Otago Regional Council

FURTHER SUBMISSION FORM
Proposed Plan Change 1C: Water Allocation and Use
to the Regional Plan: Water for Otago
December 2008

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

104
Office Use Only

Full name of submitter: Mount Cardrona Station

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I wish to be heard in support of my submission *(delete the one that does not apply)*.

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

Date: 5 May 2009

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

Signatures are not required for submissions made electronically.

Please see attached sheets for submissions that are supported / opposed and the reasons for this.

Please send submissions to:

Email: policy@orc.govt.nz

Post: Attn: Policy Team, Private Bag 1954, Dunedin 9054

Fax: (03) 479 0015 (Attn: Policy Team)

Deliver: 70 Stafford Street, Dunedin; or
William Fraser Building, Dunorling Street, Alexandra; or
The Station, 1st Floor, Cnr Shotover and Camp Streets, Queenstown

FURTHER SUBMISSION OF MT CARDRONA STATION LTD (MCSL) (SUBMITTER NO. 28) ON OTAGO REGIONAL PLAN CHANGE 1C: WATER ALLOCATION AND USE

Name of Submitter	Submission Number	Part of Plan Change	Submission	Oppose/ Support	Reason	Whole (or part) of submission be accepted/ rejected
Waitaki District Council (WDC) (Water & Wastewater)	27	Integrated Catchment Management – General (Issue 6.2.3 and its Explanation)	That Issue 6.2.3 and its Explanation is rewritten as stated in the submission.	Support	MCSL supports this submission in its entirety for the same reasons outlined in the submission by Waitaki District Council (WDC) that it is necessary to provide for the needs of growing communities and provides more realistic assessment of water lost through system leakage.	The submission should be accepted in part – all references to Issue 6.2.3.
Kawarau Station Limited (KSL)	47	Integrated Catchment Management – General (Issue 6.2.3(b) and its Explanation)	KSL consider that in relation to 6.2.3(b), the issue of consent holders retaining more water than the water actually required should also include a consideration [for] proposed future requirement and development [and] therefore no limitation pursuant to actual usage should be imposed.	Support	MSCL supports the broadening of the issue identified at 6.2.3(b) to include future development needs as a relevant matter in assessing availability of water and constraining (or allocating) future use. This matter is expanded further in the MSCL submission with regard to Policy 6.4.2A and Rule 12.1.4.8(iv) identifying limitations that penalise consent holders (seeking replacement consents) on the basis of historic use – encouraging an inefficient "use it or lose it" approach.	The submission by KSL should be accepted in part as it relates to Issue 6.2.3(b).

Name of Submitter	Submission Number	Part of Plan Change	Submission	Oppose/ Support	Reason	Whole (or part) of submission be accepted/ rejected
Federated Farmers of New Zealand (Inc)	42	Objective 6.3.1 (Explanation)	Amend the second paragraph of the Explanation as follows: "Surface water can have a dynamic hydrological connection with groundwater, which needs to be adequately understood in order to determine a sustainable allocation regime for these resources"	Support	MCSL supports the intent of the submission which seeks that robust information is relied on when making decisions about groundwater connection to surface waterbodies.	The submission should be accepted as it relates to the rewording of the Explanation of Objective 6.3.1.
Horticulture NZ	44	Policy 6.4.1	Amend Policy 6.4.1(a) by adding "as set out in Schedule 2"	Support	The policy provides for the taking of surface water within specified limitations. It is important that this policy is consistent with the rules and rather than separately listing waterbodies it should refer to the existing detail in the Plan that lists where minimum flows apply for consistency and clarity. This is in Schedule 2.	The whole submission should be accepted as it relates to Policy 6.4.1(a).
Kawarau Station Ltd	47	Policy 6.4.1(b)	Policy 6.4.1(b) does not clearly require a consent for the taking of surface water to be subject to minimum flows, and reads that all consents are subject to minimum flow requirements. Relief sought is that it should be a requirement for consents to be subject to minimum flows.	Support in part	Support that minimum flows are imposed but that this is only on water bodies listed in Schedule 2A not on case by case basis and not on all waterbodies as implies by the current policy wording.	The submission should be accepted in part. Policy should also be amended to refer to Schedule 2.

