

**Proposed Plan Change 1C
(Water Allocation and Use)
to the
Regional Plan: Water for Otago**

Report on Decisions Requested

Introduction

The Otago Regional Council prepared Proposed Plan Change 1C (Water Allocation and Use) to the Regional Plan: Water for Otago, detailed in the document *Table of Proposed Changes to the Regional Plan: Water for Otago*. In summary, the significant changes proposed are:

- New provisions that encourage collaborative approaches to water management by water users, including:
 - Encouraging people to work together, in recognition that they are best placed to understand and manage local demands for water.
 - Providing for water management groups who may co-ordinate the take and use of water, direct rationing and reporting to Council.
 - Enabling group consents that provide for flexibility by making use of a number of take points and sources.
 - Promoting improvements to water infrastructure, including water take, storage and supply facilities.
- New provisions that manage surface and ground water as a connected resource, while recognising their different characteristics.
- New provisions that give preference to local sources and local uses of water.
- Amendment of provisions to limit water wastage.
- Amendment of provisions relating to Welcome Creek, adding primary and supplementary allocation blocks and minimum flows.
- New provisions for groundwater, including:
 - Managing takes that have a significant effect on surface water, subject to surface water allocation limits and minimum flows (i.e. takes within 100m of a lake, river or wetland, or as listed in Schedule 2C).
 - Managing takes that have some effect on surface water as part surface water allocation, and otherwise as groundwater.
 - Allocating groundwater takes against maximum allocation volumes that reflect recharge for that aquifer.

Proposed Plan Change 1C (Water Allocation and Use) was publicly notified on Saturday 20 December 2008 and submissions closed on Monday 9 March 2009. A public notice was placed in newspapers across the region, including the Otago Daily Times, the Southland Times, the Central Otago News, the Taieri Herald, the Clutha Leader and the Oamaru Mail, and a public information brochure was distributed to households and ratepayers across Otago. A total of 59 submissions were received.

The *Summary of Decisions Requested* and *Request for Further Submissions* was notified on Saturday 4 April 2009, with further submissions closing on Tuesday 5 May 2009. There were 16 further submissions received.

This document, *Report on Decisions Requested to Proposed Plan Change 1 (Water Allocation and Use) to the Regional Plan: Water for Otago*, evaluates decisions requested by submitters, and makes recommendations to the hearing panel by issue. The attachment to this report makes recommendations to accept, accept in part, or reject specific decisions requested, or note those submissions on matters not directly included in the proposed plan change.

It is intended that this document be read in conjunction with the *Table of Proposed Changes* and *Summary of Decisions Requested (Submitters and Further Submitters)*.

Abbreviations

Committee	Water allocation committee
Group	Water management group
l/s	Litres per second
MALF	Mean annual low flow
NES	National Environmental Standard
ORC	Otago Regional Council
Proposed plan change / plan change	Proposed Plan Change 1C (Water Allocation and Use) to the Regional Plan: Water for Otago
RMA	Resource Management Act 1991
Water Plan	Regional Plan: Water for Otago

Note: use of section/Section:

section	A reference to another section in this report. A reference to a section of the Water Plan.
Section	A Section of the RMA.

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Appendix to Report on Decisions Requested (recommending to accept, accept in part, reject or note individual decisions requested).....Attached as a separate report

CHAPTER 1: COMMUNITY WATER MANAGEMENT

Introduction

Chapter 1 evaluates submissions regarding proposed new and amended policies and methods to promote community management of Otago's water resources.

1.1 Policy 6.4.0B – Promotion of shared use and management of water

Table of Proposed Changes; Reference 10: pages 11-12

Summary of Decisions Requested (Submitters and Further Submitters): pages 1-6

1.1.1 Overview

Policy 6.4.0B seeks to encourage and develop collaborative approaches among water users by promoting shared use and management of water, with the intent that individual consent holders work together to maximise benefit from available water and to share infrastructure where possible. Twenty-one submitters and seven further submitters request decisions or provide comment on the policy:

- Five support its inclusion.
- Nine seek amendments to address matters including:
 - That the approach is voluntary.
 - Benefits of shared investment and infrastructure.
 - Encouragement of shared use and management.
 - Facilitating sharing water without formal variation or transfer.
 - Consent matters.
 - Location of the policy.
 - Hydroelectric generation.
 - Details regarding group operation.
- Four submitters oppose the delegation of authority for the management of water takes to water management groups. One submitter did not specify their position, but expressed reservations regarding community controlled and monitored allocation schemes.
- Two submitters did not specify their position, requesting recognition of the priority system.

