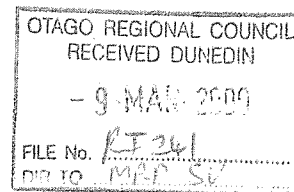


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**SUBMISSION ON THE PUBLICLY NOTIFIED PROPOSED PLAN
CHANGES 1B (MINIMUM FLOWS) AND 1C (WATER
ALLOCATION AND USE) TO THE REGIONAL PLAN: WATER
FOR OTAGO UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO
THE RESOURCE MANAGEMENT ACT 1991**

To: Policy Team
Otago Regional Council ('the Council')
P O Box 1954
Dunedin



Submission on: Regional Plan: Water for Otago - Plan Changes 1B (Minimum Flows)
and 1C (Water Allocation and Use)

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- (1) This is a submission on Proposed Plan Changes 1B and 1C (the 'Plan Changes') to the Regional Plan: Water for Otago (the 'Regional Plan') which have been notified pursuant to the Resource Management Act 1991 ('RMA').
- (2) This submission relates to the Plan Changes in their entirety.

Introduction and Overview of TrustPower

- (3) Overall the issues that have determined the approach of TrustPower in preparing submissions on the Plan Changes are as follows:
 - a) TrustPower has grown to become one of New Zealand's largest electricity retailers, serving just under a quarter of a million customers throughout the country utilising solely renewable energy generation.
 - b) TrustPower is committed to responsible and effective energy generation and to applying industry best practice to these activities. It acknowledges the importance of the environment to its continued operations, and has adopted a set of environmental policies which encourage the practical minimisation of any adverse environmental impacts associated with the company's activities. TrustPower is also active in various environmental initiatives within the vicinity of its generation assets. TrustPower's generation assets consist of 34 small to medium sized generation stations strategically located around New Zealand to ensure power is generated close to where it is consumed.

- c) Within the Otago Region, TrustPower currently operates the Waipori Hydroelectric Power Scheme ('HEPS' or 'scheme'), the Paerau Gorge HEPS, and the Deep Stream HEPS.
- d) The Waipori HEPS was commissioned in 1907 and generates electricity from the Waipori River. Today it consists of four generating stations with a total average annual output of 192GWh, sufficient to supply electricity to approximately 24,000 typical New Zealand households.
- e) The Paerau Gorge HEPS consists of the Paerau Power Station which has an annual output of 47.8GWh, and the Patearoa Power Station which has an annual output of 7.5GWh. Both stations were commissioned in 1984 and between them produce annual average output of 62GWh. This is sufficient to supply electricity to approximately 7,750 typical New Zealand households.
- f) The Deep Stream HEPS was commissioned in 2008. The scheme channels water flowing from an existing Deep Stream Diversion, and impounds that water in a storage reservoir and then allows the water to be released through canals containing 2.5 MW generating units to Lake Mahinerangi. The scheme supplies power for the equivalent of 3,100 homes and also provides an emergency water supply for Dunedin City in the event of prolonged drought.
- g) In total TrustPower's existing HEPS assets within the Otago Region supply electricity to approximately 34,850 typical New Zealand households.
- h) TrustPower's existing HEPS within the region are important and strategic physical resources which warrant protection under Part 2 of the RMA because of their contribution to the region's economic and social wellbeing. The schemes will continue to play a pivotal role in power generation in the region. It is therefore appropriate that the Regional Plan does not unreasonably impede either the operating regime or the future consenting requirements for key strategic generating assets.
- i) Against this background, TrustPower has a close interest in the development of objectives, policies and methods potentially impacting on its existing or future developments within the Otago Region. The Plan Changes introduce a number of changes within the Regional Plan that may have the potential to adversely affect the maintenance, operation and enhancement of TrustPower's existing assets.

General Submission

- (4) This submission relates to Schedule 2D of Plan Change 1B and the whole of Plan Change 1C.
- (5) While TrustPower supports some aspects of the Plan Changes, overall the Plan Changes are **opposed** to the extent that, unless amendments are made to give effect to the general and specific matters set out in this submission, as notified the proposed changes:
 - a) Will not promote sustainable management of natural and physical resources;

- b) Are contrary to Part 2, in particular sections 7(i) and 7(j), and other provisions of the RMA;
- c) Will not meet the reasonably foreseeable needs of future generations;
- d) Will not enable social and economic well-being;
- e) Are not necessary to avoid, remedy or mitigate adverse effects on the environment;
- f) Do not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of other available means and therefore are inappropriate in terms of section 32 and other provisions of the RMA; and

In particular, but without limiting the generality of the above:

- g) Fail to sufficiently or appropriately recognise the positive effects resulting from renewable energy schemes, such as HEPS, and their positive contribution to the region's wellbeing;
- h) Have the potential to impact on the equitability of the distribution of water and the security of water supply to HEPS;
- i) Do not sufficiently or appropriately recognise the value of existing infrastructure and water used for HEPS;
- j) Do not adequately recognise and provide for the exercise of existing water rights;
- k) Introduce, amend or delete provisions where it is not clear what the meaning, intent or effect of the changes are; and
- l) Are supported by an inadequate section 32 report in the following ways:
 - i) Insufficient background is given to the issues the Council is attempting to resolve via the Plan Changes;
 - ii) Inadequate consideration is given to alternatives; and
 - iii) Inadequate assessment has been provided regarding the potential effects on plan and resource users.

(6) TrustPower seeks the following decision from the Council:

- a) That the Plan Changes be amended to address TrustPower's concerns as set out in relation to the general and specific matters raised (above and below) in this submission; and
- b) In the event that TrustPower's concerns are not adequately addressed that the Plan Changes be withdrawn entirely.

Specific Submissions

Plan Change 1B (Minimum Flows)

Schedule 2D

Submission 1

- 1.1 The specific provision of Plan Change 1B (Minimum Flows) that TrustPower's submission relates to is as follows:
Schedule 2D
- 1.2 TrustPower **opposes** Schedule 2D which refers to the matters to be considered when setting minimum flows and allocation limits. Having regard to the matters raised in the introductory statement to this submission, TrustPower submits that additional consideration needs be given within Schedule 2D.1 and 2D.2 to:
- (a) The value of existing infrastructure and water used for renewable electricity generation;
 - (b) That where existing HEPS are already subject to an allocation and associated minimum flow requirements there should be a presumption that these will not be altered unless there is a demonstrable adverse effect on instream values;
 - (c) That water taken for HEPS, while not a consumptive use, needs to adequately taken account of and provided for; and
 - (d) With reference to the note to Schedule 2D, the relationship between the proposed new criteria and existing Policies 6.4.4 and 6.4.2 is not clear.
- 1.3 Relief sought:
- (i) Amend sub-paragraph (a) in Schedule 2D.1 and 2D.2 to include a presumption that for HEPS the consented minimum flow requirements and allocation will not be altered unless there is a demonstrable adverse effect on instream values.
 - (ii) Amend sub-paragraph (f) or (g) in Schedule 2D.1 and sub-paragraph (g) in Schedule 2D.2 to expressly recognise the value of existing infrastructure and water used for renewable electricity generation.
 - (iii) Amend Schedule 2D.1 and 2D.2 to ensure that water taken for HEPS, while not a consumptive use, is adequately taken account of and provided for.
 - (iv) Add to Schedule 2D.1 and 2D.2 a new sub-paragraph to read:
(h) the impact on the operation of existing hydroelectric power schemes.
 - (v) Clarify the meaning and effect of the note to Schedule 2D in a manner that gives effect to the matters raised in this submission.
 - (vi) Any similar amendments to like effect.
 - (vii) Any consequential amendments that stem from the amendment of Schedule 2D.1 and 2D.2 as outlined in this submission.

Plan Change 1C (Water Allocation and Use)

Chapter 6 Water Quantity

Submission 2

- 2.1 The specific provision of Plan Change 1C (Water Allocation and Use) that TrustPower's submission relates to is as follows:

6.1 Introduction

- 2.2 The Plan Change seeks to add text to the Introduction which recognises, amongst other things, that conflicts arise when demand to take water affects existing consent holders, instream values and groundwater systems. By implication this statement includes reference to the potential conflict that can arise with HEPS, the importance of which is already recognised in the opening sentence of the Introduction. In this context, it is appropriate to add further discussion regarding the importance of hydroelectric power schemes.

TrustPower therefore requests that HEPS be recognised in the Introduction section to this chapter as important and strategic physical resources that warrant protection under Part 2 of the RMA. In particular, renewable energy as a Part 2 matter should be clearly stated. Recognition of the contribution to the Otago Region's social and economic wellbeing and health and safety pursuant to section 5 of the RMA and recognition of sections 7(b), (ba), (i) and (j) should be incorporated into the Plan Change.

TrustPower therefore **opposes** the proposed changes to section 6.1 Introduction in general and seeks amendment to include appropriate references to HEPS.

- 2.3 Relief sought:

- (i) Insert the following text under 6.1 Introduction:
Hydroelectric power schemes play a vital role in the regions social and economic wellbeing and the importance of renewable electricity generation under Part 2 of the Resource Management Act is recognised in the Regional Plan: Water for Otago.
- (ii) Any similar amendments to like effect.
- (iii) Any consequential amendments that stem from the amendment of section 6.1 Introduction as outlined in this submission, including amendments to other parts of the Regional Plan (for example issues, objectives, policies, rules or methods) which seek to give effect to this statement.

Submission 3

- 3.1 The specific provision of Plan Change 1C (Water Allocation and Use) that TrustPower's submission relates to is as follows:

Issue 6.2.3 and Objective 6.4.0A

- 3.2 Issue 6.2.3 recognises that opportunities for the wider use of available water resources are constrained by, (a) inefficient or inappropriate practises; and (b) consent holders retaining authorisation for more water than is actually required for their activities.

Objective 6.4.0A also addresses the issue of water allocation in terms of the matters relevant to consideration of the intended purpose of use of the water.

While TrustPower supports the general intent of this Issue and Objective it is nonetheless **opposed** to the changes to these provisions on the basis that it is not necessarily appropriate to treat HEPS in the same way as other uses and this should be recognised in the explanation to the Issue and the Objective. More particularly existing lawfully established takes ought to be able to be relied upon by operators of HEPS and the water remain available for use in the scheme. This is especially so where there would be no net environmental benefit from reducing an allocation.

- 3.3 Relief sought:
- (i) Insert in the Explanation to Issue 6.2.3:
A range of domestic, agricultural, industrial, hydro-electricity and commercial uses...[and add after sub-paragraph (h)] However in the case of hydro-electric power generation existing lawfully established takes ought to be able to be relied upon by operators of HEPS and the water remain available for use in the scheme.
 - (ii) Amend Objective 6.4.0A to recognise that:
When considering applications for the renewal of takes for hydro-electric power generation regard should also be had to the inherent efficiency of these takes, the value of investment associated with its physical resources and the desirability of such uses being able to continue to rely on water availability.
 - (iii) Any similar amendments to like effect.
 - (iv) Any consequential or other amendments that stem from the amendment of the Introduction and Explanation to Issue 6.2.3 as outlined in this submission.

Submission 4

- 4.1 The specific provision of Plan Change 1C (Water Allocation and Use) that TrustPower's submission relates to is as follows:
Policy 6.4.0B
- 4.2 Policy 6.4.0B has been developed with the intended purpose of promoting the shared use and management of water resources by water users within a particular area. Whilst the formation of groups to address water management may be beneficial in some cases TrustPower considers that any involvement in such groups should be voluntary and their ability to impact the exercise of existing consents should only be possible with the consent holder's agreement.

TrustPower is concerned that allowing the management of water resources to be undertaken by the water users, may impact on the equitability of distribution. TrustPower therefore **opposes** Policy 6.4.0B and requests amendments to ensure existing consents are protected, such as by transfers of water take consent upstream of TrustPower's HEPS. TrustPower also requests that membership to any proposed groups remains voluntary.

4.3 Relief sought:

- (i) Insert the following text within the Explanation:
Decisions made through the implementation of this Policy cannot adversely impact the rights held by existing consents unless the consent holder agrees.
- (ii) Membership to the water user groups envisaged under this Policy is voluntary, and the decisions made by the group can only impact on the consents held or obtained by group members.
- (iii) Any similar amendments to like effect.
- (iv) Any consequential amendments that stem from the amendment of the Explanation to Policy 6.4.0B as proposed in this submission.

Submission 5

- 5.1 The specific provision of Plan Change 1C (Water Allocation and Use) that TrustPower's submission relates to is as follows:

Policy 6.4.0C

- 5.2 This policy is intended to promote the retention of water within catchments by requiring that local demand be satisfied prior to export occurring, and appears to extend to existing consent holders applying to renew their allocation.

TrustPower **supports in part** Policy 6.4.0C though requests that it be clarified that the first-in-first-served approach under the RMA is unaffected by this Policy. TrustPower also request that further recognition of HEPS be included in this policy due to the importance placed on renewable energy by the RMA, the value of investment in infrastructure, and section 7(b) of the RMA which requires the efficient use and development of natural and physical resources.