Name of Submitter	Submission Number	Part of Plan Change	Submission	Oppose/ Support	Reason	Whole (or part) of submission be accepted/ rejected
Waitaki District Council	27	Rule 12.1.3.1	That the words "and use" be included	Support	MCSL support this insertion as it avoides the undesirable situation that has previously arisen where the take of water is controlled or Restricted Discretionary and using it is Discretionary.	The submission be accepted with regard to the inclusion of the words "and use" at Rule 12.1.3.1
Dunedin City Council	35	Rule 12.1.3.1	That the words "and use" be included	Support	As above	As above
Waitaki District Council	27	Rule 12.1.3.1	That the phrase "up to any volume or rate authorised as at 28 February 1998" be deleted as it does not recognise the likely population growth of communities being supplied.	Support	It is important that extra water volume for efficient community use can be obtained if the population in the community grows to a level that the pre 1998 volume is no longer sufficient. The additional volume and rate of take should be subject to efficient use and storage assessments. Accordingly point (d) of the rule should be expanded to include these criteria.	The submission, as it relates to Rule 12.1.3.1, is accepted in its entirety with additional wording added to make consents subject to assessment of efficient use and storage.
Dunedin City Council	35	Rule 12.1.3.1	That the phrase "up to any volume or rate authorised as at 28 February 1998" be deleted as it does not recognise the likely population growth of communities being supplied.	Support	As above	As above

Name of Submitter	Submission Number	Part of Plan Change	Submission	Oppose/ Support	Reason	Whole (or part) of submission be accepted/ rejected
Federated Farmers NZ (Inc)	42	Rule 12.1.4.5	Support the retention of the amended rule	Support	MSCL support this submission without limiting the relief sought in it's original submission with regard to Rule 12.1.4.8 (matters over which discretion is restricted)	The submission is accepted with regard to Rule 12.1.4.5 (without limiting the original MCSL submission)
Horticulture NZ	44	Rule 12.1.4.5	Support the retention of the amended rule with consequential changes	Support	As above	As above
Isabella Anderson	36	Rule 12.1.4.8	Economic effects need to be included in consent considerations as well as environmental and social effects. Historical infrastructure investment should also have some weighting.	Support	The existing and future costs of infrastructure required to take and transfer water are significant and should be given consideration in the assessment of applications under these provisions.	The submission should be accepted introducing consequential changes to Rule 12.1.4.8.

Name of Submitter	Submission Number	Part of Plan Change	Submission	Oppose/ Support	Reason	Whole (or part) of submission be accepted/ rejected
NZ Federated Farmers (Inc) (NZFF)	42	Rule 12.1.4.8(xvi)	Amend 12.1.4.8(xvi) to "any actual effects on any water body" Add an additional matter for discretion to the effect of "the economic efficiency of the system to the extent to which existing investment relies on the reliability and volume of the current allocation[,] the potential to respond to a change in land use [and] the potential for the use of water for storage" Supports the notification and written approval clause.	Support	MCSL support the consideration of economic efficiency of infrastructure systems as there are high infrastructural costs involved in the take and transfer of water and security of supply is essential to those making these investment decisions. Certainty on the ability to realise future redevelopment potential are also important determinant factors for Consent Holders. MSCL support the non-notification and written approval clause.	The submission should be accepted in its entirety as it relates to Rule 12.1.4.8 with consequential changes to recognise economic efficiency and investment to give security of future allocated supply.
Maheno Farms Limited (MFL)	43	Rule 12.1.4.8(xii)	Amend 12.1.4.8(xii) to read "Any water storage facility <u>or proposed water storage facility</u> available" as many applicants will be unwilling to commit to the construction of storage reservoirs until they have certainty over their resource consents	Support	MCSL agrees with the submission in its entirety as it relates to Rule 12.1.4.8(xii)	The submission should be accepted as it relates to 12.1.4.8(xii)

