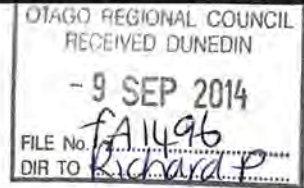


**Richard Pettinger**

---

**From:** Ian Breeze <ianbreeze067@gmail.com>  
**Sent:** Tuesday, 9 September 2014 4:51 p.m.  
**To:** Policy Reply

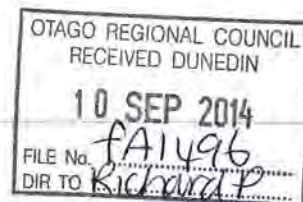


As an avid fly fisherman I would like to protect rivers against excessive abstraction.  
The minimum flow on the Pomahaka at Burkes ford should be no less than 3600 litres/sec.  
I also oppose water abstraction as it allows intensivitation of agriculture with increased green house gas emissions  
Already the worlds 70 billion livestock generate more GG Emissions than all transport combined  
Ian Breeze  
Otago Flyfishers and Streambashers

**Richard Pettinger**

---

**From:** Gemma Wilson  
**Sent:** Wednesday, 10 September 2014 1:09 p.m.  
**To:** Richard Pettinger  
**Subject:** FW: Submission for Proposed Plan Change 3B (Pomahaka catchment minimum flow)



**From:** noreply@jotform.com [mailto:noreply@jotform.com]  
**Sent:** Wednesday, 10 September 2014 12:45 p.m.  
**To:** Gemma Wilson  
**Subject:** Submission for Proposed Plan Change 3B (Pomahaka catchment minimum flow)

Thank you for your submission.

**Question**

**Answer**

Name of submitter:

Robert Wyatt

Organisation:

Postal address:

Street Address: 15 Seaview Road  
Suburb: Brighton  
City: Dunedin  
Postcode: Otago

Telephone:

6434817955

Fax:

E-mail:

[bobwyatt2@gmail.com](mailto:bobwyatt2@gmail.com)

I wish / do not wish to be heard

I do not wish to be heard

Consider presenting jointly at a hearing

I will not consider presenting jointly

1. State what your submission relates to and if you support, oppose or want it amended

I want the ORC to maintain the current minimum flow for the Pomehaka catchment.

2. State what decision you want the Otago Regional Council to make

The Pomehaka 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.

3. Give reasons for the decision you want made

Attach a supporting document:

Signature



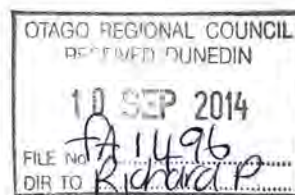
Trade competitor's signature



**Richard Pettinger**

---

**From:** Brian Turner <blturner@xtra.co.nz>  
**Sent:** Wednesday, 10 September 2014 3:46 p.m.  
**To:** Policy Reply  
**Subject:** Pomahaka/Waipahi submission



**SUBMISSION ON the Proposed Plan Change 3B (Pomahaka Catchment Minimum Flow)**

Name of Submitter: Brian Lindsay Turner

Postal Address: 3363 Ida Valley – Omakau Road, Oturehua 9387

Telephone: 03 4445051

Email: [blturner@xtra.co.nz](mailto:blturner@xtra.co.nz)

I do not wish to be heard in support of this submission

**Submission**

This submission relates to the proposed minimum flows for the Pomahaka River of 3.6 cubic metre per second during summer, 7 cubic metre per second during winter, the primary allocation limit of 1 cubic metre per second and provisions relating to supplementary takes.

**I support the proposed plan changes as advertised**

**I want the Otago Regional Council to approve the plan change as advertised**

**My reasons for the decision sought are as follows:**

The plan change applies to the Pomahaka and the Waipahi Rivers. I have fished both rivers for brown trout over many years and I consider both deserve the highest level of protection through the water plan. Plan Change goes a long way to securing the water quantity aspect of river management aimed at providing for a healthy river ecosystem and a productive trout fishery.

The above is what I feel able to support and therefore wish to see. But, in addition, I ask that you read, consider and reflect on what follows, as it is an effort on my part to elucidate where I personally, and many others who see our world through similar eyes, am 'coming from'.

In New Zealand, and worldwide, for decades and decades now we have seen continuing and, more recently, serious environmental pollution and degradation. There are many reasons for this: they 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. Much that has been occurring is in the name of 'progress' which fails to measure and take account of the costs often termed 'externalities'. These include recreational values, damage to flora and fauna and so on. I'm sure your council knows this and also knows that insufficient attention has been given to assessing, preventing and quantifying the value of such matters.

We live in a society in which most people still refuse to accept that there are limits to 'growth' as most perceive it. It's way past the time when we ought to have agreed on the need to see nature as a community of which we are one part only and not behave as if nature is comprised of an unlimited suite of commodities there to be used for our material benefit in whatever ways suit us personally. This a crime committed against not just all of humankind but nature as a whole.

I began fishing in the rivers and seas of Otago and further afield in the mid-1950s. There is not a river or stream I know of that is in as healthy a condition today as it was then. The Pomahaka and Waipahi were among my favourites. On warm days in the 1950s I can recall drinking from ripples in parts the middle reaches of 'Pommy' as it was known, and from the likes of Lee and Deep Streams, and the Taieri at Hindon, and the Manuherikia – and so on. It is a long time since I tried that on. Deterioration, one way or another, has been the reality. All of it in the name of 'progress and development', without exception. Put baldly, simply, our society's environmental management has been lamentable, disgraceful. Alas, no society anywhere today can say it has supported the urgings of those who say, 'we don't inherit the earth from our parents, we borrow it from our children.' Shafting the future to provide for the short-term desires of people today is where we're at.

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.

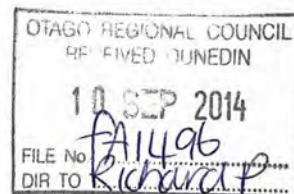
Thank you for the opportunity to make a submission.

Yours sincerely,

Brian Turner



Otago Regional Council  
Private Bag 1954  
Dunedin 9016



10/09/2014

Dear Sir / Madam

**Re: Submission on Proposed Plan Change 3B (Pomahaka catchment minimum flow)**

1. This is a submission from the Otago Fish and Game Council on the notified version of proposed plan change 3B (Pomahaka catchment minimum flow)
2. The Otago Fish and Game Council (Fish and Game) is the statutory manager of sports fish and game within the Pomahaka and Waipahi catchments. This includes the whole catchment, whereas the Otago Regional Council jurisdiction excludes some tributary streams to the Waipahi, such as the Kaiwera Stream.

*Summary*

3. 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. Otago Fish and Game wishes to provide support for 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. We also strongly support the proposed primary allocation limit of 1000 l/s.
4. We note that the proposed summer minimum flow represents 84% of the 7-day mean annual low flow for the Pomahaka River (as measured at Burkes Ford). Fish and Game believes there is a strong case for consideration to be given to a slightly higher flow of 90% of MALF, which is approximately 3800 l/s. This would take account of the very high fishery and amenity values and natural characteristics that the river sustains, and the existing water

*Statutory managers of freshwater sports fish, game birds and their habitats*

quality issues the river is experiencing including suspended sediment.

5. Most recent consents in the Pomahaka catchment have minimum and residual flows of 4300 l/s on them which will enable a minimum flow to be set for the river without impact on consent holders.
6. We also note that the proposed plan change does not indicate how the minimum flow at Burkes Ford is to apply to the Waipahi River. Given that the Waipahi River is currently suffering from allocation and water quality issues, some clarity on this would be desirable in the notified version of the plan change. The Waipahi River is considered regionally important in its own right but Fish and Game is concerned about impacts of land use intensification including headwater wetland drainage and modification of small streams and watercourses. Fish and Game assumes that residual flows on consents within the Waipahi subcatchment would be at least 84% of the natural MALF for the catchment at the point of take
7. There is a potential jurisdiction issue with this plan change which requires clarification. 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.
8. Furthermore, the hydrological characteristics of the Waipahi and Pomahaka rivers are distinct. High flow periods in the Waipahi can occur when flows are low in the Pomahaka, and vice versa. Given that the Pomahaka catchment is now fully allocated or over-allocated for primary water following the notification of this plan change, which has legal effect under section 86B(3), the only new water available will be via supplementary takes. Given that supplementary takes can reduce the beneficial effects of high flows if managed incorrectly, and that the Waipahi's high flow characteristics are different to that of the Pomahaka, there

may be a need in the future to provide for supplementary allocation in the Waipahi using the flow site at Waipahi.