5.3 Relief sought:

- (i) Insert under Policy 6.4.0C the following text:
(e) the impact on existing hydroelectric power schemes within the catchment where water is to be exported from.
- (ii) Clarify that the first-in-first-served approach under the RMA is unaffected by this Policy.
- (ii) Any similar amendments to like effect.
- (iii) Any consequential or other amendments that stem from the amendment of Policy 6.4.0C as proposed in this submission including to amend the rules (such as Rule 12.1.4.8) to give effect to this submission.

Submission 6

- 6.1 The specific provision of Plan Change 1C (Water Allocation and Use) that TrustPower's submission relates to is as follows:

Policy 6.4.1

- 6.2 TrustPower considers the defining of allocation quantities appropriate, however it appears this policy has been designed primarily for consumptive use and it is not clear how water taken and used for HEPS is to be managed and adequately taken account of and provided for in any defined allocation limit.

TrustPower also considers that provision needs to be made for permitted and section 14(3)(b) takes to be metered and recorded in order to maintain an accurate and complete record of all water abstractions, and better determine water allocations.

TrustPower **opposes** Policy 6.4.1 on the basis that takes for HEPS need to be appropriately taken account of and provided for in terms of defining allocation quantities, and metering of water takes should be considered as a tool in water take management.

- 6.3 Relief sought:

- (i) That the following text be inserted into the Explanation:
In setting allocation quantities the Council will take account of and provide for takes associated with hydro-electricity generation to prevent any derogation of existing rights.
- (ii) Within corresponding rules associated with Policy 6.4.1 all water takes (including those that are permitted or otherwise authorised by section 14(3)(b) of the Resource Management Act) must be metered and recorded in order to maintain an accurate and complete record of all water abstractions.
- (iii) Any similar amendments to like effect.
- (iv) Any consequential amendments that stem from the amendment of Policy 6.4.1 as proposed in this submission.

Submission 7

- 7.1 The specific provision of Plan Change 1C (Water Allocation and Use) that TrustPower's submission relates to is as follows:

Policy 6.4.1A

- 7.2 TrustPower **supports** Policy 6.4.1A as it affords protection to surface water from groundwater takes.

- 7.3 Relief sought:

- (i) Policy 6.4.1A is retained as provided in the Plan Change.
- (ii) Any similar amendments to like effect.

- (iii) Any consequential amendments that stem from the retention of Policy 6.4.1A.

Submission 8

- 8.1 The specific provision of Plan Change 1C (Water Allocation and Use) that TrustPower's submission relates to is as follows:

Policy 6.4.2A

- 8.2 While TrustPower supports the general intent of this policy it is nonetheless **opposed** on the basis that it is not necessarily appropriate to treat HEPS in the same way as other uses and this needs to be recognised. More particularly, on renewal, the continuation of existing takes ought to be able to be relied upon by operators of HEPS and the water remain available for use in the scheme especially where there would be no net environmental benefit from reducing an allocation. In the alternative existing consent holders for HEPS should receive priority in relation to applications for supplementary consents in circumstances where their allocated volume cannot be achieved because of physical constraints.

It is critical the existing water volumes and rates for HEPS consents remain in place to ensure water resources can be fully utilised during times of high flow or flood conditions. Any reduction in existing consented flows could force TrustPower to spill water from a HEPS during times of high flow. This would be an inefficient use of resource, and would be inconsistent with section 7(b) of the RMA.

Furthermore, regard should also be had to the inherent efficiency of takes for HEPS and the fact that after use that water is available for re-allocation to downstream users.

As notified, this policy would adversely affect TrustPower operations in the Otago Region. TrustPower therefore opposes this policy and requests the addition of a clause to recognise the value of existing infrastructure in the decision making process.

TrustPower also opposes the implementation of this policy in areas where flow is not recorded, is unknown, or flow recording devices do not have an appropriate level of accuracy.

- 8.3 Relief sought:
- (i) Insert a clause (and appropriate explanatory text) within Policy 6.4.2A as follows:
- In addition, when considering applications for the renewal of takes for hydro-electric power generation it shall be recognised that it is not appropriate to treat HEPS in the same way as other uses and regard should also be had to the inherent efficiency of takes for HEPS, the value of investment associated with its physical resources and the*

desirability of such uses being able to continue to rely on water availability.

- (ii) Insert an 'exemption' to Policy 6.4.2A as follows:
Any water body where water flow is not recorded, is unknown or flow recording devices do not provide an appropriate level of accuracy.
- (iii) Any similar amendments to like effect.
- (iv) Any consequential or other amendments that stem from the amendment of Policy 6.4.2A as proposed in this submission, including to amend the rules (such as Rule 12.1.4.8) to give effect to this submission.

Submission 9

- 9.1 The specific provision of Plan Change 1C (Water Allocation and Use) that TrustPower's submission relates to is as follows:
Policy 6.4.2B
- 9.2 TrustPower submits in **support** of this policy as it protects from derogation of existing lawfully established water users and supports the first-in-first-served approach under the RMA to water allocation.
- 9.3 Relief sought
 - (i) Policy 6.4.2B is retained as provided in the Plan Change.
 - (ii) Any similar amendments to like effect
 - (iii) Any consequential amendments that stem from the retention of Policy 6.4.2B.

Submission 10

- 10.1 The specific provision of Plan Change 1C (Water Allocation and Use) that TrustPower's submission relates to is as follows:
Policy 6.4.9
- 10.2 Whilst the wording of this policy is itself clear, TrustPower considers that the wording of the Explanation needs to be improved to ensure that the users of the Regional Plan can achieve a better understanding of the purpose behind the policy. TrustPower therefore **opposes** Policy 6.4.9 and seeks amendment to the related Explanation.

Where the intended meaning of the changes to this Policy are inconsistent with the concerns raised by TrustPower in relation to other provisions of the Plan Changes, then further amendments are requested to ensure an approach consistent with addressing those concerns.
- 10.3 Relief sought:
 - (i) Amend the Explanation section so that it is easier for Regional Plan users to follow and understand and, where necessary, otherwise give effect to the concerns raised in this submission.

- (ii) Any similar amendments to like effect.
- (iii) Any consequential amendments that stem from the amendment of the Explanation to Policy 6.4.9 as proposed in this submission.

Submission 11

- 11.1 The specific provision of Plan Change 1C (Water Allocation and Use) that TrustPower's submission relates to is as follows:
Policy 6.4.10A
- 11.2 TrustPower **supports** this policy given the number of hydraulically connected aquifers throughout the Otago Region and the aim to maintain surface water base-flows by preventing damage to aquifers.
- 12.3 Relief sought:
- (i) Policy 6.4.10A is retained as proposed in the Plan Change.
 - (ii) Any similar amendments to like effect.
 - (iii) Any consequential amendments that stem from the retention of Policy 6.4.10A.

Submission 12

- 12.1 The specific provision of Plan Change 1C (Water Allocation and Use) that TrustPower's submission relates to is as follows:
Policy 6.4.12A
- 12.2 Whilst the formation of groups to address water management may be beneficial in some cases TrustPower considers that any involvement in such groups should be voluntary and their ability to impact the exercise of existing consents should only be possible with the consent holder's agreement. TrustPower **opposes** this policy on the basis that better clarification of the role of Water Management Groups is required in order to assess how they operate, what their powers are and the implications of this. TrustPower also questions whether two different types of management groups are in fact necessary. There needs to be clear guidance to how these groups function in order that decisions made are fair and objective.
- 12.3 Relief sought:
- (i) TrustPower seeks relief as per comments above for Policy 6.4.12 and 6.4.0B as follows:
Decisions made through the implementation of this Policy cannot adversely impact the rights held by existing consents unless the consent holder agrees.
 - (ii) Membership to the water user groups envisaged under this Policy is voluntary, and the decisions made by the group can only impact on the consents held or obtained by group members.
 - (iii) Any similar amendments to like effect.

- (iv) Any consequential amendments that stem from the amendment of Policy 6.4.12A.

Submission 13

- 13.1 The specific provision of Plan Change 1C (Water Allocation and Use) that TrustPower's submission relates to is as follows:
Policy 6.4.13
- 13.2 TrustPower **opposes** Policy 6.4.13 as it lacks sufficient detail about the scope and extent of 'Council recognised rationing regimes' to fully assess their actual and potential impact on TrustPower's existing HEPS. As a minimum any rationing regime needs to appropriately recognise and provide for the nature of water use associated with HEPS and the need to recognise and maintain security of supply, particularly given the value of infrastructure investment.
- 13.3 Relief sought:
- (i) Insert an 'exemption' to Policy 6.4.13 as follows:
Takes associated with uses that are not consumptive (for example hydroelectric power generation) are to be excluded from any rationing regime.
 - (ii) Insert within the Explanation section:
As a reflection of the importance placed on renewable electricity generation under Part 2 of the Resource Management Act and the fact that these uses are not consumptive in nature, such takes will not be subject to the controls developed under Policy 6.4.13.
 - (iii) Any similar amendments to like effect.
 - (iv) Any consequential or other amendments that stem from the amendment of Policy 6.4.13 including to amend the rules (such as Rule 12.1.4.8) to give effect to this submission.

Submission 14

- 14.1 The specific provision of Plan Change 1C (Water Allocation and Use) that TrustPower's submission relates to is as follows:
Policy 6.4.17
- 14.2 This policy allows consent holders to apply to transfer consents (both in location and ownership) to take water. TrustPower has significant concerns with this policy as it could lead to a situation where a take could be transferred upstream of an existing HEPS thereby reducing the amount of water available to satisfy the consents held for that scheme. It is appropriate that this policy include reference to a requirement for written approval from existing consent holders where the transfer is upstream of existing lawfully established users.
- TrustPower submits in **opposition** of this policy unless existing rights are afforded better protection.

- 14.3 Relief sought:
- (i) Insert the following text under Policy 6.4.17:
(e) The written approval of existing consent holders shall be required where the transfer is upstream of those consent holders.
 - (ii) Any similar amendments to like effect.
 - (iii) Any consequential amendments that stem from the amendment of Policy 6.4.17.

Submission 15

- 15.1 The specific provision of Plan Change 1C (Water Allocation and Use) that TrustPower's submission relates to is as follows:
Policy 6.4.19
- 15.2 TrustPower's **opposes** the deletion of this policy as it supports the principle that full term consents ought to be granted, particularly in circumstances where instream values are protected by the minimum flow regime imposed on that grant. This policy allows resource consent terms relating to certain policies to be up to 35 years which puts in place long term security of access to water resources.
- 15.3 Relief sought:
- (i) Retain Policy 6.4.19.
 - (ii) Any similar amendments to like effect.
 - (iii) Any consequential amendments that stem from the retention of Policy 6.4.19.

Chapter 12 Rules: Water Take, Use and Management

Submission 16

- 16.1 The specific provision of Plan Change 1C (Water Allocation and Use) that TrustPower's submission relates to is as follows:
Chapter 12: General
- 16.2 TrustPower **supports in principle** the inclusion of the term 'and use' to the various rules that deal with the 'taking' of water on the basis that the intention is to make clear that any consent granted pursuant to that rule also authorises its use. The section 32 report however does not provide an explanation for the inclusion of the term 'use' and TrustPower would be opposed to these changes if it had the effect of requiring it to obtain 'use' permits for existing authorised takes that do not expressly state the word 'use' in the grant.
- 16.3 Relief sought:
Clarify in relation to all the relevant 'take and use' rules that:
- (i) Water permits issued prior the notification of Plan Change 1C authorise the use of the water that is the subject of any take.

- (ii) Any similar amendments to like effect.
- (iii) Any consequential amendments that stem from the addition of the above clause.

Submission 17

17.1 The specific provision of Plan Change 1C (Water Allocation and Use) that TrustPower's submission relates to is as follows:

Rule 12.1.4.8(g) and (h)

17.2 Council has removed discretion over adverse effects upon any lawful priority attached to a resource consent (Rule 12.1.4.8(g)); and over whether the taking of water should be restricted to allow the taking or damming of water under any other permit (Rule 12.1.4.8(h)).

TrustPower requests that Rules 12.1.4.8(g) and 12.1.4.8(h) be retained given the continued operation of existing HEPS is a matter of national importance, and the encapsulating of these matters of discretion into another rule may lead to a derogation of TrustPowers consents.

TrustPower therefore **opposes** the removal of discretion for Rule 12.1.4.8(g) and Rule 12.1.4.8(h) on the basis that (g) and (h) are of such significance they should be stand-alone matters to be considered.

17.3 Relief sought:

- (i) Retain Rules 12.1.4.8(g) and (h).
- (ii) Any similar amendments to like effect.
- (ii) Any consequential amendments that stem from the retention of Rules 12.1.8(g) and 12.4.8(h).

