

# Appendix 1

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

**on**

### **Proposed Plan Change 3B (Pomahaka catchment minimum flow)**

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

**Appendix 1 to Officers' Report**



## Preface

Proposed Plan Change 3B (Pomahaka catchment minimum flow) 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).

These changes seek to set a primary allocation limit and minimum flow for the Pomahaka catchment, along with a supplementary minimum flow to manage future allocation. An alluvial ribbon aquifer for the catchment is proposed and its groundwater will be managed as surface water.

The Otago Regional Council received a total of 17 submissions on the Proposed Plan Change from a range of groups, organisations and individuals. 16 of these submissions were lodged within the statutory time frame specified, by 5pm on Friday 12 September 2014. One submission was received late and is marked accordingly.

This document summarises the 17 submissions received, ordered by Plan provision.

To view the submissions grouped by individual Submitter, see the Summary of Decisions Requested by Submissions notified on 27 September 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 this document.

Any associated further submission in support or opposition is included following its submission point. These are shown in *italics*. A total of 2 further submissions were received by the closing date of Friday 10 October 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 3B (Pomahaka catchment minimum flow)>View the submissions.

Alternatively, this is

<http://www.orc.govt.nz/Documents/Publications/Regional/Water/3B/the%20submissions.pdf>

## Index to Submitters – By Name or Organisation

Surname, First Name <u>or</u> Organisation	Address for Service	Submitter Number
Barrett, Mark	66 F Grove St St Kilda Dunedin 9012	16
Breeze, Ian, Otago Flyfishers and Streambashers	8 Uxbridge St Dunedin 9010	1
Clutha District Council	Peter Ross PO Box 25 Balclutha 9240	17 (Late)
Cravens, Casey, Wild Angler	70 Passmore Crescent Maori Hill Dunedin 9010	10
Conservation, Director General of	Herb Familton South Island RMA Planning Department of Conservation Private Bag 4715 Christchurch 8140	9
Federated Farmers NZ (Inc)	Kim Reilly PO Box 5242 Dunedin 9054	7
Kai Tahu ki Otago	Tim Vial, Senior Planner PO Box 446 Dunedin 9054	14
McIntyre, Adrian	240 McIntyre Road Gore RD5 9775	8
McIntyre, Alan	683 Aramoana Road Aramoana Dunedin 9082	12
McManus, Gordon	90A Carroll Street Dunedin	13
Neilson, Murray	22 Berwick Road Woodside RD 1 Outram 9073	6
Otago Anglers' Association	Chris Fahey, President 328A Tomahawk Road Ocean Grove Dunedin 9013	15
Otago Fish and Game Council	Peter Wilson, Environmental Officer PO Box 76 Dunedin 9054	4
Rietveld, Daniel	120 Main Rd Fairfield Dunedin 9018	11
Turner, Brian	3363 Ida Valley – Omakau Road Oturehua 9387	3
Weddel, Mike	1 Haggart St Wingatui RD2 Mosgiel	5
Wyatt, Robert	15 Seaview Road Brighton Dunedin	2

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1	Breeze, Ian, Otago Flyfishers and Streambashers	8 Uxbridge St Dunedin 9010
2	Wyatt, Robert	15 Seaview Road Brighton Dunedin
3	Turner, Brian	3363 Ida Valley – Omakau Road Oturehua 9387
4	Otago Fish and Game Council	Peter Wilson, Environmental Officer PO Box 76 Dunedin 9054
5	Weddel, Mike	1 Haggart St Wingatui RD2 Mosgiel
6	Neilson, Murray	22 Berwick Road Woodside RD 1 Outram 9073
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12	McIntyre, Alan	683 Aramoana Road Aramoana Dunedin 9082
13	McManus, Gordon	90A Carroll Street, Dunedin
14	Kai Tahu ki Otago	Tim Vial, Senior Planner PO Box 446 Dunedin 9054
15	Otago Anglers' Association	Chris Fahey, President, 328A Tomahawk Road Ocean Grove Dunedin 9013
16	Barrett, Mark	66 F Grove St St Kilda Dunedin 9012
17 (Late)	Clutha District Council	Peter Ross PO Box 25 Balclutha 9240

## Index to Further Submitters

Organisation Name	Contact (for Service)	Address1	Town	Post Code	F Sub #
Federated Farmers	Kim Reilly	PO Box 5242	Dunedin	9054	21
Otago Fish and Game Council	Peter Wilson, Environmental Officer	PO Box 76	Dunedin	9054	22

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

Plan Provision	Provision Code Reference number	Page of this document
<b>Policy 6.4.5(b) + Rule 12.1.4.2</b>	<b>1</b>	<b>8</b>
<b>Maps B11,13,15</b>	<b>2</b>	<b>10</b>
<b>Schedule 2A, Irrigation season minimum flow of 3600 l/s</b>	<b>4</b>	<b>12</b>
<b>Schedule 2A, May-Sept minimum flow of 7000 l/s</b>	<b>5</b>	<b>18</b>
<b>All schedule dates</b>	<b>17</b>	<b>19</b>
<b>Schedule 2A, Primary Allocation Limit</b>	<b>6</b>	<b>19</b>
<b>Schedule 2B, Supplementary minimum flow (first block)</b>	<b>7</b>	<b>20</b>
<b>Schedule 2B, Supplementary block size</b>	<b>9</b>	<b>21</b>
<b>Schedule 2C, Provision of an alluvial ribbon aquifer</b>	<b>10</b>	<b>22</b>
<b>Maps B &amp; C</b>	<b>13</b>	<b>23</b>
<b>Whole plan change</b>	<b>14</b>	<b>23</b>
<b>Minor &amp; consequential</b>	<b>18</b>	<b>26</b>
<b>Section 32 Evaluation Report</b>	<b>15</b>	<b>26</b>
<b>Matters beyond the scope of the plan change</b>	<b>16</b>	<b>41</b>