Name of Submitter	Submission Number	Part of Plan Change	Submission	Oppose/ Support	Reason	Whole (or part) of submission be accepted/ rejected
Horticulture New Zealand (HNZ)	44	Rule 12.1.4.8(xxii)	Delete 12.1.4.8(xxii) as certainty about the term will encourage efficient use, so the consent period should not be reduced from 35 years unless there is good reason. Review clauses are included on consents, so duration should not be a considerations	Support in part	MCSL agrees that certainty about the term of consent encourages investment and efficiency and that review conditions enable the Consent Authority to address any concerns it may have about a proposal. However 12.1.4.8(xxii) is a relevant consideration – particularly where an Applicant can demonstrate that the term sought reflects the level of proposed investment and expected efficiency.	The relief sought to delete 12.1.4.8(xxii) should be rejected and the criterion expanded to enable the consideration of investment and infrastructure efficiency over the proposed term.
Queenstown Lakes District Council (QLDC)	16	Policy 6.4.0A	QLDC seeks that the Regional Council confirms that when considering Policy 6.4.0A, the intended purpose of use will recognise that community water supplies will need to make provision for future identified growth areas. QLDC submit on this point as a manager of significant community water supplies.	Support	MCSL agree that future growth areas should be considered by this policy.	That the relief sought is accepted and necessary changes made to the Explanation of Policy 6.4.0A.
Waitaki District Council (WDC) (Water and Wastewater)	27	Policy 6.4.0A	WDC seeks that the first sentence of the Principal Reasons for Adopting the Policy is amended to include "wherever practicable" with regard to the avoidance of wastage as no water transport system is 100% leak-proof.	Support	MCSL agree that no water transport system or infrastructure is 100% leak proof but that water wastage should be avoided "where practicable".	That the relief sought is accepted in its entirety with regard to Policy 6.4.0A.

Name of Submitter	Submission Number	Part of Plan Change	Submission	Oppose/ Support	Reason	Whole (or part) of submission be accepted/ rejected
Dunedin City Council (DCC) (Water and Waste Services)	35	Policy 6.4.0A	DCC seeks that the first sentence of the Principal Reasons for Adopting the Policy is amended to include "wherever practicable" with regard to the avoidance of wastage as no water transport system is 100% leak-proof.	Support	As above	As above

Name of Submitter	Submission Number	Part of Plan Change	Submission	Oppose/ Support	Reason	Whole (or part) of submission be accepted/ rejected
Otago Water Resource Users Group (OWRUG)	41	Policy 6.4.0A	OWRUG seek that the Policy and Explanation are amended so that the level of efficiency sought for water delivery and application systems is practically and reasonably achievable. OWRUG also seek that policy addresses the option of leaving available for replacement consent holders the additional water created by increasing efficiencies. OWRUG believe that the intent of Policy 6.4.0A(b) and (c) seems to state that if ORC consider the transport and application system are not the most efficient means, regardless of the circumstances, the quantity of water granted will be reduced to equal the theoretical water loss. This may not work because more efficient means may be uneconomic or impractical. Relief sought is Policy direction which is practical, reasonably achievable, and provides motivation of the desirability of having more available water to use as a result of efficiencies. The Policy does not p[illegible]ide guidance for Rule 12.1.[illegible](v).	Support	MCSL agree that more efficient means may be uneconomic or impractical and that the policy should encourage efficient systems while being practical, reasonably achievable but still provide motivation for water efficiencies.	That the relief sought should be accepted without limiting the Submission by MCSL.

Name of Submitter	Submission Number	Part of Plan Change	Submission	Oppose/ Support	Reason	Whole (or part) of submission be accepted/ rejected
Kawarau Station Ltd (KSL)	47	Policy 6.4.0A	KSL submit that a fourth matter should be added as a consideration: "most economically viable efficient transport and application system" as 'efficiency' cannot be separated from overall economic efficiency. KSL recognise that the most technically efficient system may not be the most economically viable so ORC must be required to take into account economic viability.	Support	MCSL agree that the most technically efficient system may not be the most economically viable and upon this basis ORC must consider economic viability.	That the relief sought in relation to the proposed fourth consideration at Policy 6.4.0A be accepted.
Pioneer Generation Limited (PGL)	38	Policy 6.4.19	PGL oppose the deletion of Policy 6.4.19 and seek relief that it is reinstated as a term up to 35 years is important to hydroelectricity generators when considering whether to invest or upgrade. There is also no reason for its deletion in the Section 32 report.	Support	MCSL agree that a consent term of up to 35 years assists decisions regarding investment or upgrade; and that no explanation was included in the Section 32 report accompanying the Plan Change to justify its deletion.	That the relief sought is accepted in its entirety.

