake Dunstan and the submitter's hydroelectric operations. • The conditions appended provide for maximum efficiency in the use of water, recognise the importance of hydro-electric generation when the availability of water within the catchment is severely restricted, and recognise the cumulative effect on downstream hydroelectric generation. • The submitter is likely to continue to submit on applications for groundwater that are hydraulically connected to surface water bodies, in particular the Clutha River, and on all applications within 100 m

Ref	Issue	Provision	Position	Decision Requested	Reason for Decision Requested
				<p><i>75282) plus ten cubic metres per second, less the mean Hawea River flow as measured at the Camp Hill site (NIWA Hydrological Recording Site No. 75287); and</i></p> <ul style="list-style-type: none"> • <i>Kawarau River at Chards Road (NIWA Hydrological Recording Site No. 75262);</i> • <i>Nevis River at Wentworth (Site No. 75265);</i> • <i>Manuherikia River at Ophir Hydrological Recording Site No. 75253);</i> <p><i>and</i></p> <p><i>ii) the level of Lake Hawea is at or below 338.2 metres above datum (based on a 3 hour rolling average) as measured at Hawea Dam site (NIWA Hydrological Recording Site no. 75288)</i></p> <p>3. <i>ORC may serve notice pursuant to S128 of the RMA 1991 of its intention to review the conditions of this consent to require greater efficiency of water use and/or further steps that may be required to ensure consistency with Contact's "Minimum Discharge from Lake Roxburgh to the Clutha River (ORC 2001:394 condition 8)".</i></p>	<p>from a surface water body or that are beyond 100 m but deplete surface water by at least 5 l/s. This is because Council has suggested in correspondence that that these Clutha standard conditions are unlikely to be given recognition to the potential effects of allocating groundwater from the Cromwell Terrace Aquifer on the submitter's operations.</p>

7 Kai Tahu ki Otago Papatipu Runaka

Ref	Issue	Provision	Position	Decision Requested	Reason for Decision Requested
2	Proposed Maximum Allocation Limit	Schedule 4A	Support	Support in principle the setting of a tailored maximum allocation limit of 4 Mm ³ /yr for the Cromwell Terrace Aquifer in Schedule 4A.	<ul style="list-style-type: none"> • No reasons given.

Summary of Decisions Requested (by Submitter) on Proposed Plan Change 4C (Groundwater management: Cromwell Terrace Aquifer) to the Regional Plan: Water for Otago (23 October 2014)

Ref	Issue	Provision	Position	Decision Requested	Reason for Decision Requested
10	Beyond the scope of the Plan Change	Beyond the scope of the Plan Change	Not Applicable	That Council monitors the effects on the Cromwell Terrace Aquifer of an increase in the maximum allocation limit to 4 Mm ³ /yr.	<ul style="list-style-type: none"> An increase in the allocation of groundwater should in principle be coupled with the setting of aquifer restriction levels. However, it is understood that the risk of water table decline and aquifer compaction from an increase in the maximum allocation limit for the Cromwell Terrace Aquifer is low.
11	Minor and other	Minor and Consequential	Did not specify	Make any similar amendments with like effect to the relief sought, and make any consequential amendments necessary to give effect to the relief sought.	<ul style="list-style-type: none"> No reasons given.

8 Horticulture New Zealand

Ref	Issue	Provision	Position	Decision Requested	Reason for Decision Requested
1	Proposed management regime	Whole Plan Change	Support	Adopt Plan Change 4C as notified.	<ul style="list-style-type: none"> The submitter supports the approach that Council has proposed to set a limit of 4 Mm³/yr for the Cromwell Terrace Aquifer. Amending the Plan to provide for a maximum allocation limit of 4 Mm³/yr ensures that users will not be unjustifiably asked to reduce takes. The approach enables users to have surety of supply and this is supported. The submitter supports the approach in the Section 32 Report that there is no need to manage all groundwater takes as surface water and there is no justification for setting aquifer restriction levels in Schedule 4B.