Submission 18

18.1 The specific provision of Plan Change 1C (Water Allocation and Use) that TrustPower's submission relates to is as follows:

Rule 12.1.4.8(xii)

18.2 Council has included an additional matter of discretion being any water storage facility available for the water taken and its capacity. Water storage is an operational issue in itself, and it is therefore not appropriate that it should be controlled by the Council. Rather the potential environmental impacts of any water storage facility should be addressed as part of the overall assessment

TrustPower **opposes** this rule on that basis that a decision to grant or refuse consent maybe based on the type of water storage facility (regardless of environmental impacts).

18.3 Relief sought:

- (i) Delete Rule 12.1.4.8(xii).

- (ii) Any similar amendments to like effect.
- (iii) Any consequential amendments that stem from the deletion of Rule 12.1.8(xii).

Chapter 15: Methods Other than Rules

Submission 19

- 19.1 The specific provision of Plan Change 1C (Water Allocation and Use) that TrustPower's submission relates to is as follows:

Method 15.2.2 Water

- 19.2 This method has been amended to allow for the establishment of Water Management Groups in addition to Water Allocation Committees.

TrustPower considers that the establishment of such groups may be beneficial to some users. However, as stated above the functions and powers of the Groups and Committees need to be clearly defined. Furthermore, the decisions made by the Groups and Committees must not adversely impact existing consents and a consent holder's ability to operate.

TrustPower **opposes** Method 15.2.2 and also seeks that membership to the Groups and Committees is on a voluntary basis and only extends to member's consents.

- 19.3 Relief sought:

TrustPower seeks relief as per comments above for Policy 6.4.12, 6.4.0B and 6.4.12A as follows:

- (i) Decisions made by Water Management Groups cannot adversely impact the rights held by existing consents unless the consent holder agrees.
- (ii) Membership to the Water Management Groups is voluntary, and the decisions made by the group can only impact on the consents held or obtained by group members.
- (iii) Any similar amendments to like effect.
- (vi) Any consequential amendments that stem from the amendment of Method 15.2.2.

Submission 20

- 20.1 The specific provision of Plan Change 1C (Water Allocation and Use) that TrustPower's submission relates to is as follows:

Method 15.8

- 20.2 This method has been amended to incorporate new provisions for the calculation of supplementary allocation in addition to the current method for calculating the consented 7-day take and assessed actual take.

TrustPower **opposes** this method of calculation on the basis that there is no rationale provided for its use. Furthermore, the new calculation method is not clear or easy to understand. More detail and transparency is required so that users of the Regional Plan are able to apply and understand the techniques being used in determining water allocation.

20.3 Relief sought:

- (i) Method 15.8 in relation to supplementary allocations be revised by the Council and a method adopted that is rational and able to be applied by water users.
- (ii) Any similar amendments to like effect.
- (iii) Any consequential amendments that stem from the amendment of Method 15.8.

Chapter 16: Information Requirements

Submission 21

21.1 The specific provision of Plan Change 1C (Water Allocation and Use) that TrustPower's submission relates to is as follows:

16.3.1

21.2 This section provides details of specific information that will be required when making an application to take surface or groundwater. TrustPower supports this requirement in principle.

TrustPower considers the inclusion of the requirement to provide annual or seasonal volumes (16.3.1.1) is appropriate as it allows for variation within annual or seasonal demand to be understood. TrustPower submits in **support** of this information requirement.

21.3 Relief sought:

- (i) Retain 16.3.1 as provided in the Plan Change, save 16.3.1.4A, which is addressed under Submission 22.
- (ii) Any similar amendments to like effect.
- (iii) Any consequential amendments that stem from the retention of 16.3.1.

Submission 22

22.1 The specific provision of Plan Change 1C (Water Allocation and Use) that TrustPower's submission relates to is as follows:

16.3.1.4A

22.2 16.3.1.4A is a new provision requiring a description of all possible water sources along with feasibility studies including the costs and benefits of taking from each source.

TrustPower opposes this new provision and considers that this requirement is inappropriate in relation to water use for HEPS. If the provision is to be maintained further parameters need to be set, including a 'trigger' mechanism to determine when such an assessment is required. Clarification is also required as to whether this encompasses new consents or only re-consenting.

TrustPower submits in **opposition** to 16.3.1.4A, on the basis that such a requirement is not appropriate across the spectrum of consent applications. Some form of trigger mechanism is necessary to determine when such an assessment is necessary as not all consent applications need to address this matter. For example, the re-consenting of a HEPS should not require an assessment of all possible water sources and a cost/benefit analysis for taking water from each source. Given that the infrastructure is already in place it is abundantly clear that the water source being used to date should remain. Accordingly, such an assessment serves no purpose.

In determining activities that need to be captured by 16.3.1.4A, reference should also be made to the provisions of sections 7(b) and 7(j) of the RMA, which refer to the efficient use and development of natural and physical resources and the benefits to be derived from the use and development of renewable energy.

22.3 Relief sought:

- (i) Delete 16.3.1.4A; or
- (ii) If retained, HEPS are to be exempt from 16.3.1.4A due to the importance placed on renewable electricity generation under the RMA, and also given that such an assessment would be superfluous; and
- (iii) If retained that a trigger mechanism be established to determine the circumstances where 16.3.1.4A should be invoked.
- (iv) Any similar amendments to like effect.
- (v) Any consequential amendments that stem from the deletion or amendment of 16.3.1.4A.

Submission 23

23.1 The specific provision of Plan Change 1C (Water Allocation and Use) that TrustPower's submission relates to is as follows:

Appendix 2A: Water Management Groups

23.2 Appendix 2A indicates the purpose for establishing Water Management Groups is to provide groups of water users with more responsibility for managing their own water takes under delegated specific functions by the Council. In this regard TrustPower is considers the establishment of such groups appropriate, though as previously stated these are **opposed** as further clarification of each entities functions and powers is needed. In addition, the relationship between Water Allocation Committees and Water Management Groups is not abundantly clear and needs to be further clarified, including why two separate entities are necessary.

23.3 Relief sought:

- (i) Clarification be provided as to the functions and powers of Water Allocation Committees and Water Management Groups in line with submissions already made by TrustPower in relation to this matter.
- (ii) Any similar amendments to like effect.
- (ii) Any consequential amendments that stem from the amendment of Appendix 2A.

- (7) TrustPower wishes to be heard in support of its submission.
- (8) If others make a similar submission, TrustPower would be prepared to consider presenting a joint case with them at any hearing.

Signature: 
Laura Peddie
Environmental Officer
TrustPower Limited

Date: 9th March 2009

Address for service: TrustPower Limited
Private Bag 12023
Tauranga

Attn: Laura Peddie

Telephone: (07) 574 4888 ext 4304

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OTAGO REGIONAL COUNCIL
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**Submission to Otago Regional Council on
Proposed Plan Change 1C to the Regional
Plan: Water for Otago
(Water Allocation and Use)**

From

Contact Energy Limited

9 March 2009

**SUBMISSION BY CONTACT ENERGY LIMITED ON PROPOSED PLAN CHANGE
1C TO THE REGIONAL PLAN: WATER FOR OTAGO
(WATER ALLOCATION AND USE)**

To: Chief Executive
Otago Regional Council
Private Bag 1954
70 Stafford Street
DUNEDIN 9054

policy@orc.govt.nz

Name of Submitter: Contact Energy Limited

Contact Person: Rosemary Dixon

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Contact Energy Limited ("Contact") wishes to be heard in support of this submission.

If others make a similar submission, Contact would not be prepared to consider preparing a joint case with them at any hearing.

INTRODUCTION AND BACKGROUND

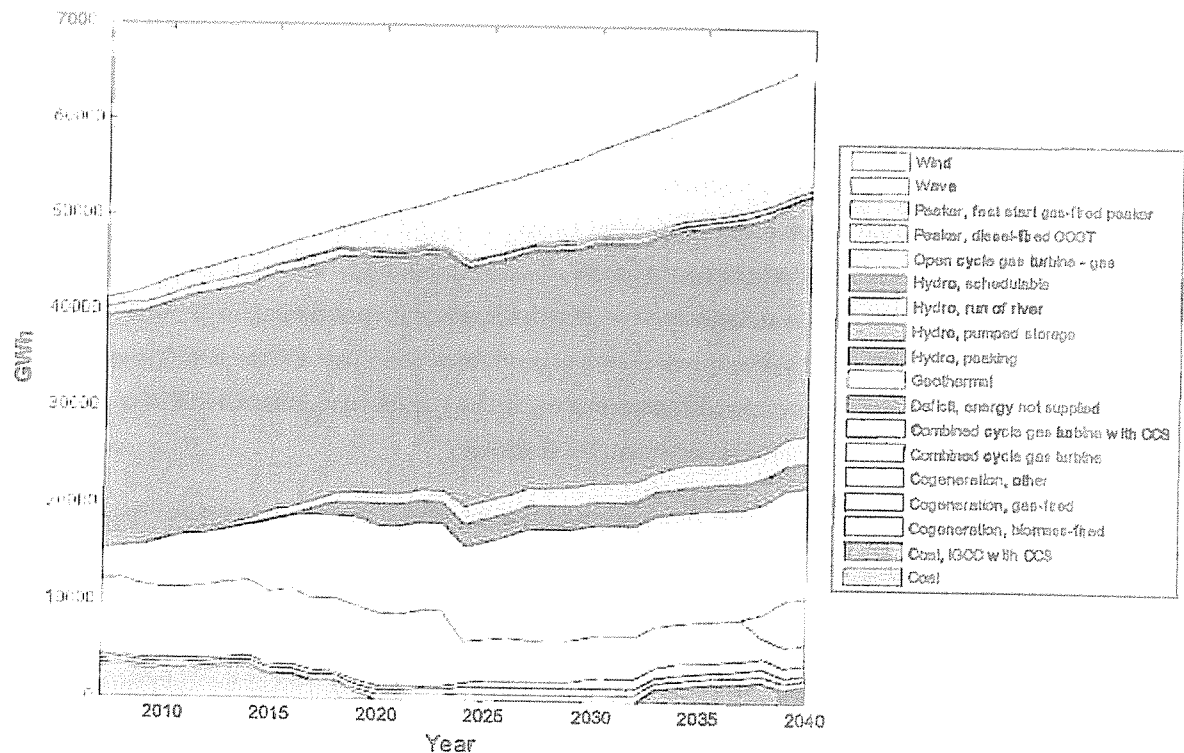
1. Contact was formed in 1995 and acquired its initial portfolio of electricity and gas assets from ECNZ in early 1996. It has added substantially to those assets since then and is one of New Zealand's largest energy companies, generating about 26 per cent of the country's total electricity with 1,960 MW of installed capacity.
2. It has approximately 500,000 retail electricity customers, 70,000 reticulated natural gas customers and 54,400 LPG customers. It is listed on the New Zealand Stock

Exchange and has about 83,000 shareholders and around 1,000 staff located around the country

CONTACT AND RENEWABLE ENERGY

3. Contact is striving for sustainable and energy efficient use of natural resources and actively encourages efficiency improvements in energy generation and energy supply. Contact is committed to generating its electricity as sustainably as it practically can whilst still meeting its generation targets. It annually publishes a sustainability report that details how the company is performing under three key areas: environmental, social and financial.
4. The former government set a target for 90 per cent of electricity to be generated from renewable sources by 2025. This target has been adopted by the new National led Government. Contact considers this to be an ambitious but achievable goal. Figure 29 is an Electricity Commission analysis of a possible generation mix made up of a higher proportion of renewables taken from its draft 2008 Statement of Opportunities¹ ("SOO"). The Sustainable Path Scenario represents the 90 per cent renewables target.

Figure 29 Energy stackplot by technology by year of the Sustainable Path scenario



¹ "2008 Statement of Opportunities – Draft for consultation July 2008" (2008 July 4), (Electricity Commission), Available: <http://www.electricitycommission.govt.nz/pdfs/opdev/transmis/soo/pdfssoo/2008-draft/Draft%202008%20SOO.pdf>.

5. The Sustainable Path scenario is premised on major development of renewable generation taking place in both islands including 1400 MW of new hydro being constructed by 2030 (including run-of-river, storage-backed, and pumped modes).
6. Significantly, the overall level of renewable generation will have to increase by more than 50% to meet demand. So, meeting the challenging 90 per cent renewable target will not occur without a significant number of new renewable generation plants being built and continued operation of all existing renewable plants at, as close as possible, to current output levels. Achieving that in turn requires a suitable regulatory environment within which new renewable generation can be developed and existing renewable generation is maintained. For that reason, Contact considers that it is important that a document as fundamental as Otago's Regional Plan: Water recognises the role it plays in achieving New Zealand's renewable future, particularly given the significance of hydro in that future.