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

### 1 Policy 6.4.5(b) + Rule 12.1.4.2

Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub #</i>	Position	Decision Requested	Reason for Decision Requested
Brian Turner	3	Support	Approve the plan change as advertised.	<ul style="list-style-type: none"> <li>• Submitter considers both the Pomahaka and the Waipahi Rivers deserve the highest level of protection through the water plan, providing for a healthy river ecosystem and a productive trout fishery.</li> <li>• Reasons for serious environmental pollution and degradation include ignorance, wilful blindness, and efforts to optimise individual material wealth at the expense of nature and the common good of the whole of human society.</li> <li>• There is not a river or stream that is in as healthy a condition today as it was when submitter began fishing in the rivers and seas of Otago and further afield in the mid-1950s. The Pomahaka and Waipahi were among favourites. On warm days in the 1950s submitter recalls drinking from ripples in parts of the middle reaches of the Pomahaka. Deterioration, one way or another, has been the reality.</li> <li>• We continue to witness the intensification of industrial and agricultural activity resulting in the drawing off of increasing amounts of water, all of which has upped the levels of pollution. The ORC must ensure such is stopped.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 3 ref. 1</i>		<i>Submitter accurately reflects effects of unconstrained land use and water allocation, which proposed plan change, and plan change 6A should rectify.</i>
Otago Fish and Game Council	4	Support	Retain notified version.	<ul style="list-style-type: none"> <li>• The submitter wishes to support the proposed summer minimum flow of 3600 l/s, the winter minimum flow of 7000 l/s, the supplementary minimum flow of 13000 l/s and the 500 l/s allocation blocks; also strongly supports the proposed primary allocation limit of 1000 l/s.</li> <li>• The Pomahaka River and its tributaries, particularly the Waipahi River have a range of very high fishery and amenity values and there is popular support within the local</li> </ul>

Summary of Decisions Requested on Proposed Plan Change 3B (Pomahaka catchment minimum flow)  
to the Regional Plan: Water for Otago – 24 October 2014)



Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub #</i>	Position	Decision Requested	Reason for Decision Requested
				<p>community and within the wider Otago community for a minimum flow that reflects those values and allows them to flourish.</p> <ul style="list-style-type: none"> <li>• The Pomahaka catchment waters provide important trout spawning and rearing facilities for the lower Clutha trout fishery.</li> <li>• The river has further potential to provide for sea run salmon spawning, rearing and recruitment and to play an important role in the restoration of a meaningful salmon run in the Lower Clutha.</li> <li>• Land use intensification over the last 15 years is considered to have impacted on fishery values but it is hoped that the setting of a minimum flow in conjunction with the implementation of plan change 6A will see the river protected and returned to the best possible condition.</li> <li>• This recent run on the water resource and the issuing of 35 year consents does pose some issues for the ORC in establishing the primary allocation limit of 1000 l/s, as this has already been exceeded. There is therefore some urgency in this plan change.</li> </ul>
Mike Weddell	5	Support	Retain notified version.	<ul style="list-style-type: none"> <li>• It is pleasing to see that the ORC is moving to notify a plan change for the river and to place a minimum flow and allocation limits on the water resource.</li> <li>• The Pomahaka and the Waipahi combined are an important part of Otago's trout fishery which is a dwindling resource. Submitter hopes with the implementation of PC 6A and the setting of a sensible minimum flow that both of these rivers can be protected and returned to the best possible condition.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 5 ref. 1</i>		<i>Same position as further submitter.</i>

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Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub #</i>	Position	Decision Requested	Reason for Decision Requested
Conservation, Director General of	9	Support	Retain addition of word “Pomahaka” to policy and rule.	<ul style="list-style-type: none"> <li>• Inclusion of the Pomahaka gives effect to Part II RMA, NPS Freshwater and Otago RPS, policy 7(a) and 7(d) of the Conservation General Policy (2005) and to the Southland CMS.</li> <li>• The Policy enables a RMA provision link to give effect to and implement Water Plan Chapter 12 rules on Water Take, Use and Management under S67(1) RMA.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 9 ref. 1</i>		<i>Inclusion of the word “Pomahaka” in this policy and this rule provides greater clarity.</i>
Kai Tahu ki Otago	14	Support	Adopt the proposed primary allocation limit and minimum flow for the Pomahaka catchment, along with a supplementary minimum flow to manage future allocation.	<ul style="list-style-type: none"> <li>• The proposed summer minimum flow and the primary allocation limit are consistent with the Proposed National Environmental Standard on Ecological Flows and Water Levels, which sets appropriate baseline benchmarks for assessing the minimum flow and primary allocation regime for the Pomahaka River.</li> <li>• The proposed minimum flow regime supports a strong continuity and variability of flow from the headwaters of the Pomahaka River to the confluence with the Clutha/Mata-au.</li> <li>• The proposed plan change provides for in-stream habitat and for the wider needs of mahika kai, taoka species and other species of importance to Kai Tahu ki Otago.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 14 ref. 1</i>		<i>Same position as further submitter.</i>