Name of Submitter	Submission Number	Part of Plan Change	Submission	Oppose/ Support	Reason	Whole (or part) of submission be accepted/ rejected
Otago Water Resource Users Group (OWRUG)	41	Policy 6.4.19	OWRUG oppose the deletion of the policy and seek the same relief as PGL on the basis that a term up to 35 years provides long-term security of access to water where instream needs have been assessed and provided for, and will be more important for Water Management Groups, who will need to justify substantial investment. OWRUG also state a 35 year incentivises transfer of deemed permits to consents and the Section 32 report does not include an explanation for the deletion.	Support	MCSL agrees with the OWRUG submission in its entirety about Policy 6.4.19.	As above.
Waitaki District Council (WDC) (Water and Wastewater)	27	Rule 12.2.2A1 – Taking for Community Supply	WDC seek relief by the inclusion of the words "and use" inserted at Rule 12.2.2A.1 to avoid a discrepancy where the take of water for communities is a Controlled Activity and the subsequent use is a Discretionary Activity	Support	MCSL agrees with WDC that this anomaly should be avoided.	That the relief sought is accepted in its entirety.

Submission	105
TO:	Otago Regional Council
DATE:	5 May 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: • 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 further submission on the above plan change, as outlined in Attachment One.

Te Rūnanga o Moeraki, Kāti Huirapa Rūnanga ki Puketeraki, Te Rūnanga o Ōtākou, and Hokonui Rūnanga have reviewed the summary of submissions on proposed Plan Change 1C (Water Allocation and Use) and wish to comment on those submissions that directly affect the primary concerns of Nga Rūnanga.

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**

Further 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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Attachment One: Further Submissions on Plan Change 1C: Water Allocation and Use

Submitters name	Submitter number	Reference number	Summary of submission	Position	Reason
Environment Southland	17	13.48	Some groundwater and surface water resources cross the Otago/Southland regional boundary, for example the Waipahi and Mokoreta Rivers. Where this occurs, the effect of the two different management regimes needs to be considered. Environment Southland suggests that the ORC may wish to acknowledge the Water Conservation (Mataura River) Order 1997 within the Regional Plan: Water for Otago.	Support	Nga Rūnanga supports the acknowledgement of the Water Conservation (Mataura River) Order 1997 in the Regional Plan: Water for Otago
Hamish Winter	19	72	That Council not place a minimum flow on Welcome Creek. Opposes the setting of a minimum flow for secondary [supplementary] allocation at 1000 l/s.	Oppose	Nga Rūnanga opposes the removal of minimum flows for Welcome Creek/ Whakapapa Ariki. The removal of minimum flows would be inconsistent with Policy 6.6A.6 of the Regional Plan Water for Otago, which requires the setting of an environmental flow and level regime that recognises and provides for the relationship of Kāi Tahu and their culture and traditions with Whakapapa Ariki.
Hamish Winter	19	74	That Council not place a minimum flow on Welcome Creek. Opposes Rule 12.1.4.4A, setting a minimum flow for primary allocation at 700 l/s.	Oppose	Nga Rūnanga opposes the removal of minimum flows for Welcome Creek/ Whakapapa Ariki. The removal of minimum flows would be inconsistent with Policy 6.6A.6 of the Regional Plan Water for Otago, which requires the setting of an environmental flow and level regime that recognises and provides for the relationship of Kāi Tahu and their culture and traditions with Whakapapa Ariki.

Submitters name	Submitter number	Reference number	Summary of submission	Position	Reason
Hamish Winter	19	112.1	That Council not place a minimum flow on Welcome Creek. Opposes setting a minimum flow for primary allocation at 700l/s.	Oppose	Nga Rūnanga opposes the removal of minimum flows for Welcome Creek/ Whakapapa Ariki. The removal of minimum flows would be inconsistent with Policy 6.6A.6 of the Regional Plan Water for Otago, which requires the setting of an environmental flow and level regime that recognises and provides for the relationship of Kāi Tahu and their culture and traditions with Whakapapa Ariki.
Hamish Winter	19	113	That Council not place a minimum flow on Welcome Creek. Opposes the setting of a minimum flow for secondary [supplementary] allocation at 1000 l/s.	Oppose	Nga Rūnanga opposes the removal of minimum flows for Welcome Creek/ Whakapapa Ariki. The removal of minimum flows would be inconsistent with Policy 6.6A.6 of the Regional Plan Water for Otago, which requires the setting of an environmental flow and level regime that recognises and provides for the relationship of Kāi Tahu and their culture and traditions with Whakapapa Ariki.
Waitensea Ltd	20	72, 74, 112.1,113	That no minimum flow is put on Welcome Creek.	Oppose	Nga Rūnanga opposes the removal of minimum flows for Welcome Creek/ Whakapapa Ariki. The removal of minimum flows would be inconsistent with Policy 6.6A.6 of the Regional Plan Water for Otago, which requires the setting of an environmental flow and level regime that recognises and provides for the relationship of Kāi Tahu and their culture and traditions with Whakapapa Ariki.