THE PROPOSED PLAN SHOULD RECOGNISE AND PROVIDE FOR HYDRO GENERATION

Significance of Contact's generation

7. In the Clutha River/Mata-au catchment, electricity is generated at Clyde and Roxburgh Power Stations which Contact owns and operates. Clyde was commissioned and connected to the National Grid in 1992. Roxburgh was first commissioned and connected to the National Grid in 1956. Power generation at these sites is possible because of the unique properties of the catchment. Roxburgh was identified as a suitable site for a Hydro Electric Power Station in about 1944, with feasibility studies being completed over several years. The dam at Clyde was the result of an Environmental Impact Report (EIR) published in March 1977 and decisions made by the Government of the day.
8. The generation capacity of Clyde is 432 MW, and of Roxburgh 320 MW. Between them they supply approximately 10% of New Zealand's electricity needs. These hydro facilities also contribute significantly to New Zealand's security of supply.
9. Both Clyde and Roxburgh Power Stations are effectively "run of river" systems. The dams at Clyde and Roxburgh create Lake Dunstan and Lake Roxburgh respectively. Neither Lake Dunstan nor Lake Roxburgh has significant storage capacity. Further, because Lakes Dunstan and Roxburgh are narrow lakes with a small operating range, Lake Hawea is the only significant controlled hydro storage facility on the Clutha. Lake Hawea's storage allows Contact effectively to bank the catchment

rainfall in spring and summer for use the following autumn and winter when electricity demand is at its peak and inflows are locked up in the catchment as snow and ice. In other words, the yearly natural river flow into Clyde and Roxburgh is out of phase with the national annual demand for electricity.

10. Finally, the plant required to generate electricity in this way represents a large capital investment in infrastructure that typically has a long working life. Roxburgh is 50 years old.
11. Thus, Contact's facilities on the Clutha River/Mata-au are well designed and maintained and its personnel manage a difficult catchment efficiently for the benefit of the region and New Zealand. But that power generation relies on flexibility, on the efficient use by others of water in the catchment and fundamentally on the availability of water.
12. In addition to its existing hydro Power Stations, Contact has resource consents to install generation into the control gates at Hawea which will contribute another 17 MW generation.
13. Contact has also announced that it is looking again at historic plans for earlier proposed hydro power station projects in the Clutha catchment – at Luggate, Queensberry, Beaumont and Tuapeka. It will be beginning community consultation on these potential hydro generation projects in the near future.
14. Contact considers that the Water Chapter dealing with quantity of water needs to recognise and support hydro-generation and its need for water.

SUMMARY OF CONTACT'S SUBMISSION AND RELIEF

15. Contact is concerned that the Proposed Change IC ignores the significance of hydro-generation to the Region and for the country. The Proposed Change 1C does not provide a framework for protecting the existing generation on the Clutha/Mata-au catchment nor for future hydro generation development in the catchment. Thus the Proposed Plan Change 1C does not promote New Zealand's renewable future.
16. The single positive mention of hydro-electric generation comes in the opening sentence of the introduction where the importance of water for hydro-electric power generation is noted. There is no follow through in terms of Issues identification, Objectives or Policies. Rather the reverse approach is adopted. The unrestricted taking of surface water from the Clutha/Mata-au catchment that supports hydro-generation is identified as creating "*no currently foreseeable risk to any activity*" and the existing framework focuses negatively on hydro-generation (for example, 6.2.6 and 6.2.7).

17. Contact seeks the addition of Issues, Objectives and Policies (and supporting explanatory text) that recognise the significance of, and support, hydro-generation regionally and nationally. Contact further seeks the amendment of some existing proposed text.
18. Contact supports the rigorous approach taken to transition from the mining permit regime to resource consents and the Plan Change's attempts to allocate water fairly. In particular, Contact supports the emphasis on allocating water to efficient uses.

SPECIFIC SUBMISSIONS

6.1 Introduction

Submission

19. Contact supports the reference to hydro-electric power generation in the opening sentence of the Introduction.
20. Contact wishes to see an amendment to the Introduction to carry through the acknowledgement in the opening paragraph that water is an important resource to Otago's people and communities due to its use for hydro-electric power generation. Thus, the proposed amendments to the third paragraph should incorporate protection of water for existing and potential hydro-generation as well as aquatic ecosystems and natural character. A similar amendment needs to be made to the first sentence of the sixth paragraph.

Relief Sought

21. Retain the reference to hydro-electric power generation in the opening sentence of the Introduction.
22. Add to the second to last sentence of the third paragraph of the Introduction as follows or to like effect (deletions shown as strikethrough; new text underlined):

“...will recognise current access to water, but will also consider the intended purpose of use for the water and protection of aquatic ecosystems, and natural character of the affected water bodies and protection of water for existing and potential hydro-generation of electricity.”

23. Amend the first sentence of the sixth paragraph as follows or to like effect (deletions shown as strikethrough; new text underlined):

“The water allocation provisions of this chapter are intended to provide for the maintenance of water availability for existing and future hydroelectric generation and maintenance of aquatic ecosystem and natural character

values of water bodies. The provisions for the regulation of takes, in terms of minimum flow and allocation limits, are considered to be generally conservative of aquatic life and natural character..."

6.2 Issues

Submission

24. There is no Issue in the Water Plan that recognises that the taking and use of water for consumptive use may erode the ability to use that water for renewable generation. Such an Issue is necessary because it is an important matter and also to be consistent with the recognised goal of the Regional Policy Statement ("RPS") of ensuring that energy resources have a central role in Otago's future.

Consistency with the Otago RPS

25. The RPS recognises the importance of existing and potential hydro-generation from the Region. For example, the opening sentence of chapter 12.1 of the RPS states:
- "Otago is a hydro-electric power producing region and a major 'exporter' of electricity in New Zealand today."*
26. The opening paragraphs then go on to identify the importance of the Clyde and Roxburgh power stations and the potential of the Clutha for further hydro-generation development concluding that '13% of New Zealand's most "attractive" remaining hydro resource potential is located in Otago'.
27. At paragraph 12.2.2 the RPS notes:
- "The Otago Regional Council has a responsibility to promote the sustainable and efficient management of the region's resources, including energy resources."*
28. It goes on to note that (among other things) that means promoting energy efficient practices to ensure that energy resources have a central role in Otago's future.
29. This translates into an Issue that identifies Otago's dependence on non-renewable energy resources as unsustainable in the long term (12.3.2) and an Objective to encourage use of renewable resources to produce energy (12.4.3). This in turn develops into Policy 12.5.2 to encourage energy production facilities drawing on the region's renewable energy resources (a) and Method 12.6.3: "to develop policies and strategies that encourage and promote the use and development of renewable energy resources".
30. Contact endorses such an approach. Under the RMA ORC is required to "give effect to" its RPS (s67(3)(c)). This is a significant obligation. The corollary is that Change 1C should recognise and provide for hydro-generation, both existing and potential.

Unless hydro is provided for in the Regional Plan it will not be encouraged or promoted as required by the RPS, or perhaps even maintained. The risk is that under the proposed framework in Plan Change 1C alternative uses of water are preferred at the expense of water for hydro generation.

31. Contact also notes that the relevant district plans – Clutha District Plan, Central Otago District Plan and Queenstown Lakes District Plan – all recognise and provide for existing and potential hydro-electric generation in their districts. Contact considers that this approach is appropriate. Further, it supports consistency in the planning approach across the Region.

Relief Sought

32. Contact suggests the addition of Issues as follows (new text underlined):
 - "The inefficient allocation and use of water within the Region can significantly reduce the benefits to be derived from the use of the resource, including its use for the generation of renewable energy.
 - "The cumulative effects of the taking of water may;
 - i) result in reductions of water quality and aquatic habitat
 - ii) limit the availability of water for other actual and potential uses
 - iii) compromise the generation of renewable energy"

6.3 Objectives

Submission

33. Contact considers that an Objective that identifies the importance of ensuring that water is available for renewable energy generation is appropriate. At the very least Contact considers it is necessary that there be an Objective in the Otago Water Plan that seeks to manage water takes to avoid adverse cumulative effects on renewable generation
34. Section 7(j) of the RMA provides for the generation of renewable energy as a matter of national importance.

35. Sections 7(i) and 7(j) of the RMA require that all persons exercising functions and powers under the RMA are now required to have particular regard to:
- (i) the effects of climate change:*
 - (j) the benefits to be derived from the use and development of renewable energy."*
36. The obligation to have particular regard to these matters extends to the preparation of Plan Change 1C.
37. In *Genesis Power Limited v Franklin District Council* the Court noted:²
- "[224] ... the amendments to section 7 in particular, have reinforced the intention of Parliament that this Court is to have particular regard to both the effects of climate change and the benefits to be derived from the use and development of renewable energy. Parliament has reaffirmed the conclusion of the Stratford board of inquiry that climate change must be addressed and has determined that one way it must be addressed is through renewable energy."*
38. Accordingly, it is important that the silence on hydro-generation in Plan 1C is remedied.

Relief Sought

39. Contact seeks the inclusion of two new Objectives as follows (new text underlined):
- *"The continued availability of water currently (at the date of notification of this change) used for renewable energy generation."*
 - *"Enable people and communities to provide for their social, economic and cultural wellbeing by providing water for hydro-electricity generation."*
40. Contact seeks an Explanation for these Objectives as follows:
- "Section 7(j) of the RMA provides for the generation of renewable energy as a matter of national importance. This legislative requirement is acknowledged in Objectives [relevant numbers]."*

² [2005] NZRMA 541, 588.

6.4 Policies

Submission

41. To carry through this recognition of the important place of hydro generation and internal Plan consistency there needs to be a Policy in the Water Plan that identifies the benefits to be derived from hydro electric generation.

Relief Sought

42. Contact seeks the addition of a new Policy as follows or to like effect (new text underlined):

"The benefits to be derived from the use of water for the generation of renewable energy."

when establishing allocation.

6.4.0A Policy

Submission

43. Contact wishes to see acknowledgement that ensuring the quantity of water granted in any take is not more than what is required for the intended purpose of use will not only enable more people to benefit from water available for consumptive use but also maintain water for non-consumptive use such as hydro-generation.

Relief Sought

44. Add a further clause to the last sentence of the Principal Reasons for Adopting as follows (new text underlined):

"...This will enable more people to benefit from water available for consumptive use, and water to be retained for hydro-electric power generation."

6.4.0B Policy

Submission

45. Contact endorses the encouragement for water users to share use and management of water. However, Contact is concerned that such management not impact adversely on the availability of water for hydro-electric generation.

Relief Sought

46. Add after the paragraph addressing Infrastructure in the Explanation a new paragraph as follows or to like effect (new text underlined):

"In the implementation of this Policy adverse effect on the availability of water for hydro-electric generation should be considered and avoided (such as in moving the point of water take within an area).

6.4.0C Policy

Submission

47. Contact supports the general position of giving priority to local use of local water sources. However, Contact is concerned that the effect of declining consent for water from a particular source "if Council considers taking from another source of water to be more efficient allocation" when combined with the no limitation approach on takes from the Clutha catchment (see submission on Policy 6.4.1 below) may lead to consumptive takes from the Clutha catchment which severely impact upon the availability of water for the non-consumptive use of water for hydro electric generation.
48. Further, Contact opposes any attempt to take water from the Clutha and its tributaries for "exporting elsewhere" because "local demand is satisfied".
49. Accordingly, Contact wishes to see amendments, including the final sentence of the first paragraph of the Explanation of 6.4.0C deleted and an addition to the Explanation to acknowledge that it is important that hydro-generation is not affected.

Relief Sought

50. Delete the last sentence from the first paragraph of the Explanation as follows (deleted text struckthrough):

~~"...require adequate water supply. If local demand is satisfied then water may be exported to users elsewhere."~~

51. Add a fourth paragraph to the Explanation as follows or to like effect (additional text shown underlined):

"In considering an application to take water and competing lawful local demands the Council will consider the need to avoid adverse effects on the availability and use of water for hydro-electric generation."

6.4.1 Policy

Submission

52. Policy 6.4.1 provides a policy for the managing of takes of surface water by providing for defined allocation quantities and water body levels but excludes any managing of the take of surface water from Lakes Dunstan, Hawea, Roxburgh, Wanaka or Wakatipu, or the main stem of the Clutha/Mata-au or Kawarau Rivers.
53. The explanation is that "*water is plentiful*" in these sources and "*the taking of water creates no currently foreseeable risk to any activity based on these water bodies*". Contact strongly disagrees. Cumulatively the taking of water from these water bodies has the potential to severely impact on the generation of hydro-electricity from the existing Clyde and Roxburgh power stations.
54. Contact seeks that the third paragraph of the Explanation be deleted. The Explanation acknowledges that takes from these sources should have full discretionary status which Contact supports. This should be accompanied by the Issue, Objective, Policy framework discussed above and an Explanation that while there is no specific allocation or minimum flow in these sources it is acknowledged that cumulative consumptive takes reduce water available for the non-consumptive use of electricity generation.