## 2 Maps B11,13,15

Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub #</i>	Position	Decision Requested	Reason for Decision Requested
Otago Fish and	4	Amend	Change Pomahaka catchment to	<ul style="list-style-type: none"> <li>• This is necessary to more accurately reflect the boundary</li> </ul>

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Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub #</i>	Position	Decision Requested	Reason for Decision Requested
Game Council			“Pomahaka catchment within Otago” to better reflect the boundaries.	<p>between Otago and Southland that does not include all of the Waipahi catchment headwater streams.</p> <ul style="list-style-type: none"> <li>The plan change defines the Pomahaka catchment in maps B11, B13, and B15, which will be added to the Regional Plan: Water. However, some of the Waipahi catchment, and thus, the Pomahaka catchment by extension is in the Southland region as the regional council boundary follows the true left of the Waipahi River closely, which excludes quite a large area of the catchment and tributary streams such as the Kaiwera on to the true left of the river between a point about 6 kilometres upstream of SH1 and the point where the Waipahi crosses the Old Coach Road (SH 93). It is not clear if the minimum flow at Burkes Ford can affect water allocation in these streams, and this poses some risk to the effectiveness of the minimum flow in that different allocation regimes might be operating on the tributary streams to that operating on the main stem.</li> </ul>
Conservation, Director General of	9	Amend	<p>Clarify that the catchment refers to “the Pomahaka catchment within the Otago Regional Council jurisdiction”.</p> <p>Clarify how the plan regime will apply to the Waipahi River.</p>	<ul style="list-style-type: none"> <li>The jurisdiction is just for the Pomahaka catchment within the Otago region and does not include some of the Waipahi headwater streams in Southland region.</li> <li>It is not clear how the plan regime will apply to the Waipahi River.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 9 ref. 2</i>		<i>The issue of jurisdiction and boundaries needs to be clarified.</i>
Conservation, Director General of	9	Amend	Clarify the application of the Pomahaka minimum flow and allocation limits on the section of the Waipahi River that lie within Otago region before it flows into the	<ul style="list-style-type: none"> <li>The jurisdiction is just for the Pomahaka catchment within the Otago region and does not include some of the Waipahi headwater streams in Southland region.</li> <li>It is not clear how the plan regime will apply to the Waipahi River.</li> </ul>

Summary of Decisions Requested on Proposed Plan Change 3B (Pomahaka catchment minimum flow) to the Regional Plan: Water for Otago – 24 October 2014)

Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub #</i>	Position	Decision Requested	Reason for Decision Requested
			Pomahaka. Submitter assumes a minimum flow of at least 84% of the Waipahi River 7-Day MALF at the confluence of the Waipahi with the Pomahaka River, and any associated consequential amendment to any relevant minimum and allocation limit rules, maps and schedules.	
<i>Federated Farmers</i>	21	<i>Oppose submission 9 ref. 2</i>		<i>Submitter sought a minimum flow of at least 84% of the Waipahi River 7-Day MALF at the confluence of the Waipahi with the Pomahaka River. Any such determinations must undergo a thorough community consultation process so that those directly affected by such decisions have the ability to have input into these matters</i>

#### 4 Schedule 2A, Irrigation season minimum flow of 3600 l/s

Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub #</i>	Position	Decision Requested	Reason for Decision Requested
Ian Breeze	1	Support	The minimum flow on the Pomahaka at Burkes Ford should be no less than 3600 litres/sec.	<ul style="list-style-type: none"> <li>The submitter would like to protect rivers against excessive abstraction. Water abstraction allows intensification of agriculture with increased greenhouse gas emissions.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 1 ref. 4</i>		<i>Same position as further submitter.</i>
Robert Wyatt	2	Support	Maintain the current minimum flow for the Pomahaka catchment.	<ul style="list-style-type: none"> <li>It is a highly valued trophy trout fishery that depends upon a significant flow during low water periods to avoid excessive water temperatures and depleted oxygen levels in the lower reaches. This includes the already much deteriorated Waipahi River, which has suffered greatly from increased algae growth from high levels of nutrients due to farming.</li> </ul>

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Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub #</i>	Position	Decision Requested	Reason for Decision Requested
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 2 ref. 4</i>		<i>Same position as further submitter.</i>
Otago Fish and Game Council	4	Oppose	Otago Fish and Game submit in support of a minimum flow proposal of 3800 litres per second.	<ul style="list-style-type: none"> <li>• The submitter supports the plan change but there appears to be a strong case for a higher summer minimum flow of 3800 l/s based on the river's diverse values and community support.</li> <li>• The upper tributaries provide for a regionally significant recreational fishery (trophy fishing of brown trout) and a regionally significant fish habitat (brown trout spawning and rearing).</li> <li>• The Pomahaka River from Switzers Bridge to its confluence with the Clutha River provides for a regionally significant recreational fishery (brown trout).</li> <li>• The Waipahi River provides for a regionally significant recreational fishery (brown trout fly fishing).</li> <li>• The proposed summer minimum flow of 3600 litres per second provides 99% surety of supply for irrigators, whilst only providing for 84% of MALF for the river. This is not a water short area and nor does it have a history of over-allocation. A fairer balance of risk between the health of the river and out of stream uses can be achieved with a summer minimum flow of 3800 litres per second.</li> </ul>
<i>Federated Farmers</i>	21	<i>Oppose in part submission 4 ref. 4</i>		<i>Submitter sought a higher summer minimum flow of 3800 l/s based on the river's diverse values and community support particularly in relation to trout fishing. Submitter considers that the proposed summer minimum flow of 3600 litres per second provides 99% surety of supply for irrigators, whilst only providing for 84% of MALF for the river. This is not a water short area and nor does it have a history of over-allocation. A fairer balance of risk between the health of the river and out of</i>