*Values of the Pomahaka and Waipahi Rivers*

9. The Pomahaka River is recognised as regionally important for resident and sea-run brown trout, game bird habitat, and for angling and hunting. These values are listed in the statutory Sports Fish and Game Bird Management Plan for Otago (SFGMP 2003).
10. In addition the river plays a strategically important role in current efforts to restore the Lower Clutha River salmon fishery in that it provides open access to spawning grounds for sea run salmon. Salmon are known to spawn successfully in the Pomahaka and tributaries at present and smolt have been observed in the river, confirming recruitment.
11. The historic run in the Clutha River was severely impacted by the construction of the Roxburgh Dam when a run estimated to average 20-30,000 salmon (Jellyman 1989) and being up to 50,000 adult salmon (James and Dungey 2000) was cut off from its traditional spawning grounds. The current run is estimated to be less than 500 returning fish. As a requirement of its resource consents Contact Energy is working with Fish and Game to mitigate dam impacts and aims to restore a salmon run with an annual return rate of 5000 fish per annum.
12. In recognition of the trout fishery values a Local Water Conservation Notice was granted in 1989 (see Appendix 2) recognising the following regionally significant features and imposing a prohibition on damming:
  - 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).
  - The Pomahaka River from Switzers Bridge to its confluence with the Clutha River provides for a regionally significant recreational fishery (brown trout).
  - The Waipahi River provides for a regionally significant recreational fishery (brown trout fly fishing)



- The Lower Clutha River provides for regionally significant recreational fishery in the Pomahaka and its tributaries by providing passage for migratory brown trout to and from the Pomahaka River and tributaries and the sea.
13. The values and conditions included in the Notice have since been incorporated into Schedule 1A (natural values) and Schedule 6 of the Water Plan (prohibition on damming). The upper Pomahaka River is noted as a backcountry fishery whilst a tributary, the Waipahi, is home to the longest running angling competition in New Zealand – The Waipahi Gold Medal. The Pomahaka River received approximately 4142 angler visits and the Waipahi River received 919 visits in the 2007/2008 angling season. This makes them two of the most popular lowland fisheries in Otago. Both these rivers have exhibited a decrease in angler use over time which has anecdotally been attributed to impacts from land use intensification including declines in water quality.
  14. The Pomahaka River catchment has been unusual in Otago in that water resources have not been until the last two years fully or overallocated to out-of-stream uses. However a recent run on water resources for irrigation has seen a large amount of new water allocated taking the current allocation over the proposed primary allocation in this plan change.
  15. It is stated that the proposed minimum flow and allocation regime provides 99% surety of supply for irrigators. This contrasts with the 84% value for the 7-day mean annual low flow (MALF) in the river, and an industry average across New Zealand of between 80-90% surety of supply on other irrigation schemes. It is also noted that this is not a water short area. In summary, the balance of risk between irrigators and the river appears to be uneven, with the river and the fishery still carrying more “risk” in a dry year than the irrigators.
  16. As such, Otago Fish and Game is submits there is a strong case for ORC for a slightly higher minimum flow of 3.8 cumecs at Burkes Ford during summer months. This corresponds to 90% of MALF at Burkes Ford, and would even the balance between out of stream and in stream uses of the water, with a slight reduction in the surety of supply. This is justified on the following grounds:
    - a. The high quality trout fishery, with regionally significant status and producing trophy fish.
    - b. Indigenous fisheries (kanakana and eels), wildlife, cultural and amenity values

- c. The need to maintain water quality during low flows when nutrient concentrations could become higher. This would be a benefit to landholders who would be more readily able to comply with new water quality rules
- d. The extremely high level of surety of supply (99%) for irrigation when the industry average for river takes is around 80-90% surety of supply It is also noted that this is not a water short area that has been reliant on run of river irrigation in the past, unlike other parts of Otago.
- e. The minor impact of an increased minimum flow to 3.8 cumecs on irrigators surety of supply
- f. Strong community support for flows to provide for a healthy river

*Review of existing water permits and consent conditions*

17. Rule 12.1.4.2(iv) and Rules 12.1.4.3(iv) provide the Otago Regional Council and the consent authority with the ability to review consent conditions following amendments to minimum flows in Schedule 2A and 2B. However, "as soon as practicable" does not provide Fish and Game with enough certainty in this case, as the Pomahaka catchment is already overallocated based on the 1000 litres per second primary allocation limit introduced by this plan change. As such, Otago Fish and Game seek amendments to Rules 12.1.4.2(iv) and 12.1.4.3(iv) for the consent review to occur within a three year period following this plan change being made operative.

*Matters for clarification*

18. Otago Fish and Game would like the following matters clarified:
- a. The overall allocation status of the catchment as of 16 August 2014, which includes current and applied for water permits.
  - b. The factors taken into account in determining a summer minimum flow of 3.6 cumecs and their relative weighting.
  - c. The justification for providing 99% surety of supply for irrigators, when the industry average is lower than this.

- d. The hydrological difference between the Waipahi and the Pomahaka Rivers, and the potential need to provide for a supplementary minimum flow site on the Waipahi River at Waipahi at some point in the future.

*Conclusion*

19. 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 community and within the wider Otago community for a minimum flow that reflects those values and allows them to flourish.
20. Pomahaka catchment waters provide important trout spawning and rearing facilities for the lower Clutha trout fishery.
21. 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.
22. 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.
23. 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.
24. Otago Fish and Game overall supports the plan change but submits that 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.

Yours faithfully



Peter Wilson  
Environmental Officer

## References

James, G and Dungey, R 2000 Overview of the salmon resource in the Clutha System. NilWA Client Report CHC00/18, WIWA.

Jellyman DJ 1989 Possibilities for enhancement of the quinnat salmon run in the Clutha river below Roxburgh Dam. NZ Freshwater Fisheries Miscellaneous Report 12, Ministry of Agriculture and Fisheries

Appendix 1 – Submission

Issue	Decision requested	Reasons
Policy 6.45 amendments	Retain notified version	Otago Fish and Game supports the notified version for the reasons stated above
Policy 12.1	Retain notified version	Otago Fish and Game supports the notified version for the reasons stated above
Schedule 2A amendments: Definition of catchment	Change Pomahaka catchment to “Pomahaka catchment within Otago” to better reflect the boundaries	This is necessary to more accurately reflect the boundary between Otago and Southland that does not include all of the Waipahi catchment headwater streams.
Summer minimum flow of 3600 litres per second (October to April)	<p>Oppose. Otago Fish and Game submit in support of a minimum flow proposal of 3800 litres per second.</p> <p>Replace “October to April” with “1 October to 30 April” for completeness.</p>	<p>A higher minimum flow is justified on the following grounds:</p> <p>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).</p> <p>The Pomahaka River from Switzers Bridge to its confluence with the Clutha River provides for a regionally significant recreational fishery (brown trout).</p> <p>The Waipahi River provides for a regionally significant recreational fishery (brown trout fly fishing)</p> <p>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.</p>
Winter minimum flow of 7000 litres per second (May to	Support. Otago Fish and Game submit in support of the winter	The winter minimum flow proposal provides the necessary flows for sea

September)	<p>minimum flow proposal of 7000 litres per second.</p> <p>Replace "May to September" with "1 May to 30 September" for completeness.</p>	run trout and salmon returning to spawn, the development of eggs, and juvenile recruitment.
Primary allocation limits in accordance with Policy 6.4.2(a) litres per second instantaneous flow – 1000, Pomahaka catchment from confluence with Clutha/Mata-Au to headwaters.	Support 1000 litres per second.	This primary allocation limit will maintain flow variability within the river during summer months
Pomahaka catchment (first supplementary allocation block), 13000 litres per second at Burkes Ford	Support.	This provides for sufficient flow variability before supplementary allocation occurs.
Rule 12.1.4.2(iv) and Rules 12.1.4.3(iv)	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".	This is necessary to provide some certainty that the existing situation of overallocation of primary water in the Pomahaka catchment is resolved within a timeframe.

**Appendix 2 – Local Water Conservation Notice (Pomahaka River)**

## SCHEDULES

### 21.11.2 The Local Water Conservation (Pomahaka River and Tributaries and Lower Clutha River) Notice 1989

#### 1. Title and commencement -

(1) This notice may be cited as the Local Water Conservation (Pomahaka River and Tributaries and Lower Clutha River) Notice 1989.

(2) This notice shall come into force on the 14th day after the date of its notification in the *Gazette*.

#### 2. Interpretation - In this notice, unless the context otherwise requires:

"Act" means the Water and Soil Conservation Act 1967.

"Natural Water" means natural water as defined in the Act.

"Protected Waters" means -

(a) the waters of the Pomahaka River from its sources to its confluence with the Clutha River (approximately map reference NZMS 260:G45:447453), and

(b) the waters of all rivers and streams contributing to the Pomahaka River, and

(c) the waters of the Lower Clutha River from its confluence with the Pomahaka River to the sea at the mouths of the Matau and Koau Branches.