Grouped by provision

1 Whole Plan Change

Name	Submitter / Further Submitter Number	Position	Decision Requested	Reason for Decision Requested
Friberg Horticulture	3	Support	Approve the plan change as notified.	<ul style="list-style-type: none"> The submitter owns land above the Cromwell Terrace Aquifer, notes the aquifer is not reacting to the current level of take and has an interest in gaining access to water for irrigation.
KJ Hand Family Trust	4	Support	Approve the plan change as notified.	<ul style="list-style-type: none"> The submitter has an interest in gaining access for water for irrigation. The submitter has a property above the aquifer. The submitter's understanding is that recent investigations show the aquifer is well connected to Lake Dunstan, the Clutha and Kawarau. The aquifer is well capable of successful response to extraction.
Contact Energy Limited	6	Amend	<p>Amend Plan Change 4C to detail aquifer restrictions for new consumptive groundwater takes and replacement consumptive groundwater takes from the Cromwell Terrace Aquifer as set out in recent resource consent decisions in the upper Clutha i.e. restrictions that provide a degree of protection to the resource consents providing for the operation of Lake Dunstan and Contact's hydroelectric operations.</p> <p>The standard conditions as set out in recent resource consent decisions in the upper Clutha are as follows:</p> <ol style="list-style-type: none"> <i>During the period 1 May to 31 August in any calendar year the taking of water for the purposes of irrigation authorised by this consent shall cease.</i> <i>At all other times the taking of water for the purposes of irrigation authorised by this consent shall cease when:</i> 	<ul style="list-style-type: none"> Recent resource consent hearings for resource consent applications upstream of the Clyde Dam have considered the effect of new groundwater takes with high degrees of hydraulic connection to the Clutha River on the resource consents of the submitter. In all cases Council decision makers or Hearing Commissioners have considered that it is appropriate to place restrictions on new applications for consumptive takes of water to provide a degree of protection to the resource consents and to provide for the operation of Lake Dunstan and the submitter's hydroelectric operations. The conditions appended provide for maximum efficiency in the use of water, recognise the importance of hydro-electric generation when the availability of water within the catchment is

Name	Submitter / Further Submitter Number	Position	Decision Requested	Reason for Decision Requested
			<p><i>ii) the combined flow levels in the following rivers are below 250 cubic metres per second:</i></p> <ul style="list-style-type: none"> • <i>Clutha River at Cardrona (NIWA Hydrological Recording Site No. 75282) plus ten cubic metres per second, less the mean Hawea River flow as measured at the Camp Hill site (NIWA Hydrological Recording Site No. 75287); and</i> • <i>Kawarau River at Chards Road (NIWA Hydrological Recording Site No. 75262);</i> • <i>Nevis River at Wentworth (Site No. 75265);</i> • <i>Manuherikia River at Ophir Hydrological Recording Site No. 75253);</i> <p><i>and</i></p> <p><i>ii) the level of Lake Hawea is at or below 338.2 metres above datum (based on a 3 hour rolling average) as measured at Hawea Dam site (NIWA Hydrological Recording Site no. 75288)</i></p> <p><i>6. ORC may serve notice pursuant to S128 of the RMA 1991 of its intention to review the conditions of this consent to require greater efficiency of water use and/or further steps that may be required to ensure consistency with Contact's "Minimum Discharge from Lake Roxburgh to the Clutha River (ORC 2001:394 condition 8)".</i></p>	<p>severely restricted, and recognise the cumulative effect on downstream hydroelectric generation.</p> <ul style="list-style-type: none"> • The submitter is likely to continue to submit on applications for groundwater that are hydraulically connected to surface water bodies, in particular the Clutha River, and on all applications within 100 m from a surface water body or that are beyond 100 m but deplete surface water by at least 5 l/s. This is because Council has suggested in correspondence that that these Clutha standard conditions are unlikely to be given recognition to the potential effects of allocating groundwater from the Cromwell Terrace Aquifer on the submitter's operations.

Name	Submitter / Further Submitter Number	Position	Decision Requested	Reason for Decision Requested
<i>Federated Farmers of New Zealand</i>	101	<i>Oppose submission 6 ref. 1</i>		<i>This request is not consistent with approaches elsewhere in the Plan. It is not appropriate to address resource consent level matters through this Plan Change process. Such concerns should be raised as appropriate, along with all other information through resource consenting processes.</i>
<i>Horticulture New Zealand</i>	103	<i>Oppose submission 6 ref. 1</i>		<i>Further submitter does not support the stipulation of resource consent conditions through a plan change. Each consent application needs to be assessed for potential adverse effects and appropriate conditions applied.</i>
Horticulture New Zealand	8	Support	Adopt Plan Change 4C as notified.	<ul style="list-style-type: none"> • The submitter supports the approach that Council has proposed to set a limit of 4 Mm³/yr for the Cromwell Terrace Aquifer. • Amending the Plan to provide for a maximum allocation limit of 4 Mm³/yr ensures that users will not be unjustifiably asked to reduce takes. • The approach enables users to have surety of supply and this is supported. • The submitter supports the approach in the Section 32 Report that there is no need to manage all groundwater takes as surface water and there is no justification for setting aquifer restriction levels in Schedule 4B.
<i>Contact Energy Limited</i>	102	<i>Support in part submission 8 ref. 1</i>		<i>Support change to Schedule 4A to limit groundwater allocation to 4Mm³/yr.</i>