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Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub #</i>	Position	Decision Requested	Reason for Decision Requested
				<p><i>stream uses can be achieved with a summer minimum flow of 3800 litres per second.</i></p> <p><i>The ORC science team have carried out substantial work to reach the figure of 3,600 litres per second and this has been put to the community as part of multiple workshop discussions. We have concerns that a higher figure has not been adequately discussed at community level.</i></p>
Mike Weddell	5	Oppose	Submitter supports a minimum flow proposal of 3800 litres per second.	<ul style="list-style-type: none"> <li>• The upper tributaries provide for a regionally significant recreational fishery (trophy fishing of brown trout) and a regionally significant fish habitat (brown trout spawning and rearing).</li> <li>• The Pomahaka River from Switzers Bridge to its confluence with the Clutha River provides for a regionally significant recreational fishery (brown trout).</li> <li>• The Waipahi River provides for a regionally significant recreational fishery (brown trout fly fishing).</li> <li>• The proposed summer minimum flow of 3600 litres per second provides 99% surety of supply for irrigators, whilst only providing for 84% of MALF for the river. This is not a water short area and nor does it have a history of over-allocation. A fairer balance of risk between the health of the river and out of stream uses can be achieved with a summer minimum flow of 3800 litres per second.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 5 ref. 4</i>		<i>A slightly higher minimum flow of 3800 l/s is same position as further submitter.</i>
Murray Neilson	6	Amend	Amend proposed October - April minimum flow from 3,600 l/s to 3,800 l/s (90% MALF).	<ul style="list-style-type: none"> <li>• The current allocation from the catchment is approximately 30% of MALF with further new applications made occasionally.</li> <li>• Jowett and Hayes (2004) recommend that for rivers with</li> </ul>

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Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub #</i>	Position	Decision Requested	Reason for Decision Requested
				<p>greater than 30% of MALF allocated more in depth consideration is needed for the minimum flow.</p> <ul style="list-style-type: none"> <li>• There is low demand for irrigation water in the catchment.</li> <li>• There is a regionally significant presence of trout in the catchment and its Waipahi tributary, the only catchments identified for this value in the Water Plan - they are therefore unique in Otago.</li> <li>• Adult brown trout fishery values were considered the highest significance of all the values recognised by the community, in the series of workshops held by the ORC.</li> <li>• Jowett (2009) stated that provided flows are always more than 90% of MALF adult brown trout will be sustained and thus it is expected that the adult trout fishery will be maintained, in rivers where the optimum flow and flow at which habitat declines sharply for adult trout are higher than MALF.</li> <li>• An amended October-April minimum flow of 3,800 l/s would better provide for the fishery, while still allowing for and not unduly affecting out-of-stream uses of water.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 6 ref. 4</i>		<i>Supports request for minimum flow of 3,800 l/s</i>
Adrian McIntyre	8	Amend	Submitter wants the Otago Regional Council to approve the plan change as advertised or alternatively to approve the allocation limits and winter minimum flow and increase the summer minimum flow to 90% of the mean annual low flow (3.9 cumecs).	<ul style="list-style-type: none"> <li>• I would like to see ORC put in place a generous minimum flow regime which recognises the place of both rivers at the heart of West Otago so that it continues to provide enjoyment to present and future generations.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission</i>		<i>A higher minimum flow of 3900 l/s closely matches position of further submitter, and is consistent with the high value and</i>

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Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub</i> #	Position	Decision Requested	Reason for Decision Requested
		<i>8 ref. 4</i>		<i>regionally significant trout fishery present.</i>
Conservation, Director General of	9	Support	Retain.	<ul style="list-style-type: none"> <li>• Inclusion of the specified minimum flows and allocations give effect to Part II RMA, NPS Freshwater and Otago RPS, policy 7(a) and 7(d) of the Conservation General Policy (2005) and to the Southland CMS.</li> <li>• The minimum flows give a very high degree of reliability of supply.</li> <li>• These minimum flows and allocations will safeguard the life-supporting capacity of the Pomahaka's aquatic resources and sustain the Pomahaka's freshwater fishery values.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 9 ref. 4</i>		<i>Submitter has stated desire for a higher minimum flow of 3,800 l/s, however.</i>
Casey Cravens (Wild Angler)	10	Support	Submitter supports the ORC's desire to set minimum flows of at least 3.6 in the summer, but thinks there's a valid argument to raise minimum summer flows to five cumecs.	<ul style="list-style-type: none"> <li>• The Pomahaka is a uniquely beautiful and valuable natural resource, one of the best rivers in the country - and world. Its large resident trout and magnificent sea-run browns attract local and international anglers.</li> <li>• It hosts a salmon run which is especially significant since the Pomahaka offers the best spawning areas after the Clyde Dam reduced the Clutha population from 30,000 fish to 500.</li> <li>• In the headwaters the river is clear enough to sight fish, which is the pinnacle of the New Zealand fly fishing experience.</li> <li>• Submitter is a fly fishing guide submitter and knows what appeals to international travellers. This iconic river has been the subject of several widely viewed videos and photographs that help make the New Zealand brand what it is.</li> <li>• The watershed, though extensive, experiences little rainfall in the summer. It drops and warms and loses its oxygen content. Higher flows would mean better habitat for benthic life -- mayflies, stoneflies in the headwaters, as well as for</li> </ul>