"Upper tributaries" means the Pomahaka River and all its tributary rivers and streams upstream from Switzers Bridge (approximate map reference NZMS 260:F44:098817).

"Waipahi River" means the Waipahi River from its source to its confluence with the Pomahaka River (approximate map reference NZMS 260:G45:194520).

3. Regionally significant features - (1) It is hereby declared that the protected waters include and provide for regionally significant recreational and fisheries feature in respect of the Pomahaka River and its tributaries, and in particular, that:

(a) the upper tributaries provide for:

a regionally significant recreational fishery (trophy fishing of brown trout).



a regionally significant fish habitat (brown trout spawning and rearing).

(b) the Pomahaka River from Switzers Bridge to its confluence with the Clutha River provides for a regionally significant recreational fishery (brown trout).

(c) the Waipahi River provides for a regionally significant recreational fishery (brown trout fly fishing).

(2) It is further hereby declared that the Lower Clutha River provides for a regionally significant recreational fishery in the Pomahaka River and its tributaries by providing passage for migratory brown trout to and from the Pomahaka River and its tributaries and the sea.

**4. Right to dam not to be granted** - Because of the regionally significant features declared in clause 3 of this notice, no water right shall be granted under Section 21 of the Act, and no general authorisation shall be made under Section 22 of the Act, for the damming of any part of the protected waters or for any action which may significantly impeded the passage of fish through any part of the protected waters:

Provided that rights may be granted or general authorisations made for damming for stockwater supply purposes.

**5. Water rights (General)** - (1) because of the regionally significant features declared in clause 3 of this notice, no water right shall be granted under Section 21 of the Act, and no general authorisation shall be made under Section 22 of the Act, if the effect of any such right or authorisation would be to have a significant detrimental effect on the regionally significant recreational and fisheries features as declared in clause 3 of this notice.

(2) Nothing in this notice shall prevent the renewal in substantially the same terms and conditions of any or all of the water rights or general authorisations affecting any part of the protected waters, current at the date of commencement of this notice.

(3) Nothing in this notice shall prevent the granting of any or all of the applications specified in the schedule to this notice for rights in renewal in substantially the same terms and conditions as the rights affecting the protected waters to which the said applications relate, that have expired before the date of commencement of this notice.

## SCHEDULES

6. **Limit of notice** - Nothing in this notice shall be construed as limiting the effect of the second proviso to Section 21(1) of the Act relating to the taking or use of natural water for domestic needs, for the needs of animals, and for or in connection with fire fighting purposes.

### Schedule

#### Clause 5 (3)

*List of Applications Under Consideration by the Otago Regional Water Board for Rights in Renewal, whose Grant is not to be Prevented.*

Application No.	Applicant	Proposal
3244.	Pleece Furs Limited	Discharge into Koau Branch
3273	Waitaki International Limited	Discharge into Koau Branch
3294	Balclutha Saleyards	Discharge into Tiro Stream

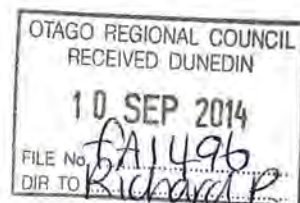
### Explanatory Note

*This note is not part of the draft notice but is intended to indicate the effect of clause 5 (1).*

Clause 5 (1) is intended to apply to applications for water rights and to general authorisations which may affect any of the protected waters. It is expected that in respect of the Lower Clutha River, this clause will be relevant and applicable only to applications for rights to discharge, and not to applications for rights to take natural water from these protected waters. This is because of the virtually complete unlikelihood of any applications to take having or contributing to a significant detrimental effect on the recreational and fisheries values declared in clause 3.

Otago Regional Council  
Private Bag 1954  
Dunedin

10/09/2014



Dear Sir / Madam

**Re: Submission on Proposed Plan Change 3B (Pomahaka catchment minimum flow)**

This is a submission from Mike Weddell 1 Haggart St.,Wingatui, RD2 Mosgiel on the notified version of proposed plan change 3B (Pomahaka catchment minimum flow)

I Mike Weddell have fished the Pomahaka for the last 11 seasons having visited the river 51 times during that period and have caught 595 trout most of which have been returned to the water. My concern is the decline of the river over that period. In the first six years of fishing my average bag was 13.3 trout per day but over the last 5 years the average bag has dropped to 9.16. There has also been a decline of the in stream invertebrate life especially mayflies especially on the section that I fish the most between Kelso bridge and the confluence of the Waipahi.

In periods of low flow there are two main concerns firstly in the summer the water temperature reaches near critical levels for trout survival and is often warm enough to stop or greatly reduce the feeding activity of trout. Secondly there is less water to dilute run off from the intensive agriculture that has increased in the river catchment. It is ironic that the water taken from the river for irrigation not only reduces its ability to dilute pollutants but also contributes to increased pollution by maintaining and expanding intensive farming of the catchment.

Thirty four years ago I began to fish the Waipahi which was an outstanding trout fishery and was better than the rivers I had fished in several countries noted for their trout fishing unfortunately intensive agriculture and the loss of wetlands in the headwaters have caused severe degradation of the river with increased siltation resulting in reduced fly life and longer periods of low water.

I have fished the Waipahi over 150 times over 34 years and have caught over 1000 trout but as with the Pomahaka the quality and quantity of fish that it supports has dropped markedly especially over the last ten years. I am concerned on the effect of the flow at Burkes Ford will have on an already compromised Waipahi.

The Pomahaka in its upper reaches is an outstanding back country fishery with good numbers of large sea trout making their way there in the late summer and autumn. Although unaffected by any abstraction the run of fish to the upper reaches depends on the lower river to support smolts of sea trout (and of salmon that spawn in the Pomahaka) as they make their way downstream to the Clutha and the sea.

The Pomahaka and the Waipahi combined are an important part of Otago's trout fishery which is a dwindling resource. I hope with the implementation of plan 6A and the setting of a sensible minimum flow that both of these rivers can be protected and returned to the best possible condition.

### *Summary*

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, I wish to:

- a) Support the plan change but submits for a higher summer minimum flow of 3800 l/s based on the river's values.
- b) Support the winter minimum flow of 7000 l/s and the supplementary minimum flow of 13000 l/s and the 500 l/s allocation blocks.
- c) Strongly support the proposed primary allocation limit of 1000 l/s.

Yours Faithfully

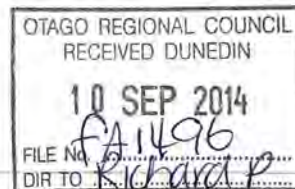
Mike Weddell

<b>Issue</b>	<b>Decision requested</b>	<b>Reasons</b>
Policy 6.45 amendments	Retain notified version	Supports the notified version for the reasons stated above
Policy 12.1	Retain notified version	Supports the notified version for the reasons stated above
Summer minimum flow of 3600 litres per second (October to April)	Oppose. Instead support a minimum flow proposal of 3800 litres per	A higher minimum flow is justified on the following grounds:

	second.	<p>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).</p> <p>The Pomahaka River from Switzers Bridge to its confluence with the Clutha River provides for a regionally significant recreational fishery (brown trout).</p> <p>The Waipahi River provides for a regionally significant recreational fishery (brown trout fly fishing)</p> <p>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.</p>
Winter minimum flow of 7000 litres per second (May to September)	Support a winter minimum flow proposal of 7000 litres per second.	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.
Primary allocation limits in accordance with Policy 6.4.2(a) litres per second instantaneous flow – 1000, Pomahaka catchment from confluence with Clutha/Mata-Au to headwaters.	Support 1000 litres per second.	This primary allocation limit will maintain flow variability within the river during summer months
Pomahaka catchment (first supplementary allocation block), 13000 litres per second at Burkes Ford	Support.	This provides for sufficient flow variability before supplementary allocation occurs.

**Richard Pettinger**

**From:** Gemma Wilson  
**Sent:** Thursday, 11 September 2014 8:52 a.m.  
**To:** Richard Pettinger  
**Subject:** FW: Submission for Proposed Plan Change 3B (Pomahaka catchment minimum flow)



**From:** noreply@jotform.com [mailto:noreply@jotform.com]  
**Sent:** Wednesday, 10 September 2014 9:06 p.m.  
**To:** Gemma Wilson  
**Subject:** Submission for Proposed Plan Change 3B (Pomahaka catchment minimum flow)

Thank you for your submission.

**Question**

**Answer**

Name of submitter:

Murray Neilson

Organisation:

Postal address:

Street Address: 22 Berwick Road  
 Suburb: Woodside  
 City: RD 1 Outram  
 Postcode: 9073

Telephone:

03 486 1378

Fax:

E-mail:

[kmsanda@xtra.co.nz](mailto:kmsanda@xtra.co.nz)

I wish / do not wish to be heard

I do not wish to be heard

Consider presenting jointly at a hearing

1. State what your submission relates to and if you support, oppose or want it amended

Amend proposed October - April minimum flow from 3,600l/s to 3,800 l/s (90% MALF).