1.1.2 Evaluation

Voluntary approach

Policy 6.4.0B highlights cooperation as a means to maximise water take and use, and provides clear support for shared resource consent applications to take and use water. There is nothing within the policy to suggest it is mandatory, although minor amendment to the explanation could highlight this. Because shared use and management is not compulsory, it is recognised that in some instances individual takes may be the only, or the most appropriate, option. Further discussion regarding these matters is also given in section 1.2.

Benefits of shared investment and infrastructure

A list of bullet points within the explanation highlights some of the benefits of cooperation. The bullet point proposed by a submitter, "*Opportunities for shared investment in and optimal use of water storage infrastructure*", highlights an important aspect of shared use and management. Water transport infrastructure should also be highlighted.

Encouraging shared use and management

Shared use and management will be encouraged through the ORC Land Resources and Resource Science units, who regularly liaise with the community and provide advice. When

shared consent applications are processed (including transfers or variations to allow shared use), regard will be given to Policy 6.4.0B. A new method in Chapter 15 (formed in part from the explanation to proposed Policy 6.6.0 and the principal reasons for adopting Policy 6.4.0B) will state the manner and practical means by which shared use and management may occur.

Facilitating sharing without formal variation or transfer

“Water user groups” are already provided for by Policy 5.4.12 of the Water Plan (in a slightly different context to that suggested by the submitter). The concept of providing for groups of consent holders to sustainably manage their consented takes without undue formality is supported; however, consent conditions must be met. A group of water users may agree to roster their own taking without further formality, but if deviation from consent conditions is necessary, then either a new consent must be sought (to replace individual consents) or a variation and/or transfer of an existing consent obtained. Under a transfer or variation, sharing may be allowed for the remaining term of the consent to avoid further transfers or variations being required.

If an applicant with a groundwater take considered as surface water allocation seeks to become a direct surface water take, that may be considered as part of a replacement consent application, transfer, or variation (see section 2.22). It is not necessary or appropriate for such specific matters to be addressed by the policy.

Consent matters

The rights of objection to a decision given on a consent (e.g. if a group feels it has been given too little water) are given in Sections 357, 357A, 357B, 357C and 358 of the RMA. It is unnecessary and inappropriate to summarise or describe these rights within the policy.

Policy 6.4.0B promotes shared use and management and its benefits, and does not necessarily allow consents to become less constrained.

Location of the policy

Section 6.4 of the Water Plan contains “*Policies applying to the management of taking water*” while section 6.6 of the Water Plan contains “*Policies for the promotion of management of water resources by users*”. Policy 6.4.0B is located in section 6.4 under the subheading “*integrated catchment management*” with a group of policies that seek to achieve this outcome.

Hydroelectric generation

The Water Plan is written so that no industry or activity is favoured over another and the proposed plan change did not seek to change this approach. To include specific reference to any potential effect on hydroelectric generation within the policy or its explanation is therefore beyond the scope of the plan change. Any new consent, variation or transfer already needs to consider effects on other parties (including hydroelectric generation), as provided for under the RMA.

Priority system

Once deemed permits expire in 2021, the current Water Plan does not seek to retain their priority system as the permits will be managed as resource consents to take and use water under the RMA (see section 3.7). However, a local group may share water between its members as it sees fit.

Details regarding operation of such groups

The submissions regarding:

- Members “opting out” of such groups and those not being in groups not being disadvantaged;
- The ORC assisting such groups; and
- The “delegation of authority for the management of water takes to water management groups”, and community controlled and monitored allocation schemes;

are more appropriately discussed regarding Policy 6.4.12A in section 1.2, as this policy provides specifically for them.

1.1.3 Recommendations

(a) Amend Policy 6.4.0B as follows:

6.4.0B To promote shared use and management of water that:

- (a) Allows water users the flexibility to work together, with their own supply arrangements; and**
- (b) Utilises shared water infrastructure which is fit for its purpose.**

Explanation

Individual consent holders may choose to work together, so that they have the flexibility to meet day-to-day requirements from available water. Such arrangements could range from two individuals working together, to all water users within an area. Water users could acquire one or more consents, which would enable this flexibility, by:

- (i) Surrendering all individual consents for replacement with fewer consents or a single consent, to take and use water, retaining the existing allocation status; or
- (ii) Transferring all or a part of a consent to another person on another site, or to another site, if both sites are in the same catchment or aquifer, permanently or for a limited period, under Section 136(2)(b)(ii) of the Act and Policy 6.4.17; or
- (iii) Varying a consent under Section 127 of the Act to allow the movement of the point of water take within an area, and/or inclusion of additional land on which the water may be used.