2 Schedule 4A

Name	Submitter / Further Submitter Number	Position	Decision Requested	Reason for Decision Requested
Central Otago Winegrowers Association	1	Support	Support the change to Schedule 4A with the adoption of a tailored groundwater management guide to 4 Mm ³ /yr.	<ul style="list-style-type: none"> • Groundwater takes are expensive. • Currently there is degree of uncertainty regarding whether groundwater can be extracted.
<i>Contact Energy Limited</i>	102	<i>Support in part submission 1 ref. 2</i>		<i>Support change to Schedule 4A to limit groundwater allocation to 4Mm³/yr.</i>
Federated Farmers of New Zealand	2	Support	That the proposed 4 Mm ³ /yr maximum allocation volume for the Cromwell Aquifer Terrace is adopted but only if this does adequately reflect the needs of the local landholders and feedback from the consultation workshops preceding this proposal.	<ul style="list-style-type: none"> • The values and uses the community has identified as important should be provided for in a fair and reasonable manner. • The submitter's support for Plan Change 4C is dependent on the workability and reasonableness of the resulting transition and implementation timelines.
<i>Contact Energy Limited</i>	102	<i>Oppose in part submission 2 ref. 2</i>		<i>The annual groundwater allocation should be assessed and adopted on a scientific basis rather than reflecting the needs of local landholders and feedback from the consultation workshops.</i>
Federated Farmers of New Zealand	2	Support	That this maximum allocation volume enables socio-economic and cultural wellbeing of those within the catchment and the wider region, while ensuring reliable access to the resource.	<ul style="list-style-type: none"> • In complying with the National Policy Statement for Freshwater Management and the objectives of the Regional Plan: Water, Council must provide for a fair, reasonable management regime for plan users. • The submitter supports an approach that allows the local community to adequately provide for their wellbeing, specifically where it provides scope for further growth in economic sectors and activities reliant on the availability of groundwater on the Terrace.
Cromwell and District Community Trust	5	Support	Restrict the annual amount of extraction from the aquifer to 4 million cubic metres.	<ul style="list-style-type: none"> • The submitter does not want the lake to be compromised in any way. Excessive uptake could change the nature of the lake.

Name	Submitter / Further Submitter Number	Position	Decision Requested	Reason for Decision Requested
				<ul style="list-style-type: none"> • This ruling on water is needed to cover growth in the community - but not to the extent that it alters the environment. The submitter does not want to allow too much water onto what is traditionally arid land. • The submitter does not think dairying is an appropriate activity for this basin. • The submitter wants to preserve the environment and landscape values of the area and wants to ensure that the water uptake is limited and not excessive to affect the lake when drawing water and the land this water will be applied to.
<i>Contact Energy Limited</i>	102	<i>Support in part submission 5 ref. 2</i>		<i>Support change to Schedule 4A to limit groundwater allocation to 4Mm³/yr.</i>
Kai Tahu ki Otago Papatipu Runaka	7	Support	Support in principle the setting of a tailored maximum allocation limit of 4 Mm ³ /yr for the Cromwell Terrace Aquifer in Schedule 4A.	<ul style="list-style-type: none"> • No reasons given.
<i>Contact Energy Limited</i>	102	<i>Support in part submission 7 ref. 2</i>		<i>Support change to Schedule 4A to limit groundwater allocation to 4Mm³/yr.</i>

3 Section 32 Evaluation Report

Name	Submitter / Further Submitter Number	Position	Decision Requested	Reason for Decision Requested
Federated Farmers of New Zealand	2	Not Applicable	That the setting of aquifer restriction levels is not necessary due to the only negligible risk of water table decline and aquifer compaction.	<ul style="list-style-type: none"> • The submitters' members seek a surety of supply for existing takes and a limit that reflects that there are currently no known issues with water table decline. • The submitter supports Council's conclusion within the Section 32 Report that the setting of aquifer restriction levels is not necessary due to the

Name	Submitter / <i>Further Submitter</i> Number	Position	Decision Requested	Reason for Decision Requested
				only negligible risk of water table decline and aquifer compaction.
<i>Horticulture New Zealand</i>	103	<i>Oppose submission 2 ref. 6</i>		<i>Further submitter considers that it is necessary to set an aquifer level, otherwise the default calculations would apply and this would reduce the amount of water available for allocation.</i>

4 Beyond the scope of the Plan Change

Name	Submitter / <i>Further Submitter</i> Number	Position	Decision Requested	Reason for Decision Requested
Central Otago Winegrowers Association	1	Not Applicable	Surface water takes should be allowed.	<ul style="list-style-type: none"> • Surface water takes should be allowed as well as groundwater takes. • The reason for not allowing surface water takes (hard to calculate the effect) should not preclude this manner of take.
Kai Tahu ki Otago Papatipu Runaka	7	Not Applicable	That Council monitors the effects on the Cromwell Terrace Aquifer of an increase in the maximum allocation limit to 4 Mm ³ /yr.	<ul style="list-style-type: none"> • An increase in the allocation of groundwater should in principle be coupled with the setting of aquifer restriction levels. However, it is understood that the risk of water table decline and aquifer compaction from an increase in the maximum allocation limit for the Cromwell Terrace Aquifer is low.

5 Minor and Consequential

Name	Submitter / <i>Further Submitter</i> Number	Position	Decision Requested	Reason for Decision Requested
Kai Tahu ki Otago Papatipu Runaka	7	Did not specify	Make any similar amendments with like effect to the relief sought, and make any consequential amendments necessary to give effect to the relief sought.	<ul style="list-style-type: none"> • No reasons given.