Submitters name	Submitter number	Reference number	Summary of submission	Position	Reason
Otago Fish and Game Council	21	137	Wish to see rules and objectives linking quantity and quality to protect and enhance waterways. Prohibit further water abstraction for activities on land where significant effects on water quality are likely, or in catchments where water quality is poor or degraded. Council needs to take a strong lead on this issue.	Support	Nga Rūnanga similarly wishes to see rules and objectives linking quantity and quality to protect and enhance waterways.
Otago Fish and Game Council	21	137	Objective 6.3.1 could read: "To retain and reinstate flows in rivers sufficient to maintain their life-supporting capacity for aquatic ecosystems, and their natural character."	Support	Nga Rūnanga supports the reinstatement of flows to maintain the life-supporting capacity of aquatic ecosystems.
Otago Fish and Game Council	21	137	Policy 6.4.10 allows all flow above natural mean flow to be extracted, when these flows may be important for flushing and instream health in small streams. Wish the Council to amend the Plan so that flat lining of small streams does not occur and some degree of flushing flows are maintained.	Support	Nga Rūnanga shares the submitter's concerns regarding the flat lining of small streams and the maintenance of flushing flows.
Henry Robert Barry Zwies	23	72, 74, 112.1,113	That no minimum flow is put on Welcome Creek.	Oppose	Nga Rūnanga opposes the removal of minimum flows for Welcome Creek/ Whakapapa Ariki. The removal of minimum flows would be inconsistent with Policy 6.6A.6 of the Regional Plan Water for Otago, which requires the setting of an environmental flow and level regime that recognises and provides for the relationship of Kāi Tahu and their culture and traditions with Whakapapa Ariki.

Submitters name	Submitter number	Reference number	Summary of submission	Position	Reason
William John Pile	34	72	Opposes Rule 12.1.4.3. There should be no minimum flow put on Welcome Creek.	Oppose	Nga Rūnanga opposes the removal of minimum flows for Welcome Creek/ Whakapapa Ariki. The removal of minimum flows would be inconsistent with Policy 6.6A.6 of the Regional Plan Water for Otago, which requires the setting of an environmental flow and level regime that recognises and provides for the relationship of Kāi Tahu and their culture and traditions with Whakapapa Ariki.
William John Pile	34	74	Oppose 12.1.4.4A. There should be no minimum flow put on Welcome Creek.	Oppose	Nga Rūnanga opposes the removal of minimum flows for Welcome Creek/ Whakapapa Ariki. The removal of minimum flows would be inconsistent with Policy 6.6A.6 of the Regional Plan Water for Otago, which requires the setting of an environmental flow and level regime that recognises and provides for the relationship of Kāi Tahu and their culture and traditions with Whakapapa Ariki.
William John Pile	34	112.1, 113	There should be no minimum flow put on Welcome Creek.	Oppose	Nga Rūnanga opposes the removal of minimum flows for Welcome Creek/ Whakapapa Ariki. The removal of minimum flows would be inconsistent with Policy 6.6A.6 of the Regional Plan Water for Otago, which requires the setting of an environmental flow and level regime that recognises and provides for the relationship of Kāi Tahu and their culture and traditions with Whakapapa Ariki.