Infrastructure is “fit for purpose” if it is working as it was designed to work, with no more than minor wastage of water.

Such consents to take and use water provide:

- Benefits for the water users, including making the best use of available water;
- Opportunities for shared investment in and optimal use of water transport and storage infrastructure;
- Economies of scale in managing use, maintaining infrastructure and meeting consent and compliance requirements;
- More opportunity for catchment-based programmes;
- A reduced need for involvement by the Council, especially during periods of low flow; and
- Overall potential for greater economic and community prosperity.

Principal reasons for adopting

This policy is adopted to assist in obtaining optimum benefit from the use of Otago’s limited water resources, and to support the development of infrastructure that will achieve this. Through this policy, the Council is able to leave details to groups of water users regarding everyday water taking and use, as their resource consent(s) allow(s).

- (b) Include a new Method 15.2.3.2 in Chapter 15, section 15.2.3 “Liaison with water users”, as follows:

15.2.3.2 Otago Regional Council will help facilitate responses to local water needs, and collaborate with the community and others in scoping strategic options for development of new infrastructure.

Principal reasons for adopting

This method is adopted to assist in obtaining optimum benefit from the use of Otago’s water resources.

Reasons

- Shared use and management of water is not mandatory.
- The additional bullet point within the explanation better supports the policy and the principal reason for adopting the policy, that being the support of infrastructure development.
- A method is an appropriate means to outline how promotion and support of shared water use and management will be achieved.
- Consent processes are provided for in the RMA and the policy does not allow consents to become less constrained.
- Policy 6.4.0B is one of four policies located in section 6.4 of the Water Plan that seek to achieve integrated catchment management.
- Specific reference to any potential effect on hydroelectric generation or any other specific industry is beyond the scope of the plan change.
- The Water Plan does not seek to retain the priority system for deemed permits past 2021.

1.2 Policies 6.4.12 and 9.4.12 – water allocation committees

Policy 6.4.12A – water management groups

Method 15.2.2 – water allocation committees and water management groups

Appendix 2A – water management groups

Table of Proposed Changes; References 24, 25, 51, 105 and 123: pages 26, 27, 44-45, 73 and 92-93

Summary of Decisions Requested (Submitters and Further Submitters): pages 7-12, 14-20

1.2.1 Overview

Policy 6.4.12A introduces water management groups (groups) as a tool to assist in the collaborative management of Otago’s water resources. It builds on Policy 6.4.0B. Appendix 2A provides detail on the functions and criteria a group must meet in order to be approved by ORC.

Policy 6.4.12 already provides for water allocation committees (committees). The plan change proposes minor amendments to this policy including merging it with Policy 9.4.12 on groundwater (which is effectively identical), and to existing Method 15.2.2.1. This change shows ORC will liaise with groups as well as committees regarding rationing regimes.

Seventeen submitters and ten further submitters request decisions or provide comment on the policies, method and appendix. In general there was confusion over the difference between committees and groups, and the delegations they may be given, with clarification and simplification sought.

- Up to eight submitters support the policies, method and appendix.
- Other submitters seek amendments to address matters including:
 - Detail of committee and group criteria, functions and operation.
 - That the approach is voluntary.
 - Affected party status.
 - Term of consent.
 - Location of the policy.
- Four submitters oppose the delegation of authority for the management of water takes to groups.
- One submitter expressed reservations regarding community controlled and monitored allocation schemes.

1.2.2 Evaluation

Water allocation committees (Policy 6.4.12)

Water allocation committees are sub-committees of ORC, made up of elected consented water takers within a catchment. Their sole purpose is to ration (rather than “allocate”, as their title suggests) the day-to-day taking of water when minimum flows or aquifer restriction levels are approached. The creation of such a committee (every 3 years), and any alteration to their membership or protocol, requires formal ORC resolution. Four committees currently operate in North Otago.

Submissions seeking fundamental changes to Policy 6.4.12 and how committees operate are beyond the scope of the plan change. Once the difference between a committee and a group is understood, these submissions are better addressed under the policy for groups (6.4.12A).