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Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub</i> #	Position	Decision Requested	Reason for Decision Requested
				<p>the unique population of large sea-run trout, and the endangered Pomahaka galaxiid which lives nowhere else on earth.</p> <ul style="list-style-type: none"> <li>• Research on the sea-run trout is sketchy at best and could use more study, and the same could be said of the galaxiid.</li> <li>• Anthropogenic global warming has made all ecosystems on the dry side of the mountains more fragile.</li> <li>• Setting higher minimum flows would seem the prudent thing to do to protect the river, as studies on the impact of climate change on our coldwater ecosystems is sketchy to nonexistent.</li> </ul>
Daniel Rietveld	11	Support	Submitter basically supports what ORC have done with 3.6 cumecs as a minimum flow, and doesn't want to lose it, but if we could get a summer minimum flow of 4-5 cumecs would be even better.	<ul style="list-style-type: none"> <li>• It means a healthier fishery during low summer flows.</li> <li>• Places submitter normally finds fish when the river is flowing higher are not there when river is low as the water temperature gets too high for them to live in.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 11 ref. 4</i>		<i>Same position as further submitter.</i>
Alan McIntyre	12	Amend	The 3.6 cumecs for the warmer months proposed are unrealistic. This must be increased to a minimal low flow of circa 6.0 + cumecs for the health of the ecosystem.	<ul style="list-style-type: none"> <li>• The flow rates proposed are unrealistic and far too low to sustain what lives in this river.</li> <li>• These are decisions not fully thought through.</li> <li>• The implications for aquatic life and whole ecosystem of this hugely important river to the fishing community are massive.</li> <li>• The amount of money thousands of fishermen pay to get to areas of this river each year seems to be an afterthought.</li> <li>• The current levels of returning sea trout and brown trout will undoubtedly drop as there will be less food, less oxygen and less sediment removal due to reduced flow rates.</li> <li>• The current ecosystem will be greatly affected by what is</li> </ul>

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Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub #</i>	Position	Decision Requested	Reason for Decision Requested
				proposed.
<i>Otago Fish &amp; Game Council</i>	22	<i>Support in part submission 12 ref. 4</i>		<i>Further submitter supports sentiment but does not believe a minimum flow above the 7-day mean annual low flow is sustainable.</i>

### 5 Schedule 2A, May-Sept minimum flow of 7000 l/s

Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub #</i>	Position	Decision Requested	Reason for Decision Requested
Otago Fish and Game Council	4	Support	Otago Fish and Game submit in support of the winter minimum flow proposal of 7000 litres per second.	<ul style="list-style-type: none"> <li>The winter minimum flow proposal provides the necessary flows for sea run trout and salmon returning to spawn, the development of eggs, and juvenile recruitment.</li> </ul>
Mike Weddell	5	Support	Support a winter minimum flow proposal of 7000 litres per second.	<ul style="list-style-type: none"> <li>This provides the necessary flows for sea run trout and salmon returning to spawn, the development of eggs, and juvenile recruitment.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 5 ref. 5</i>		<i>Same position as further submitter.</i>
Conservation, Director General of	9	Support	Retain.	<ul style="list-style-type: none"> <li>Inclusion of the specified minimum flows and allocations give effect to Part II RMA, NPS Freshwater and Otago RPS, policy 7(a) and 7(d) of the Conservation General Policy (2005) and to the Southland CMS.</li> <li>The minimum flows give a very high degree of reliability of supply.</li> <li>These minimum flows and allocations will safeguard the life-supporting capacity of the Pomahaka's aquatic resources and sustain the Pomahaka's freshwater fishery values.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 9 ref. 5</i>		<i>Same position as further submitter.</i>

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### 17 All schedule dates

Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub</i> #	Position	Decision Requested	Reason for Decision Requested
Otago Fish and Game Council	4	Amend	Replace “October to April” with “1 October to 30 April”.	For completeness.
Otago Fish and Game Council	4	Amend	Replace “May to September” with “1 May to 30 September”.	For completeness.
Conservation, Director General of	9	Amend	Clarify all dates so that the allocation blocks start on the first of the month and end on the last day of the month, i.e. 1 October to 30 April and 1 May to 30 September.	<ul style="list-style-type: none"> <li>To clarify the dates when the allocation blocks apply.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 9 ref. 17</i>		<i>It is a minor change for consistency.</i>
Conservation, Director General of	9	Amend	Clarify all dates so that the allocation blocks start on the first of the month and end on the last day of the month, i.e. 1 October to 30 April and 1 May to 30 September.	<ul style="list-style-type: none"> <li>To clarify the dates when the allocation blocks apply.</li> </ul>