2. State what decision you want the Otago Regional Council to make

I support the Otago Fish and Game Council's submission to amend the proposed October - April minimum flow to 3,800 l/s because, according to the Section 32 Analysis:

The current allocation from the catchment is approximately 30% of MALF with further new applications made occasionally.

Lowett and Haves (2004) recommend that for rivers with

greater than 30% of MALF allocated more in depth consideration is needed for the minimum flow.

There is low demand for irrigation water in the catchment.

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.

Adult brown trout fishery values were considered the highest significance of all the values recognized by the community, in the series of workshops held by the ORC.

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.

I therefore submit that an amended October-April minimum flow of 3,800l/s would better provide for the regionally significant presence of trout and the regionally significant trout fishery, while still allowing for and not unduly affecting out-of-stream uses of water.

In all other respects I support the Otago Fish and Game Councils submission.

3. Give reasons for the decision you want made

Attach a supporting document:

Signature



Trade competitor's signature





# Federated Farmers of New Zealand

## Submission to Otago Regional Council on Plan Change 3B (Pomahaka Catchment Minimum Flow) to the Regional Plan: Water for Otago

2 September 2014



0800  
327  
646 | FED  
FARM  
.ORG.NZ



# SUBMISSION TO OTAGO REGIONAL COUNCIL ON PLAN CHANGE 3B

Form 5

Submission on publicly notified proposal for policy statement or plan  
*Clause 6 of First Schedule, Resource Management Act 1991*

To: *Otago Regional Council*  
*policy@orc.govt.nz*

Name of submitter: Federated Farmers of New Zealand

Contact person: Kim Reilly  
**Regional Policy Manager, South Island.**

Address for service: PO Box 5242, Dunedin 9054

This is a submission on the following proposed plan change – Plan Change 3B (Pomahaka Catchment Minimum Flow) to the Regional Plan: Water for Otago.

I could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that my submission relates to and the decisions we seek from Council are as detailed on the following pages.

I wish to be heard in support of my submission.

## **1. INTRODUCTION**

- 1.1 Federated Farmers of New Zealand (Inc) is a voluntary, primary sector organisation representing farming members and their families. Federated Farmers has a long history of representing the needs and interests of New Zealand's farming communities, primary producers and agricultural exporters.
- 1.2 The Federation aims to add value to its members' farming business by ensuring that New Zealand provides an economic and social environment within which our members may operate their business in a fair and flexible manner.
- 1.3 Our members strongly support a regional planning approach that recognises landowners play a principle role as managers (and financers) of the regions natural and physical resources. They also support regional plans that are truly effects based and do not unnecessarily inhibit or pose constraints on farming activities, while ensuring that any risks to the environment associated with farming are appropriately avoided or managed by landowners.
- 1.4 Landowners are in the whole, proactive resource managers who rely heavily on their properties natural and physical resources for their farming business. It is entirely in their best interest and subsequently that of the region, to manage their land and water resources sustainably.

## **2 GENERAL COMMENTS**

- 2.1 We note that the intent of Proposed Plan Change 3B is to improve the management of the Pomahaka catchment by identifying a primary allocation limit and minimum flow regime. We support Council addressing this matter on a catchment specific basis.
- 2.2 In general we support the proposed plan change, on the basis that overall it does provide a reasonable certainty of supply to primary allocation consent holders, while providing further water for future users as supplementary allocation.
- 2.3 We note and support the comment within the Section 32 Evaluation Report that "a single minimum flow across the catchment applying to all those in primary allocation provides the opportunity for collaboration within a water allocation committee". Any collaborative agreement between key stakeholders to consider rationing will enable pre-planning to prepare for situations that may have unique water requirements (such as small seasonal crops), while avoiding reaching minimum flows.
- 2.4 The Pomahaka Catchment Group is already well established, with farmers working together to meet common goals. This will hopefully assist with the ease of establishing a catchment-wide water allocation committee, to ensure Council does not need to instigate its own rationing regime.
- 2.4 Within the Section 32 Evaluation Report we note the comments that the Pomahaka Catchment has reliable rainfall and a low need for irrigation – although there is the potential for increased demand for irrigation water in the future.
- 2.5 We also note that currently the Pomahaka River is under-allocated in terms of Policy 6.4.2 of the Water Plan, with only 30% of MALF currently allocated. It is accepted that water taking is not currently having a significant adverse effect on instream values.

- 2.6 Four rounds of community workshops have occurred prior to the plan change being notified. We understand that as part of those processes, local and wider communities and other affected stakeholders identified a number of values and uses considered important.
- 2.7 We note that the main values identified were the regionally significant brown trout fishery, the habitat for native fish, agricultural out of stream uses for stock drinking water and dairy shed supply, recreational use, amenity values and irrigation for agricultural and horticultural purposes.
- 2.8 In complying with the National Policy Statement for Freshwater Management and the objectives of the Regional 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 important should be provided for in a fair and reasonable manner.
- 2.9 We note that if those who have primary allocation status consents have been allocated more water than the primary allocation limit established by this plan change, that there is no policy in the Water Plan to remove that status.
- 2.10 In many Otago catchments, primary allocation exceeds the primary allocation limit set by the Plan and Federated Farmers supports the holders of those consents continuing to benefit from that primary allocation status.
- 2.11 Federated Farmers support for Plan Change 3B is dependant on the workability and reasonableness of the resulting minimum flows and allocation limits.

#### **Recommendation**

- **That due regard is had to the values and uses the community has identified as important;**
- **That holders of existing primary allocation status consents continue to benefit from that status, even where the result is an exceeding of the primary allocation limit set by the plan.**

### **3 SPECIFIC COMMENTS**

#### **3.1 Water Take Management Options**

- 3.2 Within the Section 32 Evaluation Report, Council provided four management options for the irrigation season and two options for winter takes.
- 3.3 Options for irrigation season takes include maintaining the status quo and relying on the existing “default” provisions. Federated Farmers agrees that this approach is likely to result in higher consenting processing costs (due to the resulting ‘case by case’ approach), a lack of certainty and a lack of collaboration.
- 3.4 Similarly, we oppose Council’s fourth management option, which was to promote more natural river flows. While this may provide *potential* benefits to aquatic ecosystems and natural character values, it constrains economic opportunities and would require a significant investment in water storage. The risks and costs substantially outweigh possible potential benefits and as a result, Federated Farmers opposes this option.
- 3.5 The second option for irrigation season takes is to adopt a primary allocation limit and minimum flow regime specifically for the brown trout fishery. Federated Farmers has concerns with this option. We don’t consider it will result in any increased certainty or

reliability of supply for current consent holders and due to the resulting constraints, is likely to require greater investment in water storage options due to the inability to take what's needed in a dry year. The result is fewer economic opportunities for new takers and reduced allocations likely for current consent holders, with little resulting benefit to the environment.

- 3.6 While there may be benefits for the trout fisheries under option 2, we are not convinced it has been adequately shown that option 3 will result in any lesser benefits for trout, while clearly option 2 results in lesser benefits for water take users.
- 3.7 Proposed option 3 is to set minimum flow lower than 3,600l/s in summer/primary and a higher primary allocation than 1,000 l/s. This option enhances economic opportunities and provides potential for new employment and industry opportunities for new takers, without requiring substantial investment in water storage. It is unclear what additional measurable benefit to the brown trout fisheries will result from option 2, versus option 3. For these reasons, Federated Farmers considers option 3 must be given serious consideration.
- 3.8 In deciding what approach is best for the Pomahaka Catchment (between option 2 and option 3) Federated Farmers 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.
- 3.9 Council has provided two management options for winter season takes. One is the retention of the status quo and the other is to set a minimum flow of 7,000 l/s from May to September for primary allocation. We understand this proposal is to provide for the spawning requirements of the brown trout fishery. As no other minimum flow level has been proposed, we are not clear on whether any other minimum flow has been adequately considered.
- 3.10 We consider for winter flows, Council needs to ensure the needs of the community are addressed and that the resulting minimum flows reflect the feedback provided during community workshops.

#### **Recommendations**

- **That Council ensures both Options 2 and 3 for irrigation-season takes are given full consideration. The resulting management options must reflect the community feedback obtained during the four community workshops;**
- **That 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.**
- **That for winter-take options, that Council ensures the needs of the community are addressed and that resulting minimum flows reflect community feedback.**

#### **4 Supplementary Allocation Management Options**

- 4.1 Council only provided two options for supplementary allocation management options. One was maintaining the status quo, the other to establish a minimum flow for supplementary allocation of 13,000 l/s with a block size established by the existing Water Plan provision.
- 4.2 As no allocation other than 13,000 l/s was discussed or analysed within the Section 32 evaluation report, it is difficult for Federated Farmers to identify whether this figure appropriately reflects the community needs and desires.