Water management groups (Policy 6.4.12A and Appendix 2A)

Group management is as an alternative to rationing by committees or operation as a private company (such as an irrigation company). The extent to which groups collectively manage consents to take and use water may vary from the rostering or rationing of taking under individual consents to communal sharing of all available water. ORC will continue to ensure environmental bottom lines are achieved (being low-flow river management, data collection and efficient use of the water resource).

Wording Policy 6.4.12A to be consistent with Policy 6.4.12 to “*to promote, ~~appoint~~ establish and support*” is not appropriate. Water allocation committees are formal subcommittees of ORC and there is a process of establishment and appointment; groups are set up independently with approval by ORC in order to be granted certain delegations. Because of this difference in process, the wording between the two policies should remain different, however, the word “*approve*” is more accurate than “*appoint*”.

Delegation of authority

The ORC will continue to make decisions on consent applications, with conditions imposed to avoid, remedy and mitigate adverse effects, including the imposition of minimum and residual flows or aquifer restriction levels, and metering of the take. ORC enforcement staff will continue to ensure consent conditions are adhered to.

ORC may delegate (under Section 34A(2) of the RMA) to any person any functions, powers or duties (with exclusions, including decisions on resource consents) as it sees fit. One such function the ORC may delegate to a group is control of the taking and use of water under Section 30(1)(e), to comply with an ORC recognised rationing regime (see section 2.20).

If the group wants to undertake more than simple rationing and rostering of individual consents, those consents may require variation under Section 127 of the RMA, to:

- (1) Include a consent condition that states “*This consent shall be exercised as directed by the XXX water management group*”, or similar; and
- (2) Alter the consented point of take and legal description of the land on which water may be used, if required; and
- (3) Alter any metering requirements to suit group management arrangements, if required.

Delegation from ORC allows the group to direct that taking and use of water to comply with the group’s approved rationing regime. Day-to-day compliance with the regime will be up to the group. Should any issues arise the group may request ORC to undertake enforcement of that regime.

Voluntary approach

The legal agreements establishing each group will vary and will likely address options for those in the group to “opt out”. If consents are subject to a condition similar to that described in (1) above, a variation to the consent is required. Opting out could potentially have such an effect on a group that the group can no longer be recognised as such under the requirements of Appendix 2A.

As groups are voluntary and bound by consent conditions, it is not necessary for the ORC to appoint members to a group or to approve their decision-making process.

All consent applicants are considered against the same relevant policies and rules within the Water Plan. Policies 6.4.0B, 6.4.0C and 6.4.12A support groups being formed, but will not impact individual applicants.

Decisions made by a group will not directly impact other consent holders outside the group, although the sharing of all available water under their consents could result in a longer period over which the full consented volume is taken. Clarification of these matters is required within the explanation to Policy 6.4.12A.

Affected party status

The Water Plan does not list who may be affected parties to consent applications, rather this is considered under the RMA when consent applications are received. Therefore, it is unnecessary and inappropriate to acknowledge a group as an affected party within this policy.

Term of consent

Under Section 123(d) of the RMA, consent terms of up to 35 years can be considered. Therefore, the Water Plan does not need to contain a policy regarding consent term (see section 3.6). Each consent application must be considered on its own merits. It is noted that recent applications by large groups with significant infrastructure (e.g. irrigation companies, community water supplies) have been granted 35 year consent terms.

Location of policies

Section 6.4 of the Water Plan contains “*Policies applying to the management of taking water*” while section 6.6 of the Water Plan contains “*Policies for the promotion of management of water resources by users*”. Policies 6.4.12 and 6.4.12A should be located with 6.4.11 (provision for the suspension of taking), and 6.4.13 (the suspension of taking), which are appropriately placed in section 6.4 as they address consent matters. In addition, while water users do manage water resources when functioning as a water allocation committee, they are a subcommittee of ORC.

Method 15.2.2.1

Methods within the Water Plan state the non-regulatory means by which policies are implemented. It is not necessary or appropriate to provide for the creation of groups within Method 15.2.2.1 (which states that the ORC will liaise with such groups, rather than create them).

1.2.3 Recommendations

(a) Adopt Policy 6.4.12 and delete Policy 9.4.12 as proposed.