### 6 Schedule 2A, Primary Allocation Limit

Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub</i> #	Position	Decision Requested	Reason for Decision Requested
Ian Breeze	1	Support	Submitter opposes water abstraction.	Water abstraction allows intensification of agriculture with increased greenhouse gas emissions.
<i>Otago Fish &amp; Game Council</i>	22	<i>Support in part submission 1 ref. 6</i>		<i>An effective primary allocation limit should be in place, but correctly designed and managed agricultural intensification is not opposed.</i>

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Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub #</i>	Position	Decision Requested	Reason for Decision Requested
Otago Fish and Game Council	4	Support	Support 1000 litres per second [Pomahaka catchment from confluence with Clutha/Mata-Au to headwaters].	<ul style="list-style-type: none"> <li>• Is in accordance with Policy 6.4.2(a).</li> <li>• It will maintain flow variability within the river during summer months.</li> </ul>
Mike Weddell	5	Support	Support 1000 litres per second.	<ul style="list-style-type: none"> <li>• This will maintain flow variability within the river during summer months.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 5 ref. 6</i>		<i>Same position as further submitter.</i>
Conservation, Director General of	9	Support	Retain.	<ul style="list-style-type: none"> <li>• Inclusion of the specified minimum flows and allocations give effect to Part II RMA, NPS Freshwater and Otago RPS, policy 7(a) and 7(d) of the Conservation General Policy (2005) and to the Southland CMS.</li> <li>• The minimum flows give a very high degree of reliability of supply.</li> <li>• These minimum flows and allocations will safeguard the life-supporting capacity of the Pomahaka's aquatic resources and sustain the Pomahaka's freshwater fishery values.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 9 ref. 6</i>		<i>Same position as further submitter.</i>

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

Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub #</i>	Position	Decision Requested	Reason for Decision Requested
Otago Fish and Game Council	4	Support	Support 13000 litres per second at Burkes Ford.	<ul style="list-style-type: none"> <li>• Provides for sufficient flow variability before supplementary allocation occurs.</li> </ul>
Mike Weddell	5	Support	Support 13000 l/s at Burkes Ford.	<ul style="list-style-type: none"> <li>• Provides for sufficient flow variability before supplementary allocation occurs.</li> </ul>
<i>Otago Fish &amp; Game</i>	22	<i>Support</i>		<i>Same position as further submitter.</i>

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Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub #</i>	Position	Decision Requested	Reason for Decision Requested
<i>Council</i>		<i>submission 5 ref. 7</i>		
Federated Farmers NZ (Inc)	7	Did not specify	That the 13,000 l/s supplementary allocation reflects the needs of the community and feedback obtained during the four community workshops.	<ul style="list-style-type: none"> <li>As no figure other than 13,000 l/s was discussed or analysed within the Section 32 evaluation report it is difficult for submitter to identify whether this appropriately reflects the community needs and desires.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Neither support nor oppose submission 7 ref. 7</i>		<i>Council's hydrological science work determined 13,000 l/s as appropriate supplementary minimum flow, providing substantial flow variability prior to this flow being reached.</i>
Conservation, Director General of	9	Support	Retain.	<ul style="list-style-type: none"> <li>Inclusion of the specified minimum flows and allocations give effect to Part II RMA, NPS Freshwater and Otago RPS, policy 7(a) and 7(d) of the Conservation General Policy (2005) and to the Southland CMS.</li> <li>The minimum flows give a very high degree of reliability of supply.</li> <li>These minimum flows and allocations will safeguard the life-supporting capacity of the Pomahaka's aquatic resources and sustain the Pomahaka's freshwater fishery values.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 9 ref. 7</i>		<i>Council's hydrological science work determined 13,000 l/s as appropriate supplementary minimum flow, providing substantial flow variability prior to this flow being reached.</i>

### 9 Schedule 2B, Supplementary block size

Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub #</i>	Position	Decision Requested	Reason for Decision Requested
Otago Fish and Game Council	4	Support	Submitter provides support for 500 l/s allocation blocks.	No reason given.

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Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub #</i>	Position	Decision Requested	Reason for Decision Requested
Mike Weddell	5	Support	Submitter provides support for 500 l/s allocation block.	No reason given.
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 5 ref. 9</i>		<i>Supplementary block size is consistent with the Water Plan.</i>
Conservation, Director General of	9	Support	Retain.	<ul style="list-style-type: none"> <li>• Inclusion of the specified minimum flows and allocations give effect to Part II RMA, NPS Freshwater and Otago RPS, policy 7(a) and 7(d) of the Conservation General Policy (2005) and to the Southland CMS.</li> <li>• The minimum flows give a very high degree of reliability of supply.</li> <li>• These minimum flows and allocations will safeguard the life-supporting capacity of the Pomahaka's aquatic resources and sustain the Pomahaka's freshwater fishery values.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 9 ref. 9</i>		<i>Supplementary block size is consistent with the Water Plan.</i>

### 10 Schedule 2C, Provision of an alluvial ribbon aquifer

Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub #</i>	Position	Decision Requested	Reason for Decision Requested
Conservation, Director General of	9	Support	Retain Schedule 2C where groundwater takes are considered as primary allocation that are also subject to minimum flows as detailed on page 6 of the proposed plan change.	<ul style="list-style-type: none"> <li>• These minimum flows and allocations and groundwater rules give effect to the Southland CMS.</li> <li>• Inclusion into Schedule 2C is particularly appropriate as it manages the effect of stream depleting groundwater, which is required for the sustainable management of shallow groundwater hereby giving effect to Part 2 and S7(g) of the RMA.</li> <li>• The schedule rules are required to give effect to and</li> </ul>

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Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub</i> #	Position	Decision Requested	Reason for Decision Requested
				implement Policy 6.4.1(a).
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 9 ref. 10</i>		<i>Further submitter did not submit originally.</i>
Casey Cravens (Wild Angler)	10	Support	Submitter supports the objective of treating ground water and surface water similarly.	No reason given.