#### **Recommendations**

- **That the 13,000 l/s supplementary allocation reflects the needs of the community and feedback obtained during the four community workshops.**

**Submission on Plan Change 3B**

1. I support the proposed Plan Change 3B
2. I want 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)

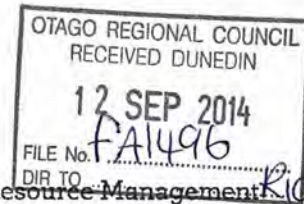
**3. Reasons for supporting the plan change are as follows:**

My family and I are sixth generation West Otago farmers and hunting and fishing is a sixth generation shared passion. 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.

I have fished and hunted on both rivers all my life and have seen many changes, not always for the best. 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.

4. I do/do not wish to be heard in support of this submission

Adrian McIntyre  
240 McIntyre Road  
RD5  
Gore 9775  
[pointfarm@ruralinzone.net](mailto:pointfarm@ruralinzone.net)



IN THE MATTER OF

the Resource Management  
Act 1991 ("The Act")

AND

IN THE MATTER OF

Otago Regional Council  
Regional Plan: Water  
Plan Change 3B (Pomahaka)

Form 5 - Submission on a Publicly Notified Proposed Regional Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991.

**SUBMISSION BY THE DIRECTOR GENERAL OF CONSERVATION**

TO: Otago Regional Council  
Private Bag 1954  
DUNEDIN 9054  
Attn : Richard Pettinger

Submission on: Otago Regional Council  
Regional Plan: Water  
Proposed Change 3B (Pomahaka)

Name of submitter: Director General of Conservation.

Address for service: South Island RMA Planning  
Department of Conservation  
Private Bag 4715  
Christchurch, 8140  
Phone: (03) 371 3751  
facsimile: (03) 365 1388

Contact person: Herb FAMILTON, RMA Planner, hfamilton@doc.govt.nz

**Trade Competition:**

Pursuant to Clause 6 of Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

- (a) adversely affects the environment;
- (b) does not relate to trade competition or the effects of trade competition.

I could not gain an advantage in trade competition through this submission.

The specific parts of the proposed Plan Change 3B to which this submission relates, along with the submission (with reasons) and the decisions sought, are set out in Attachment A.

## GENERAL MATTERS

The general reasons for the submission are that the decisions sought are necessary for the proposed Regional Plan: Water Plan Change 3B to achieve the purpose of the:

- Resource Management Act 1991 (RMA), and
- The National Policy Statement of Freshwater Management (2014), and
- The Otago Regional Policy Statement, and
- Otago Regional Plan: Water, and
- The Conservation General Policy, and
- The Southland Conservation Management Strategy, and
- Are in accordance with sound resource management practice, and
- Giving effect to Statutory Acknowledgement number 52 (Pomahaka), and
- Protecting the Kanakana (Lamprey) fishery, and
- Protecting the Pomahaka freshwater fishery, and
- Protecting the life-supporting requirement of native fish, and
- Protecting the life-supporting flow requirements for the Pomahaka Galaxiid (nationally endangered)


Further specific reasons and decisions sought are given in Attachment A to this submission. Where any decision sought in Attachment A seeks specific wording inserted in a specific place, the decision sought includes the following words:

‘or words to like effect, and/ or in some other appropriate location in the Water Regional Plan.’

The submission also includes such consequential amendments as are necessary to give effect to this submission.

I wish to be heard in support of my submission.

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

  
.....  
Phil Melgren  
Conservation Partnerships Manager (Southland)  
Invercargill

Pursuant to a delegation from the Director-General of Conservation  
A copy of the delegation may be viewed at the Departmental offices located at  
Conservation House - Whare Kaupapa Atawhai, 18 - 32 Manners Street,  
Wellington 6011

Date .....08/2014

**ATTACHMENT A  
SUBMISSION ON THE PROPOSED PLAN**

The following table sets out further details of the Director General’s submission (with reasons) and the decisions sought with respect to the proposed Regional Plan: Water.

o

<b>(1) The specific provisions of the Proposed Plan Change that my submission relates to are:</b>		<b>(2) My submission is that:</b>		<b>(3) I seek the following decision(s) from Otago Regional Council:</b>
<b>Page Number</b>	<b>Sub-section/ Point</b>	<b>Oppose/support (in part or full)</b>	<b>Addition and Reason(s) where appropriate</b>	
<b>Section 6 – Policies applying to the taking of Water</b>				
2	Policy 6.4.5 (b)	Support	> Addition of word “Pomahaka” to subsection (b) of Policy 6.4.5  <b>Reasons</b> <ol style="list-style-type: none"> <li>1. Appropriate to include into Policy 6.4.5 as it gives effect to Part II RMA, NPS Freshwater and Otago RPS.</li> <li>2. Inclusion of the Pomahaka gives effect to Policy 7(a) and 7(d) of the Conservation General Policy (2005).</li> <li>3. Inclusion of the Pomahaka in this Policy gives effect to the Southland CMS.</li> <li>4. The Policy enables a RMA provision link to give effect to and implement Section 12 rules on Water Take, Use and Management under section 67 (1) RMA.</li> </ol>	Retain



(1) The specific provisions of the Proposed Plan Change that my submission relates to are:		(2) My submission is that:		(3) I seek the following decision(s) from Otago Regional Council:
Page Number	Sub-section/ Point	Oppose/support (in part or full)	Addition and Reason(s) where appropriate	
<b>Section 12 – Rules: Water Take, Use and Management</b>				
4	121.4.2 Schedule 2A catchment areas	Support in Part	<ul style="list-style-type: none"> <li>➤ Addition of “Pomahaka (Maps B11, B13 and B15, and”</li> <li>➤ Clarify how the plan regime will apply to the Waipahi river</li> </ul> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. Appropriate to include into Policy 6.4.5 as it gives effect to section 67 (1) RMA, Part II RMA, NPS Freshwater and Otago RPS.</li> <li>2. Required to give effect and implement Policy 6.4.5 (b)</li> <li>3. Clarify that the jurisdiction is just for the Pomahaka catchment within the Otago Regional Council, and does not include some of the Waipahi headwater streams in Southland Region.</li> <li>4. It is not clear how the plan regime will apply to the Waipahi River.</li> </ol>	<p>Retain</p> <p>Clarify that the catchment refers to” the Pomahaka catchment within the Otago Regional Council jurisdiction”.</p> <p>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 Pomahaka. We assume a minimum flow of at least 84% of the Waipahi River 7DMALF at the confluence of the Waipahi with the Pomahaka River, and any associated consequential amendment to any relevant minimum flow and allocation limit rules, maps and schedules.</p>
6	Schedules 2A-2C	Support	<p>Addition of schedules for:</p> <ul style="list-style-type: none"> <li>➤ minimum flow of 3,600 L/s (October to April) for primary (2A) and 7000 L/s (May to September ) secondary (2B)</li> </ul>	<p>Retain</p> <p>Clarify all dates so that the allocation blocks start on the first of the month and end on the last day of the</p>

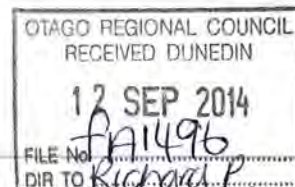
(1) The specific provisions of the Proposed Plan Change that my submission relates to are:		(2) My submission is that:		(3) I seek the following decision(s) from Otago Regional Council:
Page Number	Sub-section/ Point	Oppose/support (in part or full)	Addition and Reason(s) where appropriate	
			<p>minimum flow of 13,000 L/s and allocation limits of 1000 L/s ( primary) and 500 L/s secondary limit at Burkes Ford(MS 15) and</p> <ul style="list-style-type: none"> <li>➤ schedule (2C) of where groundwater takes are considered a primary allocation, that are also subject to minimum flows as detailed on page 6 of the proposed plan change</li> </ul> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. Minimum flows and allocations as specified in schedules 2A, 2B and 2 C give effect to Part II RMA, NPS Freshwater and Otago RPS.</li> <li>2. The minimum m flows give a very high degree of reliability of supply.</li> <li>3. Minimum flows and allocations as specified in schedules 2A, 2B and 2 C give effect to Policy 7(a) and 7(d) of the Conservation General policy (2005).</li> <li>4. 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> <li>5. These minimum flows and allocations and groundwater rules give effect to the Southland CMS.</li> </ol>	<p>month. i.e. 1 October to 30 April, and 1 May to 30 September.</p> <p>Include a rule requiring the review of all relevant catchment consents under section 128 1 (b) of the RMA within 3 years of the plan change becoming operative under section 68 (7) RMA, or to like effect.</p>