Relief Sought

55. Delete from the third paragraph of the Explanation as follows (text to be deleted struck through):

~~"Allocation quantities and minimum flows do not apply to surface water takes from Lakes Dunstan, Hawea, Roxburgh, Wanaka or Wakatipu, or the main stem of the Clutha/Mata-au or Kawarau Rivers, where water is plentiful. Because the taking of water creates no currently foreseeable risk to any activity based on these water bodies, there is no need to limit allocation or subject takes to a minimum flow, and these takes are full discretionary activities in terms of this Plan."~~

56. Substitute as follows (new text underlined):

"Allocation quantities and minimum flows do not apply to surface water takes from Lakes Dunstan, Hawea, Roxburgh, Wanaka or Wakatipu, or the main stem of the Clutha/Mata-au or Kawarau Rivers (where minimum flows are set by resource consent in some cases). While there is no specific allocation or minimum flow, it is acknowledged that cumulative consumptive takes reduce water available for the non-consumptive use of

electricity generation. Takes from these water bodies are full discretionary activities in terms of this Plan."

57. Add an acknowledgement as a last sentence to the Explanation as follows:

"Contact Energy Limited is an affected party for all applications for takes upstream from Roxburgh Dam."

58. Amend the Principal Reasons for Adopting as follows:


"This policy is adopted to enable consumptive users' access to surface water while sustaining aquatic ecological values and the availability of water for hydro electric generation."

59. Amend the Section heading as follows (new text underlined):

"Surface Water Takes and Connected Groundwater Takes"

Submission and Further Relief

60. Contact seeks whatever consequential changes as are necessary to give effect to the relief sought above,



Rosemary Dixon

Legal Counsel

Contact Energy Limited

Date: 9 March 2009



SUBMISSION FORM
Proposed Plan Change 1C Water Allocation and Use
to the Regional Plan: Water for Otago

Form 5, Clause 6 of the First Schedule, Resource Management Act 1991.

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OTAGO REGIONAL COUNCIL
RECEIVED DUNEDIN
09 MAR 2009
FILE No. RJ241
DIR TO MRP-SV

Full name of submitter: MICHAEL O'CONNOR

Name of organisation (if applicable): M & J O'CONNOR FAMILY TRUST

Postal address: 66 McKerrow Road 11 ORD AMARU

Postcode:

Telephone: 03 4394447 Fax: Same

Email: Contact Person: MICHAEL

I wish to be heard in support of my submission.

If others made a similar submission, I will consider presenting a joint case with them at a hearing.
(Cross out if you would not consider presenting a joint case).

Signature of submitter: *M O'Connor* Date: 9 MARCH 2009
(or person authorised to sign on behalf of person making submission).

Please note that all submissions are made available for public inspection.

The parts of the proposed plan change that my submission relates to are:
(Give clear references if possible e.g. reference number, policy x, rule y)

Section 6.4.2A

My submission is: *DELETE Section 6.4.2A*
(Include whether you support, oppose, or wish to have amended the parts identified above, and give reasons)

DELETE Section 6.4.2A. Records obtained through data loggers do not tell the full picture. In wetter years less irrigation is used. In prolonged dry periods in the warmer months irrigation is restricted by river minimum flows - Kakanui River for example. In recent times some land owners have constructed holding ponds to help through water restriction periods and use their primary rite to fill these ponds during the winter months. Section 6.4.2A would also...

STOP future water harvesting

Please turn over

I seek the following decision from the local authority:

(Give precise details e.g. changes you would like made)

Delete section 6.4.2A on reasons given in my submission.

SUBMISSIONS MUST BE RECEIVED BY 5.00 PM, MONDAY 9 MARCH 2009.

Please fold and secure with a small piece of tape.

FreePost Authority ORC 1722



54

Submission		OTAGO REGIONAL COUNCIL RECEIVED DUNEDIN
TO:	Otago Regional Council	09 MAR 2009
DATE:	9 March 2009	FILE No. RJ 241 DIR TO MRP-V
PLAN CHANGE:	Proposed Plan Change 1C (Water Allocation and Use) to the Regional Plan: Water for Otago	
DESCRIPTION OF THE PLAN CHANGE	<p>The plan change proposes to add provisions to manage the taking of water, including:</p> <ul style="list-style-type: none"> • Managing water as a connected resource; • Recognising when groundwater is closely connected to surface water. • Giving preference to local water sources for local uses of water; and • Encouraging collaborative approaches by water users; 	

Submitter(s):

~~Te Rūnanga o Moeraki, Kāti Huirapa Rūnanga ki Puketeraki, Te Rūnanga o Ōtākou, and Hokonui Rūnanga.~~

We wish to lodge a submission on the above plan change.

Te Rūnanga o Moeraki, Kāti Huirapa Rūnanga ki Puketeraki, Te Rūnanga o Ōtākou, and Hokonui Rūnanga oppose this plan change. The submission of nga Rūnanga is that it is generally supportive of the intent of the plan change believing that water should be managed as a connected resource, and that priority should be given to local uses of water. However, nga Rūnanga opposes the delegation of authority for the management of water takes to water management groups.

We do wish to be heard in support of this submission at a hearing, and we request an opportunity to expand on our submission. If others make a similar submission, we will consider presenting a joint case with them

1.0 INTRODUCTION

1.1 Kaitiaki Rūnaka

The Te Rūnanga o Ngāi Tahu Act 1996 describes the takiwā of Kā Papatipu Rūnanga.

The takiwā of Te Rūnanga o Moeraki is based at Moeraki and extends from the Waitaki River to the Waihemo (Shag) River. The takiwā of Kāti Huirapa Rūnanga ki Puketeraki centres on Karitane and extends from the Waihemo River (Shag River) to Purehurehu (Potato Point). The takiwā of Te Rūnanga o Ōtākou centres on Otakou and extends from Purehurehu (Potato Point) to Te Matau (the Clutha River). The takiwa of Hokonui Runaka centres on the Hokonui region and includes a shared interest in the lakes and mountains between Whakatipu-Waitai and Tawhitarere with other Murihiku Runanga and those located from Waihemo southwards.

Nga Rūnanga share an interest in the inland lakes and mountain ranges to the western coast with Rūnanga to the North and to the South.

1.2 Kaitiakitaka

The rights of Kāi Tahu are derived through whakapapa. Rights are accompanied by responsibilities. Kāi Tahu, as tangata tiaki, have a fundamental duty to protect the natural world of which they are a part. The tangata tiaki exercise kaitiakitanga.

The term has received recognition in Section 7(a) of the Resource Management Act 1991 and is defined in the Act as “the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship”.

Ngai Tahu believe that people, flora, fauna as well as natural phenomena such as forest, waters, mist, wind and rocks, possess a mauri or life force. The primary management principle for Ngai Tahu is the protection of the mauri of a resource from desecration. Concepts such as tapu, noa and rahui are therefore applied by tangata tiaki to protect the mauri of a resource.

1.3 Tino Rangatiratanga

The concept of Tino Rangatiratanga refers to Ngai Tahu having the right to make decisions concerning resources within their takiwā. The right to manage and control resources is guaranteed by Article II of the Treaty of Waitangi.

1.4 Kāi Tahu Association with Wai Māori

Preservation of the integrity of valued waterways is an important aspect of the responsibilities of those members of Kāi Tahu Whānui that are identified as tangata tiaki. The values (both tangible and intangible) associated with specific waterbodies include:

- The role of particular waterways in unique tribal creation stories;
- The role of those waterways in historical accounts;
- The proximity of important wāhi tapu, settlement or other historical sites in or adjacent to specific waterways;
- The use of waterways as access routes or transport corridors;
- The value of waterways as traditional sources of mahinga kai and other cultural materials; and
- The continued capacity for future generations to access, use and protect the resource.

Kāi Tahu place a high value upon water bodies that possess a healthy mauri and that are fit for cultural purposes. While there are also many intangible qualities associated with the spiritual presence of rivers, elements of physical health which Kāi Tahu use to reflect the status of mauri and to identify the enhancements needed include:

- Aesthetic qualities e.g. clarity, natural character and indigenous flora and fauna;
- Life-supporting capacity and ecosystem robustness;
- Depth and velocity of flow;
- Continuity of flow from the mountain source of a river to the sea;
- Productive capacity; and
- Fitness for cultural usage.

The cultural importance and management of water is addressed through the Te Rūnanga o Ngāi Tahu Freshwater Policy, and through the objectives and policies of the Kāi Tahu ki Otago Natural Resource Management Plans.

The Te Rūnanga o Ngāi Tahu Freshwater Policy includes the following kaupapa (policy) for the management of freshwater resources:

- Water plays a unique role in the traditional economy and culture of Kāi Tahu. Without water no living thing, plant, fish or animal can survive.
- Water is a taonga. Water has an inherent value that should be recognised in the event of potentially competing uses. Taonga value refers to values associated with the water itself, the resources living in the water and the resources in the wider environs that are sustained by the water. Taking, using and disposing of water can have drastic effects on the environment and the values Kāi Tahu accord to a waterbody.
- 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.
- Water is a commodity that is subject to competition. An understanding of the significance and value of water to Kāi Tahu and other stakeholders is necessary to change the existing behaviour from one that prioritises consumptive uses and permits inefficient use towards one that recognises and provides for cultural and ecological values as priorities.
- Water has many stakeholders. The interdependency of different parts of the hydrological system creates many stakeholders, including other organisms and humans (both current and future generations). The Resource Management Act 1991 confirms that future generations are also stakeholders. From Kāi Tahu's perspective, the present generation has an obligation to pass on healthy water resources to future generations.
- Water should be managed at the local level because most threats to waterbodies are local. Responsibility for management should therefore be delegated to those organisations that have a personal stake in its overall health and condition.

The Te Rūnanga o Ngāi Tahu Freshwater Policy and the Kāi Tahu ki Otago Natural Resource Management Plans are relevant planning documents that are "... recognised by an iwi authority and lodged with the council". Therefore the Otago Regional Council is required to take these planning documents into account in changing the Regional Plan: Water for Otago [Resource Management Act 1991 s66(2A)(a)].

2.0 GENERAL SUBMISSIONS

- 2.1 Nga Rūnanga support the intent of the plan change believing that water should be managed as a connected resource, and that priority should be given to local uses of water. However, nga Rūnanga opposes the delegation of authority for the management of water to water management groups.
- 2.2 In managing the water resource Council is required to take into account the relevant provisions of the Resource Management Act 1991, and relevant planning documents prepared under that Act. These planning documents include the Proposed National Policy Statement on Freshwater Management, the Regional Policy Statement for Otago, and the existing objectives and policies of the Regional Plan: Water for Otago.
- 2.3 Nga Rūnanga have a legitimate expectation that their interests will be accommodated given the statutory and policy imperatives with respect to freshwater. Regrettably, Nga Rūnanga are of the opinion that the proposed plan change does not adequately recognise and provide for the association of nga Rūnanga with their ancestral lands and waters [s6(e) RMA 1991], and is in part contrary to the principles of Te Tiriti o Waitangi (Treaty of Waitangi).

3.0 SPECIFIC SUBMISSIONS

- 3.1 Objectives 6.3.1 and 6.3.2A, Policies 6.4.0 and 6.4.1A
Nga Rūnanga support greater recognition of the hydrological connection between surface and groundwater. Integrated management of ground and surface water is consistent with the Kāi Tahu ki Otago 'Ki Uta ki Tai' (Mountains to the Sea) philosophy of resource management.
- 3.2 Policies 6.4.0B, 6.4.12A, Method 15.2.2, Appendix 2A: Shared Use and Management of Water

Nga Rūnanga opposes the delegation of authority for the management of water to water management groups.

Nga Rūnanga submits that the proposed change to the Regional Plan: Water for Otago further distances Kāi Tahu from the management of the water resource. In the opinion of Nga Rūnanga such delegation does not provide for their relationship with their ancestral waters and is contrary to the principle of Tino Rangatiratanga.

3.3 Policy 6.4.0C: Prioritising Local Use of Water

Nga Rūnanga support the prioritising of the local use of water over its use elsewhere.

3.4 Policy 6.4.1: Management of Surface Water

The definition of allocation quantities, water body levels, and minimum flows establish the environmental and human use parameters for activities under the Regional Plan: Water for Otago. It is of concern to Nga Rūnanga that the opportunity for consideration of Kāi Tahu values only exists in the setting of the parameters for discretionary (restricted) water takes, and in consideration of water takes that are outside of the established parameters.

Further, it is the opinion of Nga Rūnanga the provision of access to surface water by consumptive users should not compromise cultural values.

Outcome Sought	Amendment Requested
Amend the principal reason for adopting the policy.	This policy is adopted to enable consumptive users' access to surface water while sustaining ecological and cultural values.

3.5 Policies 6.4.10A to 6.4.10E (inclusive): Management of Groundwater

Nga Rūnanga supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions, to avoid contamination of groundwater or surface water and permanent aquifer compression.

3.6 Policy 6.4.16: Measuring the volume and rate of water takes

Nga Rūnanga support the measurement of the volume and rate of water takes. The metering of water takes is consistent with the objectives and policies of the Kāi Tahu ki Otago Natural Resource Management Plan.