Submitters name	Submitter number	Reference number	Summary of submission	Position	Reason
Otago Water Resource Users Group (OWRUG)	41	25	Policy 6.4.12A – Water management groups. Requests a policy that provides for a 35 year term for Water Management Groups provided provision has been made for instream flows	Oppose	Nga Rūnanga opposes the granting of water take consents for 35 years.
Federated Farmers of New Zealand	42	30	Policy 6.4.19 - Term of permit. Reinstate policy as stated in plan. Retain specific policy providing for maximum term consents.	Oppose	Nga Rūnanga opposes the granting of water take consents for a maximum term of 35 years.
Horticulture New Zealand	44	30	Policy 6.4.19 - Term of permit. Retain Policy 6.4.19.	Oppose	Nga Rūnanga opposes the granting of water take consents for a maximum term of 35 years. Consistent with precautionary approach water takes should be granted for a reduced term, and should include a review clause.
Horticulture New Zealand	44	100	Rule 12.2.3.4 – Restricted discretionary considerations. Delete condition 12.2.3.4 (xviii).	Oppose	Nga Rūnanga opposes the deletion of Rule 12.2.3.4 (xviii). Council should exercise discretion over the duration of water take consents.
The Director-General of Conservation	48	18	The following amendment be made to Policy 6.4.10A: *"...(ii) 35% of the calculated mean annual recharge for those aquifers not specified in Schedule 4A..."*	Support	Nga Rūnanga supports the adoption of a precautionary approach to the allocation of groundwater.
The Director-General of Conservation	48	18	Policy 6.4.10A. The following amendment be made to the Explanation: *"...(i) The individual take would not cause the cumulative take from the aquifer to exceed 35% of the mean annual recharge of the aquifer, or the maximum allocation volume listed in Schedule 4A;*	Support	Nga Rūnanga supports the adoption of a precautionary approach to the allocation of groundwater.

Submitters name	Submitter number	Reference number	Summary of submission	Position	Reason
The Director-General of Conservation	48	18	Policy 6.4.10A. The following amendment be made to the third paragraph of the Principal reasons for adopting: *"...Allocating 35% of mean annual recharge ensures the remaining 65% provides for adequate levels of system outflow."*	Support	Nga Rūnanga supports the adoption of a precautionary approach to the allocation of groundwater.
The Director-General of Conservation	48	98	That the following amendments are made to Rule 12.2.3.2A: *"(a) The volume sought is within: ...(ii) 35% of the calculated mean annual recharge for any aquifer not specified in Schedule 4A;*	Support	Nga Rūnanga supports the adoption of a precautionary approach to the allocation of groundwater.
The Director-General of Conservation	48	100	That the following amendment is made to Rule 12.2.3.4 (Restricted discretionary considerations): *(xxii) Any impact on ecological and/or recreational and/or cultural values."*	Support	Nga Rūnanga supports the inclusion of cultural values as a restricted discretionary activity consideration.
The Director-General of Conservation	48	104	The following amendment be made to the fourth paragraph of Principal reasons for adopting [12.2]: *"The taking and use of groundwater under Rules 12.2.2.1 to 12.2.2.6 will have no more than minor adverse effects on the aquifer from which the water is taken, any wetland, lake or river, and the ecological, recreational and cultural values contained within these, or on any other person taking water..."*	Support	Nga Rūnanga supports consideration of cultural values as a reason for adopting Rules 12.2.2.1 to 12.2.2.6.
Trustpower Ltd	51	30	Retain Policy 6.4.19 – Term of permit. Full term consents ought to be granted.	Oppose	Nga Rūnanga opposes the granting of water take consents for a full term. Consistent with precautionary approach water takes should be granted for a reduced term, and should include a review clause.

Submission	106
TO:	Otago Regional Council
DATE:	5 May 2009
PLAN CHANGE:	Proposed Plan Change 1C (Water Allocation and Use) to the Regional Plan: Water for Otago
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Submitter(s):

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

We wish to lodge a further submission on the above plan change, as outlined in Attachment One.

Te Rūnanga o Moeraki, Kāti Huirapa Rūnanga ki Puketeraki, Te Rūnanga o Ōtākou, and Hokonui Rūnanga have reviewed the summary of submissions on proposed Plan Change 1C (Water Allocation and Use) and wish to comment on those submissions that directly affect the primary concerns of Nga Rūnanga.

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**

Further 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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Attachment One: Further Submissions on Plan Change 1C: Water Allocation and Use