(1) The specific provisions of the Proposed Plan Change that my submission relates to are:		(2) My submission is that:		(3) I seek the following decision(s) from Otago Regional Council:
Page Number	Sub-section/ Point	Oppose/support (in part or full)	Addition and Reason(s) where appropriate	
			6. 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 II and section 7 (g) of the RMA. 7. The schedule rules are required to give effect to and implement Policy 6.4.1 (a) 8. To clarify the dates of when the allocation blocks apply 9. To ensure that all relevant consents are reviewed within a reasonable timeframe to give effect to the plan change minimum flows and allocation limits under section 68(7) RMA.	
<b>Minor and Consequential Changes</b>				
7 and 8	Various	Support	➤ Minor and consequential changes to give effect to the plan change <b>Reason</b> 1. Gives effect to the plan change as detailed in other specific provisions.	Retain
<b>Proposed Maps</b>				
9	Proposed Maps	Support	➤ Changes to Maps B11, B13, and B15, C22 and C23 <b>Reason</b>	Retain

<b>(1) The specific provisions of the Proposed Plan Change that my submission relates to are:</b>		<b>(2) My submission is that:</b>		<b>(3) I seek the following decision(s) from Otago Regional Council:</b>
<b>Page Number</b>	<b>Sub-section/ Point</b>	<b>Oppose/support (in part or full)</b>	<b>Addition and Reason(s) where appropriate</b>	
			<ol style="list-style-type: none"> <li>1. Gives effect to the plan change as detailed in other specific provisions.</li> <li>2. Clarify that the jurisdiction is just for the Pomahaka catchment within the Otago Regional Council, and does not include some of the Waipahi headwater streams in Southland Region.</li> </ol>	Clarify that the catchment defined in the maps refers to the Pomahaka catchment within the Otago Regional Council jurisdiction.

**Richard Pettinger**

**From:** Gemma Wilson  
**Sent:** Friday, 12 September 2014 11:26 a.m.  
**To:** Richard Pettinger  
**Subject:** FW: Submission for Proposed Plan Change 3B (Pomahaka catchment minimum flow)



**From:** noreply@jotform.com [mailto:noreply@jotform.com]  
**Sent:** Friday, 12 September 2014 11:24 a.m.  
**To:** Gemma Wilson  
**Subject:** Submission for Proposed Plan Change 3B (Pomahaka catchment minimum flow)

Thank you for your submission.

**Question****Answer**

Name of submitter:

Casey Cravens

Organisation:

[www.WildAngler.com](http://www.WildAngler.com)

Postal address:

Street Address: 70 Passmore Crescent  
 Suburb: Maori Hill  
 City: Dunedin  
 Postcode: 9010

Telephone:

473-8451

Fax:

E-mail:

[caseycravens@gmail.com](mailto:caseycravens@gmail.com)

I wish / do not wish to be heard

I wish to be heard

Consider presenting jointly at a hearing

I will consider presenting jointly

1. State what your submission relates to and if you support, oppose or want it amended

I support the ORC's desire to set minimum flows of at least 3.6 in the summer. I also support the objective of treating ground water and surface water similarly. But I think there's a valid argument to raise minimum summer flows to five cumecs.

2. State what decision you want the Otago Regional Council to make

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. It also host 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. In the headwaters the river is clear enough to sight fish, which is the pinnacle of the New Zealand fly fishing experience. As a fly fishing guide I know

what appeals to international travelers, and this iconic river has been the subject of several widely viewed videos and photographs that help make the New Zealand brand what it is. 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 the unique population of large sea-run trout, and the endangered Pomahaka galaxiid which lives nowhere else on earth. Research on the sea-run trout is sketchy at best and could use more study, and the same could be said of the galaxiid. Anthropogenic global warming has made all ecosystems on the dry side of the mountains more fragile. 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.

3. Give reasons for the decision you want made

Attach a supporting document:

[KeithonPomie2.jpg](#)

Signature

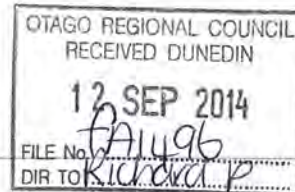


---

Trade competitor's signature

**Richard Pettinger**

**From:** Gemma Wilson  
**Sent:** Friday, 12 September 2014 11:31 a.m.  
**To:** Richard Pettinger  
**Subject:** FW: Submission for Proposed Plan Change 3B (Pomahaka catchment minimum flow)



**From:** noreply@jotform.com [mailto:noreply@jotform.com]  
**Sent:** Friday, 12 September 2014 11:29 a.m.  
**To:** Gemma Wilson  
**Subject:** Submission for Proposed Plan Change 3B (Pomahaka catchment minimum flow)

Thank you for your submission.

**Question**

**Answer**

Name of submitter:

Daniel Rietveld

Organisation:

Fishing club member

Postal address:

Street Address: 120 Main RD  
Suburb: Fairfield  
City: Dunedin  
Postcode: 9018

Telephone:

0276426899

Fax:

E-mail:

[daniel.rv@hotmail.co.nz](mailto:daniel.rv@hotmail.co.nz)

I wish / do not wish to be heard

I wish to be heard

Consider presenting jointly at a hearing

I will consider presenting jointly

1. State what your submission relates to and if you support, oppose or want it amended

Basically I support what ORC have done with 3.6 cumecs as a minimum flow, and don't want to lose it, but if we could get a summer minimum flow of 4-5 cumecs would be even better

2. State what decision you want the Otago Regional Council to make

It means for a healthier fishery during low summer flows. Places I normally find fish when the river is flowing higher are not there when river is low as the water temp gets to high for them to live in.

3. Give reasons for the decision you want made

Attach a supporting

document:

Signature



---

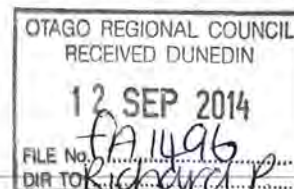
Trade competitor's  
signature

---



**Richard Pettinger**

**From:** Gemma Wilson  
**Sent:** Friday, 12 September 2014 12:22 p.m.  
**To:** Richard Pettinger  
**Subject:** FW: Submission for Proposed Plan Change 3B (Pomahaka catchment minimum flow)



**From:** [noreply@jotform.com](mailto:noreply@jotform.com) [mailto:noreply@jotform.com]  
**Sent:** Friday, 12 September 2014 12:21 p.m.  
**To:** Gemma Wilson  
**Subject:** Submission for Proposed Plan Change 3B (Pomahaka catchment minimum flow)

Thank you for your submission.

**Question****Answer**

Name of submitter:

Alan McIntyre

Organisation:

Postal address:

Street Address: 683 Aramoana Road,  
 Suburb: Aramoana,  
 City: Dunedin  
 Postcode: 9082

Telephone:

03 4716802

Fax:

E-mail:

[amcintyre@ofs.net.nz](mailto:amcintyre@ofs.net.nz)

I wish / do not wish to be heard

I do not wish to be heard

Consider presenting jointly at a hearing

I will not consider presenting jointly

1. State what your submission relates to and if you support, oppose or want it amended

The 3.6 cumec's for the warmer months proposed are unrealistic. This must be increased to a minimal low flow of circa 6.0 + cumec's for the health of the ecosystem.

2. State what decision you want the Otago Regional Council to make

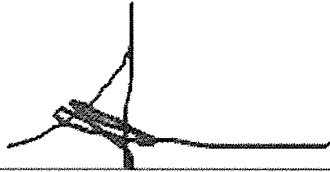
The flow rates proposed are unrealistic and far too low to sustain what lives in this river. These are decisions not fully thought through. The implications for the aquatic life and whole ecosystem of this hugely important river to the fishing community are massive. The amount of money thousands of fishermen pay to get to areas of this river each year seems to be an afterthought. 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. It is a sad fact that the current ecosystem will be greatly affected by what is proposed. Its a shame. I sincerely do hope my views and submission will help to increase the Min flow rates.

3. Give reasons for the decision you want made

Attach a supporting document:

Signature



---

Trade competitor's signature

---

12 September 2014

RECEIVED  
12 SEP 2014  
*[Signature]* 1:15pm

Otago Regional Council  
Private Bag 1954  
Dunedin

OTAGO REGIONAL COUNCIL  
RECEIVED DUNEDIN  
12 SEP 2014  
FILE No. FA1496  
DIR TO Richard P

Dear Sir/Madam

**Plan Change 3B -Pomahaka Catchment Minimum Flow**

Name of Submitter      Gordon McManus  
Postal Address          90A Carroll Street, Dunedin  
Telephone                4717029  
Email                      gmcmamus@orcon.net.nz

I do not wish to be heard in support of this submission

**Submission**

I wish to support the proposed minimum flow regime for the Pomahaka River at Burkes Ford.