3.7 Rule 12.1.4.8 Restricted discretionary activity considerations (surface water)

Nga Rūnanga acknowledge that an opportunity exists for the consideration of Kāi Tahu values in the setting of the parameters for restricted discretionary water takes. However, in order to fulfill their responsibilities as tangata tiaki, Nga Rūnanga must be actively involved in the management of water on an on-going basis. Accordingly, Nga Rūnanga request consideration of Kāi Tahu cultural values in the assessment of applications for restricted discretionary water takes.

Outcome Sought	Amendment Requested
Include Kāi Tahu cultural values as a restricted discretionary activity consideration.	Any adverse effect on Kāi Tahu values identified in Schedule 1D.

3.8 Rule 12.2.3.4: Restricted discretionary activity considerations (ground water)

Nga Rūnanga acknowledge that an opportunity exists for the consideration of Kāi Tahu values in the setting of the parameters for restricted discretionary groundwater takes. However, in order to fulfill their responsibilities as tangata tiaki, Nga Rūnanga must be actively involved in the management of water on an on-going basis. Accordingly, Nga Rūnanga request consideration of Kāi Tahu cultural values in the assessment of applications for restricted discretionary groundwater takes.

Outcome Sought	Amendment Requested
Include Kāi Tahu cultural values as a restricted discretionary activity consideration.	Any adverse effect on Kāi Tahu values identified in Schedule 1D.

3.9 Section 16.3: Specific Information Requirements

An assessment of the effects of water takes on natural and human use values is only required for discretionary and non-complying activities. Nga Rūnanga submits that consideration of Kāi Tahu values should be a requirement for all water takes.

Outcome Sought	Amendment Requested
Require an assessment of the effects of water takes on Kāi Tahu cultural values.	<p>In the case of any resource consent application for the taking of water under Rule 12.1.5.1 or 12.2.4.1, an assessment of the effects of the activity on:</p> <p>(a) The natural and human use values including those identified in Schedule 1 for any affected water body; and</p> <p>(b) The natural character of any affected water body; and</p> <p>(c) The amenity values supported by any affected water body.</p>

3.10 Appendix 2A: Water Management Groups

Nga Rūnanga, as discussed above, opposes the delegation of authority for the management of water to water management groups. In summary, the proposed delegation of authority raises the following issues for Nga Rūnanga:

- a. There is insufficient information in the plan change to assure Nga Rūnanga that Kāi Tahu cultural values will be safeguarded;
- b. The Otago Regional Council has not assessed the costs and benefits of the full range of water management models that are available. In particular, there is potential for the Council to enter into a joint management agreement with Nga Rūnanga for the purpose of exercising functions, powers or duties under the Regional Plan: Water for Otago [s36B Resource Management Act 1991].
- c. The delegation of authority to water management groups is contrary to the integrated catchment management approach preferred by Kāi Tahu. Integrated catchment management facilitates collaborative management of water by consumptive and extractive users, Nga Rūnanga, and the wider community.
- d. The further alienation of Nga Rūnanga from the management of Wāi Māori is contrary to the guarantees of Te Tiriti o Waitangi (Treaty of Waitangi) [s8 Resource Management Act 1991].

Submission lodged on behalf Te Rūnanga o Moeraki, Kāti Huirapa Rūnanga ki Puketeraki , Te Rūnanga o Ōtākou, and Hokonui Rūnanga

Nahaku noa
Na



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Submission		OTAGO REGIONAL COUNCIL RECEIVED DUNEDIN 09 MAR 2009 FILE No. RT241 DIR TO MRP SV
TO:	Otago Regional Council	
DATE:	9 March 2009	
PLAN CHANGE:	Proposed Plan Change 1C (Water Allocation and Use) to the Regional Plan: Water for Otago	
DESCRIPTION OF THE PLAN CHANGE	<p>The plan change proposes to add provisions to manage the taking of water, including:</p> <ul style="list-style-type: none"> ◦ Managing water as a connected resource; ◦ Recognising when groundwater is closely connected to surface water. ◦ Giving preference to local water sources for local uses of water; and ◦ Encouraging collaborative approaches by water users; 	

Submitter(s):

~~Te Rūnanga o Moeraki, Kāti Huirapa Rūnanga ki Puketeraki, Te Rūnanga o Ōtākou, and Hokonui Rūnanga.~~

We wish to lodge a submission on the above plan change.

Te Rūnanga o Moeraki, Kāti Huirapa Rūnanga ki Puketeraki, Te Rūnanga o Ōtākou, and Hokonui Rūnanga oppose this plan change. The submission of nga Rūnanga is that it is generally supportive of the intent of the plan change believing that water should be managed as a connected resource, and that priority should be given to local uses of water. However, nga Rūnanga opposes the delegation of authority for the management of water takes to water management groups.

We do wish to be heard in support of this submission at a hearing, and we request an opportunity to expand on our submission. If others make a similar submission, we will consider presenting a joint case with them

1.0 INTRODUCTION

1.1 Kaitiaki Rūnaka

The Te Rūnanga o Ngāi Tahu Act 1996 describes the takiwā of Kā Papatipu Rūnanga.

The takiwā of Te Rūnanga o Moeraki is based at Moeraki and extends from the Waitaki River to the Waihemo (Shag) River. The takiwā of Kāti Huirapa Rūnanga ki Puketeraki centres on Karitane and extends from the Waihemo River (Shag River) to Purehurehu (Potato Point). The takiwā of Te Rūnanga o Ōtākou centres on Otakou and extends from Purehurehu (Potato Point) to Te Matau (the Clutha River). The takiwa of Hokonui Runaka centres on the Hokonui region and includes a shared interest in the lakes and mountains between Whakatipu-Waitai and Tawhititarere with other Murihiku Runanga and those located from Waihemo southwards.

Nga Rūnanga share an interest in the inland lakes and mountain ranges to the western coast with Rūnanga to the North and to the South.

1.2 Kaitiakitaka

The rights of Kāi Tahu are derived through whakapapa. Rights are accompanied by responsibilities. Kāi Tahu, as tangata tiaki, have a fundamental duty to protect the natural world of which they are a part. The tangata tiaki exercise kaitiakitanga.

The term has received recognition in Section 7(a) of the Resource Management Act 1991 and is defined in the Act as "the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship".

Ngai Tahu believe that people, flora, fauna as well as natural phenomena such as forest, waters, mist, wind and rocks, possess a mauri or life force. The primary management principle for Ngai Tahu is the protection of the mauri of a resource from desecration. Concepts such as tapu, noa and rahui are therefore applied by tangata tiaki to protect the mauri of a resource.

1.3 Tino Rangatiratanga

The concept of Tino Rangatiratanga refers to Ngai Tahu having the right to make decisions concerning resources within their takiwā. The right to manage and control resources is guaranteed by Article II of the Treaty of Waitangi.

1.4 Kāi Tahu Association with Wai Māori

Preservation of the integrity of valued waterways is an important aspect of the responsibilities of those members of Kāi Tahu Whānui that are identified as tangata tiaki. The values (both tangible and intangible) associated with specific waterbodies include:

- The role of particular waterways in unique tribal creation stories;
- The role of those waterways in historical accounts;
- The proximity of important wāhi tapu, settlement or other historical sites in or adjacent to specific waterways;
- The use of waterways as access routes or transport corridors;
- The value of waterways as traditional sources of mahinga kai and other cultural materials; and
- The continued capacity for future generations to access, use and protect the resource.

Kāi Tahu place a high value upon water bodies that possess a healthy mauri and that are fit for cultural purposes. While there are also many intangible qualities associated with the spiritual presence of rivers, elements of physical health which Kāi Tahu use to reflect the status of mauri and to identify the enhancements needed include:

- Aesthetic qualities e.g. clarity, natural character and indigenous flora and fauna;
- Life-supporting capacity and ecosystem robustness;
- Depth and velocity of flow;
- Continuity of flow from the mountain source of a river to the sea;
- Productive capacity; and
- Fitness for cultural usage.

The cultural importance and management of water is addressed through the Te Rūnanga o Ngāi Tahu Freshwater Policy, and through the objectives and policies of the Kāi Tahu ki Otago Natural Resource Management Plans.

The Te Rūnanga o Ngāi Tahu Freshwater Policy includes the following kaupapa (policy) for the management of freshwater resources:

- Water plays a unique role in the traditional economy and culture of Kāi Tahu. Without water no living thing, plant, fish or animal can survive.
- Water is a taonga. Water has an inherent value that should be recognised in the event of potentially competing uses. Taonga value refers to values associated with the water itself, the resources living in the water and the resources in the wider environs that are sustained by the water. Taking, using and disposing of water can have drastic effects on the environment and the values Kāi Tahu accord to a waterbody.
- 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.
- Water is a commodity that is subject to competition. An understanding of the significance and value of water to Kāi Tahu and other stakeholders is necessary to change the existing behaviour from one that prioritises consumptive uses and permits inefficient use towards one that recognises and provides for cultural and ecological values as priorities.
- Water has many stakeholders. The interdependency of different parts of the hydrological system creates many stakeholders, including other organisms and humans (both current and future generations). The Resource Management Act 1991 confirms that future generations are also stakeholders. From Kāi Tahu's perspective, the present generation has an obligation to pass on healthy water resources to future generations.
- Water should be managed at the local level because most threats to waterbodies are local. Responsibility for management should therefore be delegated to those organisations that have a personal stake in its overall health and condition.

The Te Rūnanga o Ngāi Tahu Freshwater Policy and the Kāi Tahu ki Otago Natural Resource Management Plans are relevant planning documents that are "... recognised by an iwi authority and lodged with the council". Therefore the Otago Regional Council is required to take these planning documents into account in changing the Regional Plan: Water for Otago [Resource Management Act 1991 s66(2A)(a)].

2.0 GENERAL SUBMISSIONS

- 2.1 Nga Rūnanga support the intent of the plan change believing that water should be managed as a connected resource, and that priority should be given to local uses of water. However, nga Rūnanga opposes the delegation of authority for the management of water takes to water management groups.
- 2.2 In managing the water resource Council is required to take into account the relevant provisions of the Resource Management Act 1991, and relevant planning documents prepared under that Act. These planning documents include the Proposed National Policy Statement on Freshwater Management, the Regional Policy Statement for Otago, and the existing objectives and policies of the Regional Plan: Water for Otago.
- 2.3 Nga Rūnanga have a legitimate expectation that their interests will be accommodated given the statutory and policy imperatives with respect to freshwater. Regrettably, Nga Rūnanga are of the opinion that the proposed plan change does not adequately recognise and provide for the association of nga Rūnanga with their ancestral lands and waters [s6(e) RMA 1991], and is in part contrary to the principles of Te Tiriti o Waitangi (Treaty of Waitangi).

3.0 SPECIFIC SUBMISSIONS

- 3.1 Objectives 6.3.1 and 6.3.2A, Policies 6.4.0 and 6.4.1A
Nga Rūnanga support greater recognition of the hydrological connection between surface and groundwater. Integrated management of ground and surface water is consistent with the Kāi Tahu ki Otago 'Ki Uta ki Tai' (Mountains to the Sea) philosophy of resource management.
- 3.2 Policies 6.4.0B, 6.4.12A, Method 15.2.2, Appendix 2A: Shared Use and Management of Water

Nga Rūnanga opposes the delegation of authority for the management of water to water management groups.

Nga Rūnanga submits that the proposed change to the Regional Plan: Water for Otago further distances Kāi Tahu from the management of the water resource. In the opinion of Nga Rūnanga such delegation does not provide for their relationship with their ancestral waters and is contrary to the principle of Tino Rangatiratanga.

3.3 Policy 6.4.0C: Prioritising Local Use of Water

Nga Rūnanga support the prioritising of the local use of water over its use elsewhere.

3.4 Policy 6.4.1: Management of Surface Water

The definition of allocation quantities, water body levels, and minimum flows establish the environmental and human use parameters for activities under the Regional Plan: Water for Otago. It is of concern to Nga Rūnanga that the opportunity for consideration of Kāi Tahu values only exists in the setting of the parameters for discretionary (restricted) water takes, and in consideration of water takes that are outside of the established parameters.

Further, it is the opinion of Nga Rūnanga the provision of access to surface water by consumptive users should not compromise cultural values.

Outcome Sought	Amendment Requested
Amend the principal reason for adopting the policy.	This policy is adopted to enable consumptive users' access to surface water while sustaining ecological and cultural values.

3.5 Policies 6.4.10A to 6.4.10E (inclusive): Management of Groundwater

Nga Rūnanga supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions, to avoid contamination of groundwater or surface water and permanent aquifer compression.

3.6 Policy 6.4.16: Measuring the volume and rate of water takes

Nga Rūnanga support the measurement of the volume and rate of water takes. The metering of water takes is consistent with the objectives and policies of the Kāi Tahu ki Otago Natural Resource Management Plan.

3.7 Rule 12.1.4.8 Restricted discretionary activity considerations (surface water)

Nga Rūnanga acknowledge that an opportunity exists for the consideration of Kāi Tahu values in the setting of the parameters for restricted discretionary water takes. However, in order to fulfill their responsibilities as tangata tiaki, Nga Rūnanga must be actively involved in the management of water on an on-going basis. Accordingly, Nga Rūnanga request consideration of Kāi Tahu cultural values in the assessment of applications for restricted discretionary water takes.