(b) Amend Policy 6.4.12A as follows:

6.4.12A To promote, ~~appoint~~ approve and support water management groups to assist the Council in the management of water by the exercise of at least one of the following functions:

- (a) Coordinating the take and use of water authorised by resource consent; or**
- (b) Rationing the take and use of water to comply with relevant regulatory requirements; or**
- (c) Recording and reporting information to the Council on the exercise of resource consents as required by consent conditions and other regulatory requirements, including enforcement; ~~or~~**
- ~~(d) Reporting information to the Council for enforcement of regulatory requirements.~~**

Explanation

Water management groups provide flexibility for two or more consent holders to cooperate in exercising their consents, but without the formality of becoming a water allocation committee. Appendix 2A sets out the criteria for a group to be approved ~~appointed~~ by the Council as a water management group, and the functions they may undertake. To achieve functions (a) to (c), consents may:

- Be rationed on a voluntary basis; or
- Be held by the water management group; or
- Contain a condition requiring the consent to be exercised as directed by the water management group.

The group may also choose to alter the consents under their control to allow metering and reporting requirements to be rationalised and undertaken by the group. Where the group chooses to ration taking and use, or report information for enforcement, the Council may delegate to them powers under the Act so that they can exercise these functions effectively.

Formation of water management groups is voluntary, and the decisions made by the group regarding water rationing will impact only on those consents held by the group or its members, or subject to group control. Water rationing may be undertaken within the group, however, where enforcement of a rationing regime is sought by the group, as provided for by Policy 6.4.13, the rationing regime requires approval of Council.

Council will support water management groups by providing hydrological information and advice on options for rationing as required, and by enforcing approved rationing regimes.

Principal reasons for adopting

This policy is adopted to enable groups of water users to form and take on more responsibility in managing the taking and use of water. Such groups are well placed to use local knowledge of water needs, to ensure local circumstances are taken into account and to avoid unnecessary conflict in periods of water shortage.

(c) Adopt Method 15.1.2.2 as proposed.

(d) Amend Appendix 2A as follows:

2A Water management groups

Water management groups established in terms of Policy 6.4.12A, provide the opportunity for groups of water users to become more responsible for managing their own water taking by allowing for consents held by individuals to be managed by the group being delegated specified functions by the Otago Regional Council under the Resource Management Act 1991. Members must agree to be bound by the group, and must satisfy the Council that they are able to exercise consents under their control delegated functions responsibly. Lists 2A.1 and 2A.2 set out the Council's requirements for the appointment and function of such groups. The form of the group is not otherwise limited by the Council, and the group may also exercise other roles to meet member needs.

2A.1 List of criteria for appointment of a Water management group

For a group of water users to be appointed by the Council as a water management group with authority and responsibility for specified resource consents (including deemed permits), the Council must be satisfied that:

- (a) A schedule that specifies the resource consents which are to be managed by the water management group; and
- (b) The water management group has an appropriate form and rules; and
- (c) The water management group seeks to be granted authority and responsibility to manage act as an agent of the Council for the specified consents; and
- (d) The water management group is able to provide documentary evidence that their members and scheduled consent holders agree to be bound by the group.

2A.2 List of functions of a water management group

A water management group which has been approved appointed by the Council in terms of List 2A.1 above:

- (a) May have a terminating date or criteria;
- (b) May apply to have other resource consents included within its management;

- (c) Must have amendments of its form and rules approved by the Council;
- (d) May have its authority to act as an agent of the Council revoked, in part or in full, either:
 - (i) On its request; or
 - (ii) On receipt of not less than 6 months written notice by the Council; and
- (e) Must report annually to the Council on the operation of the group ~~and the exercise of powers as an agent of the Council.~~

Reasons

- Submissions seeking fundamental changes to Policy 6.4.12 are beyond the scope of the plan change.
- Groups are approved, rather than appointed, under Policy 6.4.12A.
- Condition (d) in Policy 6.4.12A is better included within (c).
- Under Section 34A(2) of the RMA the ORC may delegate to any person certain functions, powers or duties. Reference to possible delegation to groups within Policy 6.4.12A and Appendix 2A is not needed.
- Clarification is required regarding how integrated take and use, rationing, recording and reporting under Policy 6.4.12A may be achieved.
- Clarification is required that formation of groups is voluntary, and about who may be affected by decisions made by those groups.
- Clarification is required of how the ORC will support groups.
- Consent processes and terms are provided for in the RMA.
- Policies 6.4.12 and 6.4.12A should remain in section 6.4 of the Water Plan, adjacent to directly relevant Policies 6.4.11 and 6.4.13.
- It is not necessary or appropriate to provide for the creation of groups within Method 15.2.2.1.