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Environment Southland	17	13.48	Some groundwater and surface water resources cross the Otago/Southland regional boundary, for example the Waipahi and Mokoreta Rivers. Where this occurs, the effect of the two different management regimes needs to be considered. Environment Southland suggests that the ORC may wish to acknowledge the Water Conservation (Mataura River) Order 1997 within the Regional Plan: Water for Otago.	Support	Nga Rūnanga supports the acknowledgement of the Water Conservation (Mataura River) Order 1997 in the Regional Plan: Water for Otago
Hamish Winter	19	72	That Council not place a minimum flow on Welcome Creek. Opposes the setting of a minimum flow for secondary [supplementary] allocation at 1000 l/s.	Oppose	Nga Rūnanga opposes the removal of minimum flows for Welcome Creek/ Whakapapa Ariki. The removal of minimum flows would be inconsistent with Policy 6.6A.6 of the Regional Plan Water for Otago, which requires the setting of an environmental flow and level regime that recognises and provides for the relationship of Kāi Tahu and their culture and traditions with Whakapapa Ariki.
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Hamish Winter	19	112.1	That Council not place a minimum flow on Welcome Creek. Opposes setting a minimum flow for primary allocation at 700l/s.	Oppose	Nga Rūnanga opposes the removal of minimum flows for Welcome Creek/ Whakapapa Ariki. The removal of minimum flows would be inconsistent with Policy 6.6A.6 of the Regional Plan Water for Otago, which requires the setting of an environmental flow and level regime that recognises and provides for the relationship of Kāi Tahu and their culture and traditions with Whakapapa Ariki.
Hamish Winter	19	113	That Council not place a minimum flow on Welcome Creek. Opposes the setting of a minimum flow for secondary [supplementary] allocation at 1000 l/s.	Oppose	Nga Rūnanga opposes the removal of minimum flows for Welcome Creek/ Whakapapa Ariki. The removal of minimum flows would be inconsistent with Policy 6.6A.6 of the Regional Plan Water for Otago, which requires the setting of an environmental flow and level regime that recognises and provides for the relationship of Kāi Tahu and their culture and traditions with Whakapapa Ariki.
Waitensea Ltd	20	72, 74, 112.1,113	That no minimum flow is put on Welcome Creek.	Oppose	Nga Rūnanga opposes the removal of minimum flows for Welcome Creek/ Whakapapa Ariki. The removal of minimum flows would be inconsistent with Policy 6.6A.6 of the Regional Plan Water for Otago, which requires the setting of an environmental flow and level regime that recognises and provides for the relationship of Kāi Tahu and their culture and traditions with Whakapapa Ariki.

Submitters name	Submitter number	Reference number	Summary of submission	Position	Reason
Otago Fish and Game Council	21	137	Wish to see rules and objectives linking quantity and quality to protect and enhance waterways. Prohibit further water abstraction for activities on land where significant effects on water quality are likely, or in catchments where water quality is poor or degraded. Council needs to take a strong lead on this issue.	Support	Nga Rūnanga similarly wishes to see rules and objectives linking quantity and quality to protect and enhance waterways.
Otago Fish and Game Council	21	137	Objective 6.3.1 could read: "To retain and reinstate flows in rivers sufficient to maintain their life-supporting capacity for aquatic ecosystems, and their natural character."	Support	Nga Rūnanga supports the reinstatement of flows to maintain the life-supporting capacity of aquatic ecosystems.
Otago Fish and Game Council	21	137	Policy 6.4.10 allows all flow above natural mean flow to be extracted, when these flows may be important for flushing and instream health in small streams. Wish the Council to amend the Plan so that flat lining of small streams does not occur and some degree of flushing flows are maintained.	Support	Nga Rūnanga shares the submitter's concerns regarding the flat lining of small streams and the maintenance of flushing flows.
Henry Robert Barry Zwies	23	72, 74, 112.1,113	That no minimum flow is put on Welcome Creek.	Oppose	Nga Rūnanga opposes the removal of minimum flows for Welcome Creek/ Whakapapa Ariki. The removal of minimum flows would be inconsistent with Policy 6.6A.6 of the Regional Plan Water for Otago, which requires the setting of an environmental flow and level regime that recognises and provides for the relationship of Kāi Tahu and their culture and traditions with Whakapapa Ariki.

Submitters name	Submitter number	Reference number	Summary of submission	Position	Reason
William John Pile	34	72	Opposes Rule 12.1.4.3. There should be no minimum flow put on Welcome Creek.	Oppose	Nga Rūnanga opposes the removal of minimum flows for Welcome Creek/ Whakapapa Ariki. The removal of minimum flows would be inconsistent with Policy 6.6A.6 of the Regional Plan Water for Otago, which requires the setting of an environmental flow and level regime that recognises and provides for the relationship of Kāi Tahu and their culture and traditions with Whakapapa Ariki.
William John Pile	34	74	Oppose 12.1.4.4A. There should be no minimum flow put on Welcome Creek.	Oppose	Nga Rūnanga opposes the removal of minimum flows for Welcome Creek/ Whakapapa Ariki. The removal of minimum flows would be inconsistent with Policy 6.6A.6 of the Regional Plan Water for Otago, which requires the setting of an environmental flow and level regime that recognises and provides for the relationship of Kāi Tahu and their culture and traditions with Whakapapa Ariki.
William John Pile	34	112.1, 113	There should be no minimum flow put on Welcome Creek.	Oppose	Nga Rūnanga opposes the removal of minimum flows for Welcome Creek/ Whakapapa Ariki. The removal of minimum flows would be inconsistent with Policy 6.6A.6 of the Regional Plan Water for Otago, which requires the setting of an environmental flow and level regime that recognises and provides for the relationship of Kāi Tahu and their culture and traditions with Whakapapa Ariki.