Outcome Sought	Amendment Requested
Include Kāi Tahu cultural values as a restricted discretionary activity consideration.	Any adverse effect on Kāi Tahu values identified in Schedule 1D.

3.8 Rule 12.2.3.4: Restricted discretionary activity considerations (ground water)

Nga Rūnanga acknowledge that an opportunity exists for the consideration of Kāi Tahu values in the setting of the parameters for restricted discretionary groundwater takes. However, in order to fulfill their responsibilities as tangata tiaki, Nga Rūnanga must be actively involved in the management of water on an on-going basis. Accordingly, Nga Rūnanga request consideration of Kāi Tahu cultural values in the assessment of applications for restricted discretionary groundwater takes.

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Require an assessment of the effects of water takes on Kāi Tahu cultural values.	<p>In the case of any resource consent application for the taking of water under Rule 12.1.5.1 or 12.2.4.1, an assessment of the effects of the activity on:</p> <p>(a) The natural and human use values including those identified in Schedule 1 for any affected water body; and</p> <p>(b) The natural character of any affected water body; and</p> <p>(c) The amenity values supported by any affected water body.</p>

3.10 Appendix 2A: Water Management Groups

Nga Rūnanga, as discussed above, opposes the delegation of authority for the management of water to water management groups. In summary, the proposed delegation of authority raises the following issues for Nga Rūnanga:

- a. There is insufficient information in the plan change to assure Nga Rūnanga that Kāi Tahu cultural values will be safeguarded;
- b. The Otago Regional Council has not assessed the costs and benefits of the full range of water management models that are available. In particular, there is potential for the Council to enter into a joint management agreement with Nga Rūnanga for the purpose of exercising functions, powers or duties under the Regional Plan: Water for Otago [s36B Resource Management Act 1991].
- c. The delegation of authority to water management groups is contrary to the integrated catchment management approach preferred by Kāi Tahu. Integrated catchment management facilitates collaborative management of water by consumptive and extractive users, Nga Rūnanga, and the wider community.
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Submission lodged on behalf Te Rūnanga o Moeraki, Kāti Huirapa Rūnanga ki Puketeraki , Te Rūnanga o Ōtākou, and Hokonui Rūnanga

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Submission		OTAGO REGIONAL COUNCIL RECEIVED DUNEDIN 09 MAR 2009 FILE No. <u>RI241</u> DIR TO <u>MAP-SV</u>
TO:	Otago Regional Council	
DATE:	9 March 2009	
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DESCRIPTION OF THE PLAN CHANGE	The plan change proposes to add provisions to manage the taking of water, including: <ul style="list-style-type: none"> ◦ Managing water as a connected resource; ◦ Recognising when groundwater is closely connected to surface water. ◦ Giving preference to local water sources for local uses of water; and ◦ Encouraging collaborative approaches by water users; 	

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We do wish to be heard in support of this submission at a hearing, and we request an opportunity to expand on our submission. If others make a similar submission, we will consider presenting a joint case with them

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Kāi Tahu place a high value upon water bodies that possess a healthy mauri and that are fit for cultural purposes. While there are also many intangible qualities associated with the spiritual presence of rivers, elements of physical health which Kāi Tahu use to reflect the status of mauri and to identify the enhancements needed include:

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2.0 GENERAL SUBMISSIONS

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Nga Rūnanga opposes the delegation of authority for the management of water to water management groups.

Nga Rūnanga submits that the proposed change to the Regional Plan: Water for Otago further distances Kāi Tahu from the management of the water resource. In the opinion of Nga Rūnanga such delegation does not provide for their relationship with their ancestral waters and is contrary to the principle of Tino Rangatiratanga.

3.3 Policy 6.4.0C: Prioritising Local Use of Water

Nga Rūnanga support the prioritising of the local use of water over its use elsewhere.

3.4 Policy 6.4.1: Management of Surface Water

The definition of allocation quantities, water body levels, and minimum flows establish the environmental and human use parameters for activities under the Regional Plan: Water for Otago. It is of concern to Nga Rūnanga that the opportunity for consideration of Kāi Tahu values only exists in the setting of the parameters for discretionary (restricted) water takes, and in consideration of water takes that are outside of the established parameters.

Further, it is the opinion of Nga Rūnanga the provision of access to surface water by consumptive users should not compromise cultural values.

Outcome Sought	Amendment Requested
Amend the principal reason for adopting the policy.	This policy is adopted to enable consumptive users' access to surface water while sustaining ecological and cultural values.

3.5 Policies 6.4.10A to 6.4.10E (inclusive): Management of Groundwater

Nga Rūnanga supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions, to avoid contamination of groundwater or surface water and permanent aquifer compression.

3.6 Policy 6.4.16: Measuring the volume and rate of water takes

Nga Rūnanga support the measurement of the volume and rate of water takes. The metering of water takes is consistent with the objectives and policies of the Kāi Tahu ki Otago Natural Resource Management Plan.

3.7 Rule 12.1.4.8 Restricted discretionary activity considerations (surface water)

Nga Rūnanga acknowledge that an opportunity exists for the consideration of Kāi Tahu values in the setting of the parameters for restricted discretionary water takes. However, in order to fulfill their responsibilities as tangata tiaki, Nga Rūnanga must be actively involved in the management of water on an on-going basis. Accordingly, Nga Rūnanga request consideration of Kāi Tahu cultural values in the assessment of applications for restricted discretionary water takes.

Outcome Sought	Amendment Requested
Include Kāi Tahu cultural values as a restricted discretionary activity consideration.	Any adverse effect on Kāi Tahu values identified in Schedule 1D.

3.8 Rule 12.2.3.4: Restricted discretionary activity considerations (ground water)

Nga Rūnanga acknowledge that an opportunity exists for the consideration of Kāi Tahu values in the setting of the parameters for restricted discretionary groundwater takes. However, in order to fulfill their responsibilities as tangata tiaki, Nga Rūnanga must be actively involved in the management of water on an on-going basis. Accordingly, Nga Rūnanga request consideration of Kāi Tahu cultural values in the assessment of applications for restricted discretionary groundwater takes.

Outcome Sought	Amendment Requested
Include Kāi Tahu cultural values as a restricted discretionary activity consideration.	Any adverse effect on Kāi Tahu values identified in Schedule 1D.

3.9 Section 16.3: Specific Information Requirements

An assessment of the effects of water takes on natural and human use values is only required for discretionary and non-complying activities. Nga Rūnanga submits that consideration of Kāi Tahu values should be a requirement for all water takes.

Outcome Sought	Amendment Requested
Require an assessment of the effects of water takes on Kāi Tahu cultural values.	<p>In the case of any resource consent application for the taking of water under Rule 12.1.5.1 or 12.2.4.1, an assessment of the effects of the activity on:</p> <p>(a) The natural and human use values including those identified in Schedule 1 for any affected water body; and</p> <p>(b) The natural character of any affected water body; and</p> <p>(c) The amenity values supported by any affected water body.</p>

3.10 Appendix 2A: Water Management Groups

Nga Rūnanga, as discussed above, opposes the delegation of authority for the management of water to water management groups. In summary, the proposed delegation of authority raises the following issues for Nga Rūnanga:

- a. There is insufficient information in the plan change to assure Nga Rūnanga that Kāi Tahu cultural values will be safeguarded;
- b. The Otago Regional Council has not assessed the costs and benefits of the full range of water management models that are available. In particular, there is potential for the Council to enter into a joint management agreement with Nga Rūnanga for the purpose of exercising functions, powers or duties under the Regional Plan: Water for Otago [s36B Resource Management Act 1991].
- c. The delegation of authority to water management groups is contrary to the integrated catchment management approach preferred by Kāi Tahu. Integrated catchment management facilitates collaborative management of water by consumptive and extractive users, Nga Rūnanga, and the wider community.
- d. The further alienation of Nga Rūnanga from the management of Wāi Māori is contrary to the guarantees of Te Tiriti o Waitangi (Treaty of Waitangi) [s8 Resource Management Act 1991].

Submission lodged on behalf Te Rūnanga o Moeraki, Kāti Huirapa Rūnanga ki Puketeraki, Te Rūnanga o Ōtākou, and Hokonui Rūnanga

Nahaku noa
Na



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Manager

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Submission		OTAGO REGIONAL COUNCIL RECEIVED DUNEDIN 09 MAR 2009 FILE No. <u>RI 241</u> DIR TO <u>MPP: SV</u>
TO:	Otago Regional Council	
DATE:	9 March 2009	
PLAN CHANGE:	Proposed Plan Change 1C (Water Allocation and Use) to the Regional Plan: Water for Otago	
DESCRIPTION OF THE PLAN CHANGE	The plan change proposes to add provisions to manage the taking of water, including: <ul style="list-style-type: none">◦ Managing water as a connected resource;◦ Recognising when groundwater is closely connected to surface water.◦ Giving preference to local water sources for local uses of water; and◦ Encouraging collaborative approaches by water users;	

Submitter(s):

Te Rūnanga o Moeraki, ~~Kāti Huirapa Rūnanga ki Puketeraki, Te Rūnanga o Ōtākou, and Hokonui Rūnanga.~~

We wish to lodge a submission on the above plan change.

Te Rūnanga o Moeraki, Kāti Huirapa Rūnanga ki Puketeraki, Te Rūnanga o Ōtākou, and Hokonui Rūnanga oppose this plan change. The submission of nga Rūnanga is that it is generally supportive of the intent of the plan change believing that water should be managed as a connected resource, and that priority should be given to local uses of water. However, nga Rūnanga opposes the delegation of authority for the management of water takes to water management groups.

We do wish to be heard in support of this submission at a hearing, and we request an opportunity to expand on our submission. If others make a similar submission, we will consider presenting a joint case with them

1.0 INTRODUCTION

1.1 Kaitiaki Rūnaka

The Te Rūnanga o Ngāi Tahu Act 1996 describes the takiwā of Kā Papatipu Rūnanga.

The takiwā of Te Rūnanga o Moeraki is based at Moeraki and extends from the Waitaki River to the Waihemo (Shag) River. The takiwā of Kāti Huirapa Rūnanga ki Puketeraki centres on Karitane and extends from the Waihemo River (Shag River) to Purehurehu (Potato Point). The takiwā of Te Rūnanga o Ōtākou centres on Otakou and extends from Purehurehu (Potato Point) to Te Matau (the Clutha River). The takiwa of Hokonui Runaka centres on the Hokonui region and includes a shared interest in the lakes and mountains between Whakatipu-Waitai and Tawhititarere with other Murihiku Runanga and those located from Waihemo southwards.

Nga Rūnanga share an interest in the inland lakes and mountain ranges to the western coast with Rūnanga to the North and to the South.

1.2 Kaitiakitaka

The rights of Kāi Tahu are derived through whakapapa. Rights are accompanied by responsibilities. Kāi Tahu, as tangata tiaki, have a fundamental duty to protect the natural world of which they are a part. The tangata tiaki exercise kaitiakitanga.

The term has received recognition in Section 7(a) of the Resource Management Act 1991 and is defined in the Act as "the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship".

Ngai Tahu believe that people, flora, fauna as well as natural phenomena such as forest, waters, mist, wind and rocks, possess a mauri or life force. The primary management principle for Ngai Tahu is the protection of the mauri of a resource from desecration. Concepts such as tapu, noa and rahui are therefore applied by tangata tiaki to protect the mauri of a resource.

1.3 Tino Rangatiratanga

The concept of Tino Rangatiratanga refers to Ngai Tahu having the right to make decisions concerning resources within their takiwā. The right to manage and control resources is guaranteed by Article II of the Treaty of Waitangi.

1.4 Kāi Tahu Association with Wai Māori

Preservation of the integrity of valued waterways is an important aspect of the responsibilities of those members of Kāi Tahu Whānui that are identified as tangata tiaki. The values (both tangible and intangible) associated with specific waterbodies include:

- The role of particular waterways in unique tribal creation stories;
- The role of those waterways in historical accounts;
- The proximity of important wāhi tapu, settlement or other historical sites in or adjacent to specific waterways;
- The use of waterways as access routes or transport corridors;
- The value of waterways as traditional sources of mahinga kai and other cultural materials; and
- The continued capacity for future generations to access, use and protect the resource.

Kāi Tahu place a high value upon water bodies that possess a healthy mauri and that are fit for cultural purposes. While there are also many intangible qualities associated with the spiritual presence of rivers, elements of physical health which Kāi Tahu use to reflect the status of mauri and to identify the enhancements needed include:

- Aesthetic qualities e.g. clarity, natural character and indigenous flora and fauna;
- Life-supporting capacity and ecosystem robustness;
- Depth and velocity of flow;
- Continuity of flow from the mountain source of a river to the sea;
- Productive capacity; and
- Fitness for cultural usage.