1.3 Policy 6.6.0 – Development of shared water infrastructure

Table of Proposed Changes; Reference 33: page 33

Summary of Decisions Requested (Submitters and Further Submitters): pages 12-13

1.3.1 Overview

Policy 6.6.0 provides for ORC to promote and support the collaborative development of shared water infrastructure. Nine submitters and two further submitters request decisions or provide comment on the policy:

- Six support its inclusion.
- Three seek amendments to address matters including:
 - Takes permitted by Section 14(3) of the RMA.
 - Industrial and commercial users.
 - Sharing drinking water schemes.

1.3.2 Evaluation

Takes permitted by Section 14(3) of the RMA

Section 14(3) of the RMA includes those takes and uses permitted under the Water Plan, and take and use for an individual's reasonable domestic needs, the reasonable needs of an individual's animals for drinking water or for fire-fighting purposes. If an individual's take occurred through shared infrastructure, it does not meet the requirements of Section 14(3)(b) of the RMA.

Industrial and commercial users

The explanation to the policy states “*While individual systems may work well in some situations, there are many areas throughout Otago where shared water infrastructure is required, including urban water supplies, community domestic supplies and multi-property irrigation supplies.*” Industrial and commercial users are not precluded from being considered in any shared infrastructure scheme.

Sharing drinking water schemes

Certain drinking water supplies must meet the requirements of the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007. Whether it is appropriate for these supplies to share infrastructure with other users (e.g. irrigators and stock water) is a decision for those water suppliers rather than the ORC.

1.3.3 Recommendation

Adopt Policy 6.6.0 as proposed.

Reasons

- Takes through shared infrastructure may no longer meet the requirement of Section 14(3) of the RMA.
- Industrial and commercial water users may consider joining a shared infrastructure scheme.
- Whether a drinking water supply shares infrastructure to supply irrigators and stock water is their own decision.

CHAPTER 2: INTEGRATED CATCHMENT MANAGEMENT

Introduction

Chapter 2 evaluates submissions regarding water management, including recognition of the inter-relationship between surface water and groundwater resources.

A) INTEGRATED CATCHMENT MANAGEMENT - GENERAL

2.1 General comments on integrated catchment management

Table of Proposed Changes: N/A

Summary of Decisions Requested (Submitters and Further Submitters): page 29

2.1.1 Overview

One submitter requests a goal in the Water Plan: that individual solutions are found for individual catchments, with flexibility in deciding how water is best used within each catchment.

2.1.2 Evaluation

Given the diversity of catchments in Otago, a one-size fits all approach to allocation and use is inappropriate, and is not sought by the Water Plan. An individual catchment approach is provided for by the existing policies of the Water Plan, and will further be provided for by proposed Policy 6.4.0, where hydrological characteristics of a resource are recognised before water is allocated, and by proposed Policy 6.4.12A, where water management groups within areas may be formed.

2.1.3 Recommendation

Note the submission.

Reason

- The individuality of water bodies, and the opportunity for communities to manage their water resources, is provided for by existing policies within the Water Plan and proposed Policies 6.4.0 and 6.4.12A.

2.2 Issue 6.2.3 – Constraints to opportunities for wider use of available water

Table of Proposed Changes; Reference 3: pages 5-6

Summary of Decisions Requested (Submitters and Further Submitters): pages 21-28

2.2.1 Overview

The plan change amends Issue 6.2.3 to expand the identification of constraints on wider use of the water resource, from simply “*inefficient practices*” to “*inefficient or inappropriate practices*”, and “*consent holders retaining authorisation for more water than they actually need*”, and examples are provided in the explanation.

Thirteen submitters and six further submitters request decisions on this issue.

- One submitter supports the proposed amendments.
- Twelve submitters seek various amendments to address matters including:
 - Inappropriate practices.

- Growth of community water supplies.
- Uses of water.
- Leakage and evaporation.
- Taking and using water.
- Bores.
- Allocating for future uses.
- Identification of other matters.
- Hydroelectric generation.

2.2.2 Evaluation

The purpose of an issue is to state a problem that requires addressing. An objective states the desired outcome to be achieved through addressing of a particular issue, and a policy states how that objective will be achieved.

Inappropriate practices

The explanation to the policy gives examples of what may be inefficient or inappropriate practices. Items (d), exporting water from water short catchments, and (f), taking water from established sources regardless of feasible alternatives, may be “*inappropriate*” rather than “*inefficient*”.