I want the Otago Regional Council to either approve the plan change as advertised or alternatively to 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

**Reasons**

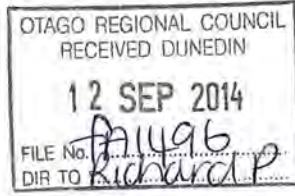
I have been fishing the Pomahaka and Waipahi Rivers for over 24 years and have participated in the century old Waipahi Gold Medal trout fishing completion at least 15 times in conjunction with many other passionate fly fishermen. The Waipahi and Pomahaka rivers are held in very regard by anglers throughout Otago and indeed throughout New Zealand and overseas.

It is important to maintain and enhance the rivers' fisheries values through setting of a generous minimum flow with the aim of returning them to peak condition and their former glory.

In my experience both rivers have been impacted by intensive land use over the periods I have fished them and this trend needs to be reversed

Yours faithfully

*[Signature]*  
Gordon McManus



<b>SUBMISSION</b> <i>Form 5, Clause 6 of the First Schedule, Resource Management Act 1991.</i>	
<b>TO:</b>	Otago Regional Council
<b>DATE:</b>	12 September 2014
<b>PLAN CHANGE:</b>	Proposed Plan Change 3B (Pomahaka catchment minimum flow) to the Regional Plan: Water. The plan change sets a primary allocation limit and minimum flow for the Pomahaka catchment, along with a supplementary minimum flow to manage future allocation.
<b>KĀI TAHU KI OTAGO PAPATIPU RŪNAKA</b>	Te Rūnanga o Ōtākou, Waikoau Ngāi Tahu Rūnaka (South Otago) and Hokonui Rūnanga (collectively Kāi Tahu)
Kāi Tahu <b>supports</b> the underlying principles of this plan change.	
Kāi Tahu <b>does</b> wish to be heard in support of this submission at a hearing, and requests an opportunity to expand on this submission. If others make a similar submission, we will consider presenting a joint case with them.	

1. Introduction
  - 1.1 Te Rūnanga o Ōtākou, Waikoau Ngāi Tahu Rūnaka (South Otago) and Hokonui Rūnanga (collectively Kāi Tahu) are Manawhenua in the Pomahaka Catchment.
  - 1.2 Kāi Tahu has assessed Proposed Plan Change 3B (Pomahaka catchment minimum flow) that sets a primary allocation limit and minimum flow for the Pomahaka catchment, along with a supplementary minimum flow to manage future allocation.
  - 1.3 Kāi Tahu appreciates the precautionary approach taken by the Otago Regional Council to the management of freshwater resources in this catchment.
2. Te Rūnanga o Ngāi Tahu Freshwater Policy (NTFP)
  - 2.1 The focus of the NTFP is the management of freshwater resources within the Kāi Tahu rohe. The NTFP outlines the environmental outcomes sought by Kāi Tahu and the guiding freshwater management principles, respectively:

- Water is central to all life. It is a taonga left by the ancestors to provide and sustain life. It is for the present generation as tangata tiaki to ensure that the taonga is available for future generations.
- Water plays a unique role in the traditional economy and culture of Kāi Tahu.
- Water has an inherent value that should be recognised in the event of potentially competing uses.
- Water is a holistic resource. The complexity and interdependency of different parts of the hydrological system should be considered when developing policy and managing the water resource.

### 3. Kāi Tahu ki Otago Natural Resource Management Plan 2005 (the Plan)

3.1 The Kāi Tahu ki Otago Natural Resource Management Plan 2005 is the principal resource management planning document for Kāi Tahu ki Otago. The kaupapa of the plan is Ki Uta ki Tai (Mountains to the Sea), which reflects the holistic Kāi Tahu ki Otago philosophy of resource management.

3.2 The Plan expresses Kāi Tahu ki Otago values, knowledge and perspectives on natural resource and environmental management issues. The Plan is an expression of kaitiakitanga. While the Plan is first and foremost a planning document to assist Kāi Tahu ki Otago in carrying out their kaitiaki roles and responsibilities, it is also intended to assist others in understanding tangata whenua values and policy.

3.3 The Plan is divided into catchments, with specific provisions for the whole Otago area and each catchment. This plan contains objectives and policies that are relevant to the proposed plan change, respectively:

#### Objectives

- The spiritual and cultural significance of water to Kāi Tahu ki Otago is recognised in all water management.
- The waters of the Otago Catchment are healthy and support Kāi Tahu ki Otago customs.
- Habitats and the wider needs of mahika kai, taoka species and other species of importance to Kāi Tahu ki Otago are protected.
- Flow regimes are consistent with the cultural values of Kāi Tahu ki Otago and are implemented throughout the Otago Region.

### Policies

- To promote the cultural importance of water to Kāi Tahu ki Otago in all water management within the Otago Region.
- To promote catchment-based management programmes and models, such as Ki Uta Ki Tai.
- To protect and restore the mauri of all water.
- To promote minimum flow regimes for rivers that recognise and provide for Kāi Tahu ki Otago cultural values and the healthy functioning of associated ecosystems.

3.4 The objectives and policies of the Kāi Tahu ki Otago Natural Resource Management Plan 2005 align with those of the Te Rūnanga o Ngāi Tahu Freshwater Policy. The flow regime for the Pomahaka Catchment should recognise and provide for Kāi Tahu cultural values and for the healthy functioning of ecosystems.

### 4. Kāi Tahu Association with the Pomahaka Catchment

4.1 Council in setting a primary allocation limit and minimum flow for the Pomahaka catchment is required to recognise and provide for the relationship of Kāi Tahu and their culture and traditions with the Pomahaka River.<sup>1</sup>

4.2 The following Kāi Tahu cultural values, beliefs and uses for the Pomahaka River are identified in the Regional Plan: Water for Otago.<sup>2</sup>

- **Kaitiakitanga:** The exercise of guardianship by Kai Tahu in accordance with tikanga Māori in relation to Otago's natural and physical resources, including the ethic of stewardship.
- **Mauri:** Life force. The mauri of a river is most recognisable when there is an abundance of flow and the associated ecosystems are healthy and plentiful. This is an important element in the relationship that Kāi Tahu has with the water bodies of Otago.
- **Waahi tapu and/or Waiwhakaheke:** Sacred places, sites, areas and values associated with water bodies that hold spiritual values of importance to Kāi Tahu.
- **Wāhi Taoka:** Treasured resources, values and sites that are valued and reinforce the special relationship that Kāi Tahu has with Otago's water resources.
- **Mahika kai:** Places where food is procured or produced including eels, whitebait, kanakana (lamprey), kokopu (galaxiid species), koura (fresh water crayfish), fresh water mussels, indigenous waterfowl, and watercress.

---

<sup>1</sup> Resource Management Act 1991, Section 6(e)

<sup>2</sup> Regional Plan: Water for Otago, Schedule 1D

- **Kohanga:** Important nursery/spawning areas for native fisheries and/or breeding grounds for birds.
- **Trails:** Sites and water bodies that formed part of traditional routes, including tauraka waka (landing place for mōkihi).
- **Cultural materials:** Water bodies that are sources of traditional weaving materials (such as raupo and paru) and rongoa (medicines).

4.3 The Pomahaka was an important mahinga kai for Ngāti Mamoe and Ngāi Tahu kāinga (settlements) in the Catlins and Tautuku areas. The river was particularly noted for its kanakana (lamprey) fishery. Other mahinga kai associated with the river included weka and other manu (birds).<sup>3</sup>

## 5. Submissions

5.1 Kāi Tahu has assessed Proposed Plan Change 3B (Pomahaka Catchment minimum flow) and identified the relief sought. Council is requested to implement the relief sought below, make any similar amendments with like effect to the relief sought, and make any consequential amendments necessary to give effect to the relief sought.

5.2 Kāi Tahu supports the setting of a primary allocation limit and minimum flow for the Pomahaka catchment, along with a supplementary minimum flow to manage future allocation, respectively:

Pomahaka Catchment	
Primary Allocation (Schedule 2A)	
Minimum Flow at Burkes Ford monitoring site	Primary allocation limit
3,600 l/s (October to April )	1,000 l/s (Pomahaka Catchment from confluence with Clutha / Mata-au to headwaters)
7,000 l/s (May to September)	

Pomahaka Catchment	
First Supplementary Allocation Block (Schedule 2B)	
Minimum Flow at Burkes Ford monitoring site	Supplementary Allocation Block
13,000 l/s	500 l/s

<sup>3</sup> Ngāi Tahu Claims Settlement Act 1998, Schedule 52, Statutory acknowledgement for Pomahaka River

**Proposed National Environmental Standard on Ecological Flows and Water Levels**

5.3 Kāi Tahu submits that the *Proposed National Environmental Standard on Ecological Flows and Water Levels (NES)* sets appropriate baseline benchmarks for assessing the minimum flow and primary allocation regime for the Pomahaka River.