Submitters name	Submitter number	Reference number	Summary of submission	Position	Reason
Otago Water Resource Users Group (OWRUG)	41	25	Policy 6.4.12A – Water management groups. Requests a policy that provides for a 35 year term for Water Management Groups provided provision has been made for instream flows	Oppose	Nga Rūnanga opposes the granting of water take consents for 35 years.
Federated Farmers of New Zealand	42	30	Policy 6.4.19 - Term of permit. Reinstate policy as stated in plan. Retain specific policy providing for maximum term consents.	Oppose	Nga Rūnanga opposes the granting of water take consents for a maximum term of 35 years.
Horticulture New Zealand	44	30	Policy 6.4.19 - Term of permit. Retain Policy 6.4.19.	Oppose	Nga Rūnanga opposes the granting of water take consents for a maximum term of 35 years. Consistent with precautionary approach water takes should be granted for a reduced term, and should include a review clause.
Horticulture New Zealand	44	100	Rule 12.2.3.4 – Restricted discretionary considerations. Delete condition 12.2.3.4 (xviii).	Oppose	Nga Rūnanga opposes the deletion of Rule 12.2.3.4 (xviii). Council should exercise discretion over the duration of water take consents.
The Director-General of Conservation	48	18	The following amendment be made to Policy 6.4.10A: *"...(ii) 35% of the calculated mean annual recharge for those aquifers not specified in Schedule 4A..."*	Support	Nga Rūnanga supports the adoption of a precautionary approach to the allocation of groundwater.
The Director-General of Conservation	48	18	Policy 6.4.10A. The following amendment be made to the Explanation: *"...(i) The individual take would not cause the cumulative take from the aquifer to exceed 35% of the mean annual recharge of the aquifer, or the maximum allocation volume listed in Schedule 4A;*	Support	Nga Rūnanga supports the adoption of a precautionary approach to the allocation of groundwater.

Submitters name	Submitter number	Reference number	Summary of submission	Position	Reason
The Director-General of Conservation	48	18	Policy 6.4.10A. The following amendment be made to the third paragraph of the Principal reasons for adopting: *"...Allocating 35% of mean annual recharge ensures the remaining 65% provides for adequate levels of system outflow."*	Support	Nga Rūnanga supports the adoption of a precautionary approach to the allocation of groundwater.
The Director-General of Conservation	48	98	That the following amendments are made to Rule 12.2.3.2A: *"(a) The volume sought is within: ...(ii) 35% of the calculated mean annual recharge for any aquifer not specified in Schedule 4A;*	Support	Nga Rūnanga supports the adoption of a precautionary approach to the allocation of groundwater.
The Director-General of Conservation	48	100	That the following amendment is made to Rule 12.2.3.4 (Restricted discretionary considerations): *(xxii) Any impact on ecological and/or recreational and/or cultural values."*	Support	Nga Rūnanga supports the inclusion of cultural values as a restricted discretionary activity consideration.
The Director-General of Conservation	48	104	The following amendment be made to the fourth paragraph of Principal reasons for adopting [12.2]: *"The taking and use of groundwater under Rules 12.2.2.1 to 12.2.2.6 will have no more than minor adverse effects on the aquifer from which the water is taken, any wetland, lake or river, and the ecological, recreational and cultural values contained within these, or on any other person taking water..."*	Support	Nga Rūnanga supports consideration of cultural values as a reason for adopting Rules 12.2.2.1 to 12.2.2.6.
Trustpower Ltd	51	30	Retain Policy 6.4.19 – Term of permit. Full term consents ought to be granted.	Oppose	Nga Rūnanga opposes the granting of water take consents for a full term. Consistent with precautionary approach water takes should be granted for a reduced term, and should include a review clause.