The sentence preceding the list of examples could be amended to reflect that these practices may only sometimes be inefficient or inappropriate.

Including “*inappropriate land use activities*” as an additional matter between (a) and (b) of the policy, and as an item to be listed within the explanation is beyond the scope of this plan change. The Water Quantity chapter has only ever been intended to have policies on take and use, and controlled flows. District plans are better placed to manage land use activities, and that is the arrangement agreed to in Otago over ten years ago. This is a more appropriate matter for the Regional Policy Statement for Otago’s review.

Growth of community supplies

The amendment to recognise growth within community supplies would turn the issue into a policy. Allowance for growth of communities in consenting their water supplies is discussed in regard to Policy 6.4.2A (see section 2.10) and Policy 6.4.0A (see section 2.16).

Uses of water

Including the following additional uses in the first paragraph of the explanation, such that it reads “A range of domestic, agricultural, natural, recreational, industrial and commercial uses rely on sufficient quantities of water in Otago”, is inappropriate. The issue regards consumptive use of available water resources. Natural and recreational uses are typically instream and non-consumptive, and are addressed in the Water Plan by Issues 5.2.1 and 6.2.1.

The deleted text in the first paragraph of the explanation, “However, wider use of the water is constrained by water shortages. ...”, should be reinstated as it helps to explain the issue..

Leakage and evaporation

Item (a) of the explanation identifies that leakage or evaporation from distribution systems may be an inefficient practice that results in less water being available for water users. The list of examples is not absolute. Any leakage, including what may be considered “normal”, or evaporation, constrains opportunities for the wider use of the water resource. In some instances evaporation may be unavoidable, or not feasible to address. However, there may be

circumstances where significant losses to evaporation may be reasonably and readily addressed through upgrades to distribution systems. Further discussion regarding inefficient delivery and application systems is discussed in relation to Policy 6.4.0A (see section 2.16).

Taking and using water

With regard to item (b) of the explanation the proposed plan change seeks to include “*using*” as an issue, as well as “*taking*”, because use intrinsically affects how much is taken.

With regard to item (e) of the explanation, individual takes can constrain the wider use of water. While it is recognised that sometimes individual takes are the most appropriate form of water management, the issue should just state the general problem.

Bores

With regard to item (g) of the explanation, it is generally agreed that “bores which do not fully penetrate the aquifer”, and “inadequately maintained bores” are specific examples of the issue of poorly sited and constructed bores, however, a more general identification of the issue is preferred. Groundwater/bore issues are being addressed through future plan changes.

Allocating for future uses

Amending (b) of the policy to allow existing consent holders to retain water, where that water has not been accessed because an investment has not progressed, turns the issue into a policy. This matter is discussed in regard to Policy 6.4.0A (see section 2.16) and Policy 6.4.2A (see section 2.10).

Item (h) “*Securing water in consents which is more than that which is needed for existing activities*”, is a significant issue as consented allocation affects the ability of potential users to obtain consents to take and use water. Applicants may seek consent before any investment in infrastructure is made. The problem arises with those who secure water on their consents with no ability or real intention of ever utilising it. Consideration of granting consents for water that is not currently being used is discussed in regard to Policy 6.4.0A (see section 2.16) and Policy 6.4.2A (see section 2.10).

Adding “*for reasonably anticipated activities on land*” to item (h) becomes too constraining, as not all activities that use water inefficiently occur on land.

Item (h) should not be deleted in its entirety, as this is a valid issue constraining the wider use of the available resource, and there is an expectation by others within the community that it be addressed.

Identification of other matters

As the purpose of an issue is to state a problem, Issue 6.2.3 is not the location to provide for recognition of the benefits to exporting water to water short catchments, or the economic cost of change as a consideration in the decision-making process.

Hydroelectric generation

The Water Plan is written so that no industry or activity is favoured over another and the proposed plan change did not seek to change this approach. To include specific reference to any potential effect on hydroelectric generation within the policy, or its explanation, is therefore beyond the scope of the plan change.