5.4 The NES interim limits<sup>4</sup> for rivers and streams with mean flows greater than 5,000 l/s is a minimum flow of 80% of MALF and an allocation limit of 50% of MALF, respectively:

<b>MALF at Burkes Ford: 4,300 l/s</b>	<b>NES</b>	<b>Plan Change 3B</b>	
<b>Minimum Flow</b>	3,440 l/s - 80% MALF	<b>October to April</b>	3,600 l/s – 84% MALF
<b>Primary Allocation Limit</b>	2,150 l/s- 50 % MALF	1,000 l/s – 23% MALF	

5.5 Kāi Tahu submits that the proposed summer minimum flow and the primary allocation limit are consistent with the *Proposed National Environmental Standard on Ecological Flows and Water Levels*.

**Depth and Continuity of Flow**

5.6 Kāi Tahu places a high value upon the preservation and enhancement of their relationship with their ancestral rivers. While there are many intangible qualities associated with the spiritual presence of rivers, the elements of physical health that Kāi Tahu uses to assess rivers include:

- Aesthetic qualities e.g. clarity, natural character and the presence of indigenous flora and fauna.
- Life-supporting capacity and ecosystem robustness.
- Depth and velocity of flow.
- Continuity of flow.
- Productive capacity; and
- Fitness for cultural usage.<sup>5</sup>

<sup>4</sup> It is recognised that the Proposed NES interim limits are based on historical flows and were intended to apply to rivers with a low degree of hydrological alteration and low in-stream values. Source: NES on Ecological Flows and Water Levels – Discussion Document: Appendix 4: Executive Summary and Recommendations from: Draft Guidelines for the Selection of Methods to Determine Ecological Flows and Water Levels (Beca 2008), pp. 53 - 56

<sup>5</sup> Tipa, G (2008) Strath Taieri Irrigation Group Cultural Impact Assessment



5.7 The Kāi Tahu relationship with the Pomahaka River is characterized by life in and around the river and by the river having a strong continuity and variability of flow.

5.8 Kāi Tahu submits that 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.

#### **Mahika Kai**

5.9 Mahika kai practices remain at the heart of Kāi Tahu tribal identity. Protecting the habitats and the wider needs of mahika kai, taoka species and other species of importance is a fundamental objective for Kāi Tahu ki Otago.

5.10 Kāi Tahu submits that 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 Kāi Tahu ki Otago.

#### **6. Decision Sought**

6.1 That the Otago Regional Council adopt the proposed primary allocation limit and minimum flow for the Pomahaka catchment, along with a supplementary minimum flow to manage future allocation.

Nahaku noa, Na



**Chris Rosenbrock**  
Manager

#### **Address for Service:**

Tim Vial

Senior Planner

KTKO Ltd,

PO Box 446

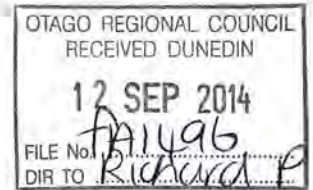
Dunedin 9054

Phone Number: (DD) (03) 471 5480

E-mail: tim@ktkoltd.co.nz

Policy and Planning  
 Otago Regional Council  
 Dunedin, NZ

[policy@orc.govt.nz](mailto:policy@orc.govt.nz)



RE: Pomahaka Minimum Flows (Plan Change 3B)

The Otago Anglers Association is a long established angling club based in Dunedin whose membership has had a long association with both the Pomahaka and the Waipahi Rivers and with rod and gun clubs within that catchment. Over the years we have maintained angler's huts within the catchment for the enjoyment of members and engaged in interclub fishing competitions with local clubs.

#### **Submission**

Otago Anglers supports the proposed Plan Change 3B in respect of minimum summer flow minimum winter flow, primary allocation limit and supplementary allocation limits and wants the Otago Regional Council to approve the plan change unless the ORC's analysis of submissions and river values supports a higher summer minimum flow than 3.6 cumecs in which case the association would support an increased summer minimum. 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.

#### **Reasons**

The Pomahaka and Waipahi Rivers support first class trout fisheries despite the adverse effects on water quality and habitat values caused by land use in recent years. The Association has run a fly fishing competition on the Waipahi River for over 100 years – the Waipahi Gold Medal. This renowned angling event attracts expert fly anglers annually from throughout Otago. We hope that Plan Change 3B will contribute to the protection and enhancement of the trout fishery so that both the Waipahi Gold Medal and anglers enjoyment of the fishery continues for the next 100 years and beyond

I ~~do~~**do not** wish to be heard in support of this submission.

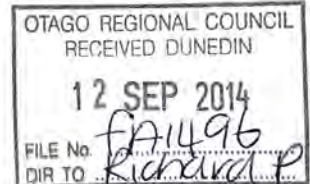
A handwritten signature in black ink, appearing to read "Chris Fahey".

**Chris Fahey**  
 President 2011 – Present  
 C/- chrisfahey.oaa@gmail.com

Otago Anglers Association  
 328A Tomahawk Road  
 Ocean Grove 9013  
 Dunedin NZ

**Richard Pettinger**

**From:** Gemma Wilson  
**Sent:** Friday, 12 September 2014 5:50 p.m.  
**To:** Richard Pettinger  
**Subject:** Fwd: Submission for Proposed Plan Change 3B (Pomahaka catchment minimum flow)



Sent from my iPhone

Begin forwarded message:

**From:** <noreply@jotform.com>  
**Date:** 12 September 2014 4:01:45 pm NZST  
**To:** <gemma.wilson@orc.govt.nz>  
**Subject:** Submission for Proposed Plan Change 3B (Pomahaka catchment minimum flow)

Thank you for your submission.

<u>Question</u>	<u>Answer</u>
Name of submitter:	mark barrett
Organisation:	
Postal address:	Street Address: 66 F Grove st Suburb: st kilda City: dunedin Postcode: 9012
Telephone:	021558540
Fax:	
E-mail:	<a href="mailto:barrett.mark@live.com">barrett.mark@live.com</a>
I wish / do not wish to be heard	I do not wish to be heard
Consider presenting jointly at a hearing	I will not consider presenting jointly
1. State what your submission relates to and if you support, oppose or want it amended	Listen to fish and game. The road we are destroying great parts of New Zealand fir short term gain must stop.
2. State what decision you want the Otago Regional Council to make	The Pomahaka and all of our rivers are public and should not be violated or 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.

3. Give reasons for the decision you want made

Attach a supporting document:

Signature

A handwritten signature in black ink, appearing to read "M. T. Bennett", written over a horizontal line.

Trade competitor's signature

---

17.

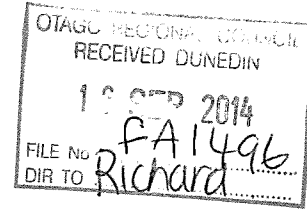


# CLUTHA DISTRICT COUNCIL

Address all correspondence to:  
The Chief Executive

Our Reference  
qA37  
A72508

15 September 2014



The Chief Executive  
Otago Regional Council  
Private Bag 1954  
DUNEDIN 9054

Dear Sir

## Submission on Proposed plan Change 3B (Pomahaka catchment minimum flow) to the Regional Plan: Water for Otago

I attach Council's submission on the above for your consideration.

I am aware that submissions closed on 12 September, but unfortunately the closing date was noted wrongly. When this was realised, a submission was prepared at the earliest opportunity. Council requests that, despite its lateness you consider this submission and notes that it is only one business day late.

If you have any queries, please contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Peter Ross'.

Peter Ross  
WATER SERVICES ENGINEER (PROJECTS)

**OTAGO REGIONAL COUNCIL****Proposed plan Change 3B (Pomahaka catchment minimum flow) to the Regional Plan:  
Water for Otago****SUBMISSION**

**Name of Submitter:** Clutha District Council

**Postal Address:** PO Box 25  
Balclutha 9240

**Contact:** Peter Ross

**Telephone:** 03 419 0200

**Fax:** 03 418 3185

**Email:** [peter.ross@cluthadc.govt.nz](mailto:peter.ross@cluthadc.govt.nz)

The Clutha District Council wishes to be heard in support of its submission

If others make a similar submission, Clutha District Council will consider presenting jointly with them at a hearing.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

**Signature:**

**Date:** 15/9/2014

## Submission

The part of the proposed change this submission relates to is the impact of setting a proposed minimum flow for the Pomahaka catchment on its Waipahi Rural Stock Water community water supply. This supply is not listed in Schedule 1B of the Regional Plan: Water for Otago.

Clutha District Council seeks an amendment to the proposed change to add the Waipahi Rural Water Supply to Schedule 1B of the Regional Plan: Water for Otago.

Reasons for this are:

1. Council 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.
2. However, the Waipahi Supply is not listed in Schedule 1B.
3. 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.
4. 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.
5. 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