### 13 Maps B & C

Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub</i> #	Position	Decision Requested	Reason for Decision Requested
Conservation, Director General of	9	Support	Retain changes to Maps B11, B13, and B15, C22 and C23.	<ul style="list-style-type: none"> <li>Gives effect to the plan change as detailed in other specific provisions.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 9 ref. 13</i>		<i>For further clarity.</i>

### 14 Whole Plan Change

Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub</i> #	Position	Decision Requested	Reason for Decision Requested
Federated Farmers NZ (Inc)	7	Not Applicable	[Give] due regard to the values and uses the community has identified as important, and holders of existing primary allocation status consents [should] continue to benefit from that status, even where the result is an exceeding of the primary allocation	<ul style="list-style-type: none"> <li>Submitter's support for Plan Change 3B is dependent on the workability and reasonableness of the resulting minimum flows and allocation limits.</li> <li>In complying with the NPSFM and the objectives of the Water Plan, Council must provide for a fair, reasonable management regime for plan users. As part of this process, the values and uses the community has identified as</li> </ul>

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Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub #</i>	Position	Decision Requested	Reason for Decision Requested
			limit set by the plan.	important should be provided for in a fair and reasonable manner.
<i>Otago Fish &amp; Game Council</i>	22	<i>Neither support nor oppose submission 7 ref. 14</i>		<i>The plan change should be reasonable for the community to implement as there has been no history of overallocation in this catchment, with the demand for water only increasing substantially in the last two years.</i>
Adrian McIntyre	8	Support	Submitter supports proposed Plan Change 3B.	<ul style="list-style-type: none"> <li>The Pomahaka River and its tributary the Waipahi River are a vitally important natural resource and recreational amenity for the West Otago community which contributes significantly to our rural quality of life.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 8 ref. 14</i>		<i>Further submitter supports Plan Change and submitter.</i>
Gordon McManus	13	Support	<p>Submitter wishes to support the proposed minimum flow regime for the Pomahaka River at Burkes Ford.</p> <p>Either approve the plan change as advertised or alternatively consider an increase to the summer minimum flow to 90% of the mean annual low flow given the very high fisheries and amenity values supported by the Pomahaka and Waipahi Rivers.</p>	<ul style="list-style-type: none"> <li>The Waipahi and Pomahaka rivers are held in very [high] regard by anglers throughout Otago, New Zealand and overseas.</li> <li>It is important to maintain and enhance the rivers' fisheries values through setting a generous minimum flow with the aim of returning them to peak condition and former glory.</li> <li>In submitter's experience both rivers have been impacted by intensive land use over the periods fished and this trend needs to be reversed.</li> </ul>
Kai Tahu ki Otago	14	Not Applicable	Implement the relief sought, 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"> <li>No reasons stated.</li> </ul>

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Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub #</i>	Position	Decision Requested	Reason for Decision Requested
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 14 ref. 14</i>		<i>Same position as further submitter.</i>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 14 ref. 14</i>		<i>Minor and inconsequential changes.</i>
Otago Anglers' Association	15	Support	Support Proposed Plan Change 3B in respect of summer minimum flow, winter minimum flow, primary allocation limit and supplementary allocation limits and approve the plan change unless ORC's analysis of submissions and river values supports a higher summer minimum flow than 3.6 cumecs in which case support an increased summer minimum.	<ul style="list-style-type: none"> <li>• The closer the minimum flow is to the natural summer low flow the better it is for river health and fisheries values, particularly in the face of land use intensification.</li> <li>• The Pomahaka and Waipahi Rivers support first class trout fisheries despite the adverse effects of land use.</li> <li>• The submitter hopes for another hundred years of fly fishing competitions and angler enjoyment of the fishery.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 15 ref. 14</i>		<i>Same position as further submitter.</i>
Mark Barrett	16	Did not specify	Listen to Fish and Game.	<ul style="list-style-type: none"> <li>• Destroying great parts of New Zealand for short term gain must stop. The Pomahaka and all of our rivers are public and should not be violated for the profit of a few. Restoring natural flow to a river is healthy for it and the land and people around it. Destructive practice is permanent and we need to leave a natural clean world for the next generations of kiwis.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 16 ref. 14</i>		<i>Submitter agrees.</i>

### 18 Minor & consequential

Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub</i> #	Position	Decision Requested	Reason for Decision Requested
Conservation, Director General of	9	Support	Retain minor and consequential changes to give effect to the plan change.	<ul style="list-style-type: none"> <li>Gives effect to the plan change as detailed in other specific provisions.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 9 ref. 18</i>		<i>Minor and inconsequential change.</i>