The cultural importance and management of water is addressed through the Te Rūnanga o Ngāi Tahu Freshwater Policy, and through the objectives and policies of the Kāi Tahu ki Otago Natural Resource Management Plans.

The Te Rūnanga o Ngāi Tahu Freshwater Policy includes the following kaupapa (policy) for the management of freshwater resources:

- Water plays a unique role in the traditional economy and culture of Kāi Tahu. Without water no living thing, plant, fish or animal can survive.
- Water is a taonga. Water has an inherent value that should be recognised in the event of potentially competing uses. Taonga value refers to values associated with the water itself, the resources living in the water and the resources in the wider environs that are sustained by the water. Taking, using and disposing of water can have drastic effects on the environment and the values Kāi Tahu accord to a waterbody.
- 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.
- Water is a commodity that is subject to competition. An understanding of the significance and value of water to Kāi Tahu and other stakeholders is necessary to change the existing behaviour from one that prioritises consumptive uses and permits inefficient use towards one that recognises and provides for cultural and ecological values as priorities.
- Water has many stakeholders. The interdependency of different parts of the hydrological system creates many stakeholders, including other organisms and humans (both current and future generations). The Resource Management Act 1991 confirms that future generations are also stakeholders. From Kāi Tahu's perspective, the present generation has an obligation to pass on healthy water resources to future generations.
- Water should be managed at the local level because most threats to waterbodies are local. Responsibility for management should therefore be delegated to those organisations that have a personal stake in its overall health and condition.

The Te Rūnanga o Ngāi Tahu Freshwater Policy and the Kāi Tahu ki Otago Natural Resource Management Plans are relevant planning documents that are "... recognised by an iwi authority and lodged with the council". Therefore the Otago Regional Council is required to take these planning documents into account in changing the Regional Plan: Water for Otago [Resource Management Act 1991 s66(2A)(a)].

2.0 GENERAL SUBMISSIONS

- 2.1 Nga Rūnanga support the intent of the plan change believing that water should be managed as a connected resource, and that priority should be given to local uses of water. However, nga Rūnanga opposes the delegation of authority for the management of water takes to water management groups.
- 2.2 In managing the water resource Council is required to take into account the relevant provisions of the Resource Management Act 1991, and relevant planning documents prepared under that Act. These planning documents include the Proposed National Policy Statement on Freshwater Management, the Regional Policy Statement for Otago, and the existing objectives and policies of the Regional Plan: Water for Otago.
- 2.3 Nga Rūnanga have a legitimate expectation that their interests will be accommodated given the statutory and policy imperatives with respect to freshwater. Regrettably, Nga Rūnanga are of the opinion that the proposed plan change does not adequately recognise and provide for the association of nga Rūnanga with their ancestral lands and waters [s6(e) RMA 1991], and is in part contrary to the principles of Te Tiriti o Waitangi (Treaty of Waitangi).

3.0 SPECIFIC SUBMISSIONS

- 3.1 Objectives 6.3.1 and 6.3.2A, Policies 6.4.0 and 6.4.1A
Nga Rūnanga support greater recognition of the hydrological connection between surface and groundwater. Integrated management of ground and surface water is consistent with the Kāi Tahu ki Otago 'Ki Uta ki Tai' (Mountains to the Sea) philosophy of resource management.
- 3.2 Policies 6.4.0B, 6.4.12A, Method 15.2.2, Appendix 2A: Shared Use and Management of Water

Nga Rūnanga opposes the delegation of authority for the management of water to water management groups.

Nga Rūnanga submits that the proposed change to the Regional Plan: Water for Otago further distances Kāi Tahu from the management of the water resource. In the opinion of Nga Rūnanga such delegation does not provide for their relationship with their ancestral waters and is contrary to the principle of Tino Rangatiratanga.

3.3 Policy 6.4.0C: Prioritising Local Use of Water

Nga Rūnanga support the prioritising of the local use of water over its use elsewhere.

3.4 Policy 6.4.1: Management of Surface Water

The definition of allocation quantities, water body levels, and minimum flows establish the environmental and human use parameters for activities under the Regional Plan: Water for Otago. It is of concern to Nga Rūnanga that the opportunity for consideration of Kāi Tahu values only exists in the setting of the parameters for discretionary (restricted) water takes, and in consideration of water takes that are outside of the established parameters.

Further, it is the opinion of Nga Rūnanga the provision of access to surface water by consumptive users should not compromise cultural values.

Outcome Sought	Amendment Requested
Amend the principal reason for adopting the policy.	This policy is adopted to enable consumptive users' access to surface water while sustaining ecological and cultural values.

3.5 Policies 6.4.10A to 6.4.10E (inclusive): Management of Groundwater

Nga Rūnanga supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions, to avoid contamination of groundwater or surface water and permanent aquifer compression.

3.6 Policy 6.4.16: Measuring the volume and rate of water takes

Nga Rūnanga support the measurement of the volume and rate of water takes. The metering of water takes is consistent with the objectives and policies of the Kāi Tahu ki Otago Natural Resource Management Plan.

3.7 Rule 12.1.4.8 Restricted discretionary activity considerations (surface water)

Nga Rūnanga acknowledge that an opportunity exists for the consideration of Kāi Tahu values in the setting of the parameters for restricted discretionary water takes. However, in order to fulfill their responsibilities as tangata tiaki, Nga Rūnanga must be actively involved in the management of water on an on-going basis. Accordingly, Nga Rūnanga request consideration of Kāi Tahu cultural values in the assessment of applications for restricted discretionary water takes.

Outcome Sought	Amendment Requested
Include Kāi Tahu cultural values as a restricted discretionary activity consideration.	Any adverse effect on Kāi Tahu values identified in Schedule 1D.

3.8 Rule 12.2.3.4: Restricted discretionary activity considerations (ground water)

Nga Rūnanga acknowledge that an opportunity exists for the consideration of Kāi Tahu values in the setting of the parameters for restricted discretionary groundwater takes. However, in order to fulfill their responsibilities as tangata tiaki, Nga Rūnanga must be actively involved in the management of water on an on-going basis. Accordingly, Nga Rūnanga request consideration of Kāi Tahu cultural values in the assessment of applications for restricted discretionary groundwater takes.

Outcome Sought	Amendment Requested
Include Kāi Tahu cultural values as a restricted discretionary activity consideration.	Any adverse effect on Kāi Tahu values identified in Schedule 1D.

3.9 Section 16.3: Specific Information Requirements

An assessment of the effects of water takes on natural and human use values is only required for discretionary and non-complying activities. Nga Rūnanga submits that consideration of Kāi Tahu values should be a requirement for all water takes.

Outcome Sought	Amendment Requested
Require an assessment of the effects of water takes on Kāi Tahu cultural values.	In the case of any resource consent application for the taking of water under Rule 12.1.5.1 or 12.2.4.1 , an assessment of the effects of the activity on: <ul style="list-style-type: none"> (a) The natural and human use values including those identified in Schedule 1 for any affected water body; and (b) The natural character of any affected water body; and (c) The amenity values supported by any affected water body.

3.10 Appendix 2A: Water Management Groups

Nga Rūnanga, as discussed above, opposes the delegation of authority for the management of water to water management groups. In summary, the proposed delegation of authority raises the following issues for Nga Rūnanga:

- a. There is insufficient information in the plan change to assure Nga Rūnanga that Kāi Tahu cultural values will be safeguarded;
- b. The Otago Regional Council has not assessed the costs and benefits of the full range of water management models that are available. In particular, there is potential for the Council to enter into a joint management agreement with Nga Rūnanga for the purpose of exercising functions, powers or duties under the Regional Plan: Water for Otago [s36B Resource Management Act 1991].
- c. The delegation of authority to water management groups is contrary to the integrated catchment management approach preferred by Kāi Tahu. Integrated catchment management facilitates collaborative management of water by consumptive and extractive users, Nga Rūnanga, and the wider community.
- d. The further alienation of Nga Rūnanga from the management of Wāi Māori is contrary to the guarantees of Te Tiriti o Waitangi (Treaty of Waitangi) [s8 Resource Management Act 1991].

Submission lodged on behalf Te Rūnanga o Moeraki, Kāti Huirapa Rūnanga ki Puketeraki , Te Rūnanga o Ōtākou, and Hokonui Rūnanga

Nahaku noa
Na



Chris Rosenbrock
Manager

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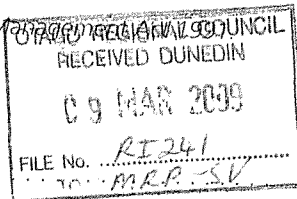


SUBMISSION FORM
Proposed Plan Change 1C Water Allocation and Use
to the Regional Plan: Water for Otago

Form 5, Clause 6 of the First Schedule, Resource Management Act 1991

58

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Full name of submitter: DUNCAN GEORGE HENDERSON

Name of organisation (if applicable): CROMWELL BRANCH FEDERATED FARMERS OF NEW ZEALAND

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I wish / do not wish (circle preference) to be heard in support of my submission.

If others made a similar submission, I will consider presenting a joint case with them at a hearing.
 (Cross out if you would not consider presenting a joint case).

Signature of submitter: _____ Date: _____
 (or person authorised to sign on behalf of person making submission).

Please note that all submissions are made available for public inspection.

The parts of the proposed plan change that my submission relates to are:

(Give clear references if possible e.g. reference number, policy x, rule y)

OPTION TWO, OPTION ONE
AS STATED IN YOUR SECTION 32 REPORT PROPOSED PLAN CHANGE 1C
REGIONAL PLAN: WATER FOR OTAGO.

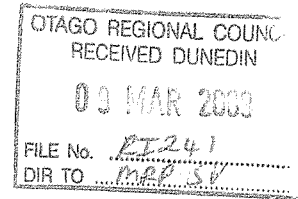
My submission is:

(Include whether you support, oppose, or wish to have amended the parts identified above, and give reasons)

SUBMISSION ENCLOSED ON SEPARATE SHEET OF PAPER.

58

Cromwell Branch NZ Federated Farmers
Happy Valley Station
302 Hawksburn Road
Bannockburn
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Cromwell 9384



5th March 2009

Otago Regional Council
Private bag 1954
Dunedin

Attention Policy Team

SUBMISSION ON PROPOSED PLAN CHANGE 1C WATER ALLOCATION AND USE

The Cromwell Branch of Federated Farmers prefer OPTION 2: STATUS QUO, as stated in your Section 32 Report, Proposed Plan Change 1C, Regional Plan: Water for Otago.

We believe most of the benefits proposed under OPTION 1 of the Proposed Plan Change 1C could be incorporated into OPTION 2 with amendments.

Our submissions seek the following outcomes from the plan change

1. Align the water plan with the current direction and practice.
2. Enables easier consenting of water management groups or community groups.
3. Gives priority to local use of local water.
4. Increases flexibility of water management within a group situation.
5. Acknowledge the connection between ground water and surface water resources where it exists.
6. Present takes should retain relative priority for individual takes. This helps protect assets of landowners who have property with mining privileges (deemed permits)
7. Provides for the transition from mining privileges to RMA consents. We submit that the plan should provide for retaining the same type of priority as the mining privileges has now, in the transition to replacement RMA water consents.
8. Encourages development opportunity through improved water use and water resource efficiency but must recognize existing use, priority and investment.
9. That water consents and use remain the same as at present in terms of their priority, allocation and reliability in the Bannockburn, Lowburn and Mt Pisa areas.

We wish to be heard in support of our submissions

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

DG Henderson

Secretary



SUBMISSION FORM 1C: Water Allocation + Use
Proposed Plan Change ~~4B Minimum Flows~~
to the Regional Plan: Water for Otago

Form 5, Clause 6 of the First Schedule, Resource Management Act 1991.

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Anthony Paul + Celia Elizabeth Bartlett.

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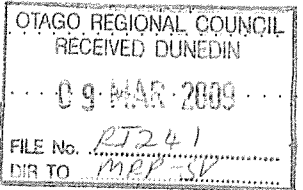
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I wish / do not wish (circle preference) to be heard in support of my submission.

If others made a similar submission, I will consider presenting a joint case with them at a hearing.
 (Cross out if you would not consider presenting a joint case).

Signature of submitter: [Signature] Date: 6.3.09
 (or person authorised to sign on behalf of person making submission).

Please note that all submissions are made available for public inspection.

The parts of the proposed plan change that my submission relates to are:

(Give clear references if possible e.g. reference number, policy x, rule y)

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My submission is:

(Include whether you support, oppose, or wish to have amended the parts identified above, and give reasons)

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I seek the following decision from the local authority:

(Give precise details e.g. changes you would like made)

Remain with the status quo.

Fold

SUBMISSIONS MUST BE RECEIVED BY 5.00 PM, MONDAY 9 MARCH 2009.

Please fold and secure with a small piece of tape.

Fold

FreePost Authority ORC 1722



Otago Regional Council

Private Bag 1954
Dunedin 9054

Attention Policy Team