### 15 Section 32 Evaluation Report

Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub</i> #	Position	Decision Requested	Reason for Decision Requested
Federated Farmers NZ (Inc)	7	Not Applicable	<p>Ensure both Options 2 and 3 [of the Section 32 Report] for irrigation-season takes are given full consideration.</p> <p>The resulting management options must reflect the community feedback obtained during the four community workshops. As Option 2 results in constrained economic opportunities, that any indicated environmental benefits to the trout fisheries from taking this approach (over Option 3) are more than insignificant, and are real and measurable. For winter-take options, that Council ensures the needs of the community are addressed and that resulting minimum flows</p>	<ul style="list-style-type: none"> <li>It is unclear what additional measurable benefit to the brown trout fisheries will result from Option 2, versus Option 3. For these reasons, submitter considers Option 3 must be given serious consideration.</li> <li>Submitter considers the community must have significant input into what approach best responds to the community needs. The regionally significant trout fisheries need due consideration but, equally, so do the families and businesses reliant on water takes within the catchment.</li> </ul>

Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub #</i>	Position	Decision Requested	Reason for Decision Requested
			reflect community feedback.	
<i>Otago Fish &amp; Game Council</i>	22	<i>Support in part submission 7 ref. 15</i>		<i>A minimum flow of 3,600 litres per second provides about 99% surety of supply. This is above the industry average of 90% surety of supply, and thus meets community needs as well as the needs of the environment. Further submitter appreciates the submitter's recognition of the regionally significant trout fishery.</i>

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

## 16 Matters not in Plan Change

Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub</i> #	Position	Decision Requested	Reason for Decision Requested
Otago Fish and Game Council	4	Not Applicable	Amend rule 12.1.4.2(iv) and 12.1.4.3(iv) to state “The conditions of all existing consents will be reviewed by the Otago Regional Council under Sections 128 to 132 of the Act to enable the minimum flows set in Schedule 2A or Schedule 2B to be met, the volume and rate of take to be measured in accordance with Policy 6.4.16 and the taking to be subject to Rule 12.1.4.9, <u>within three years</u> of the Plan becoming operative”.	<ul style="list-style-type: none"> <li>This is necessary to provide some certainty that the existing situation of over-allocation of primary water in the Pomahaka catchment is resolved within a timeframe.</li> </ul>
Conservation, Director General of	9	Not Applicable	Include a rule requiring the review of all relevant catchment consents under S128(1)(b) of the RMA within 3 years of the plan change becoming operative under S68(7) RMA, or to like effect.	<ul style="list-style-type: none"> <li>To ensure that all relevant consents are reviewed within a reasonable timeframe to give effect to the plan change minimum flows and limits under S68(7) RMA.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support submission 9 ref. 16</i>		<i>Further submitter does not believe that this matter is beyond the scope of the plan change, as giving effect to the minimum flows and limits proposed in this plan change relies on a timely review of existing resource consents within the catchment. Section 68(7) of the RMA indicates that a plan may state how the rule will affect the exercise of existing resource consents for activities that contravene the rule, and how existing consent holders will comply with the rule. Note that a “may” in this case does not indicate that the Council must undertake these, but it does provide some scope for the consideration of this</i>

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Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub #</i>	Position	Decision Requested	Reason for Decision Requested
				<p><i>matter raised by the submitter. Therefore, the Council would be unwise to rule the matter out of scope at this point in the process. It needs to be heard by the hearing panel as it is a matter of some consequence.</i></p> <p><i>It is also reasonable for the purposes of the effectiveness of the plan change and the implementation of the NPSFM to indicate to consent holders when such a review might take place as they have business decisions to make based on these conditions and any review.</i></p> <p><i>The further submitter, like the submitter, would also like certainty that this plan change to establish a minimum flow is effective and won't be overridden by existing consents that remain unreviewed.</i></p>
Clutha District Council	17	Not Applicable	Submitter seeks an amendment to the proposed change to add the Waipahi Rural Water Supply to Schedule 1B of the Regional Plan: Water for Otago.	<ul style="list-style-type: none"> <li>• Submitter has four other community water supply takes in the Pomahaka catchment: Moa Flat Rural Water Supply; Glenkenich Rural Water Supply (two takes) and Tapanui Urban Supply. Each of these supplies is listed in Schedule 1B of the Regional Plan: Water for Otago.</li> <li>• The Waipahi Supply is not listed in Schedule 1B.</li> <li>• Policy 6.4.8 of the Regional Plan: Water for Otago provides that community supplies listed in Schedule 1B may continue to take water even if the flow in the Pomahaka is below the minimum flow proposed.</li> <li>• The Waipahi Rural Stock Water Supply is a community supply, providing water for stock needs within the farming community around Waipahi. Such taking is permitted by the Resource Management Act on a property by property basis; the Waipahi supply merely aggregates and controls the taking of the water.</li> </ul>

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Submitter Name/ <i>Further Submitter Name</i>	Sub/ <i>F Sub #</i>	Position	Decision Requested	Reason for Decision Requested
				<ul style="list-style-type: none"> <li>As such, the Waipahi Rural Stock Water Supply should be protected as a community supply and added to Schedule 1B of the Regional Plan: Water for Otago.</li> </ul>
<i>Otago Fish &amp; Game Council</i>	22	<i>Support in part submission 17 ref. 16</i>		<i>Provided that the rates of take and the overall (expected) annual and seasonal allocation of these community water supplies can be supplied by the Clutha District Council or the operators of the schemes, further submitter supports their inclusion into Schedule 1B.</i>