2.2.3 Recommendation

Amend Issue 6.2.3 as follows:

6.2.3 Opportunities for the wider use of available water resources are constrained by:

- (a) Inefficient or inappropriate practices; and**
- (b) Consent holders retaining authorisation for more water than is actually required for their activities.**

Explanation

A range of domestic, agricultural, industrial and commercial uses rely on sufficient quantities of water in Otago. However, wider use of the water is constrained by water shortages. The effects of water shortages can be exacerbated when practices are by inefficient or inappropriate practices. For example, the following may be inefficient or inappropriate:

- (a) Water being lost through leakage or evaporation from distribution systems;
- (b) Not utilising the most efficient means of taking or using the water;
- (c) Taking more water than is needed and not identifying how much water is taken;
- (d) Exporting water from water-short catchments;
- (e) Taking water on an individual basis, when there is an opportunity for taking cooperatively with regard to the wider community and environment;
- (f) Taking water from established sources, regardless of feasible alternatives;
- (g) Poorly sited and constructed bores or excavations into aquifers; and
- (h) Securing water in consents which is more than that which is needed for existing activities.

Transporting water from areas where water is scarce, and delivering it to locations where water is plentiful is poor management of the water resource. It could result in local users, who have no choice other than to utilise that source, having inadequate access to water. Potential users might also find less allocation is available as a result of water being secured by existing consents.

Reasons

- Issue 6.2.3, and the examples given in (a) to (h) of the explanation, accurately state the problem, and should not include matters of policy.
- Minor amendments to the first paragraph of the explanation assist with clarity.
- Inclusion of inappropriate land use and hydroelectric generation within Issue 6.2.3 are beyond the scope of the proposed plan change.

B) WATER AS A CONNECTED RESOURCE

2.3 Objective 6.3.1 – Retain flows in rivers sufficient to maintain their life-supporting capacity for aquatic ecosystems and their natural character.

Table of Proposed Changes; Reference 5: pages 6-7

Summary of Decisions Requested (Submitters and Further Submitters): page 30 - 31

2.3.1 Overview

The plan change adds an additional paragraph to the explanation of Objective 6.3.1, to highlight that groundwater takes connected to surface water can affect river flows.

Seven submitters and two further submitters request decisions on this objective:

- Four submitters support the amendments.
- Three submitters seek amendment regarding:
 - Connectivity.
 - River flows.

2.3.2 Evaluation

Connectivity

The following amendment was proposed by a submitter: “*Surface water ~~often has~~ can have a dynamic hydrological connection with groundwater, which needs to be adequately understood to ensure sustainability of these resources, which may involve more than just a single catchment in order to determine a sustainable allocation regime for these water resources*”.

“*Often has*”, rather than “*can have*”, is accurate for Otago, where even groundwater within schist is hydrologically connected with surface water. The pattern of hydrologic connection is dynamic rather than static because there is a response to climate, and climate variations are inherently dynamic in nature. The objective is to retain flows in rivers. Objective 6.3.2 relates to allocation and the removal of water from rivers, and seeks to provide for the water needs of industry and communities.

River flows

Minimum and residual flows are determined on a case-by-case basis under Policies 6.4.3 to 6.4.10. If a creek naturally goes dry, then a proposed minimum or residual flow, and monitoring site (or lack thereof), may reflect this.

2.3.3 Recommendation

Adopt Objective 6.3.1 as proposed.

Reasons

- The additional paragraph within the explanation to Objective 6.3.1 recognises the hydrological connection between groundwater and surface water, and is accurate for Otago.
- Allocation is addressed under Objective 6.3.2.
- Minimum and residual flows are determined on a case-by-case basis under Policies 6.4.3 to 6.4.10.

2.4 Objective 6.3.2A and 9.3.2 – Maintain levels and storage in Otago’s aquifers

Table of Proposed Changes; References 6 and 39: pages 7 and 36-37

Summary of Decisions Requested (Submitters and Further Submitters): page 31

2.4.1 Overview

The plan change moves existing Objective 9.3.2 into Chapter 6, with amendments to reflect it is groundwater levels and storage that require maintenance (rather than aquifer yield), and that surface water takes connected to groundwater, can affect aquifers.

Eight submitters and three further submitters request decisions on the objective:

- Six submitters support its inclusion.

- Two submitters seek amendment regarding:
 - Connectivity.
 - Effects on bores.

2.4.2 Evaluation

Connectivity

The following amendment was proposed by a submitter: “*Groundwater ~~often has~~ can have a dynamic ~~hydrological~~ connection with surface water. This connection needs to be adequately understood ~~to ensure sustainability of these water resources, which may include any river, lake or wetland dependant on groundwater levels~~ in order to determine a sustainable allocation regime for these water resources”.*

As discussed in section 2.3 above, “often has”, rather than “can have”, is accurate for Otago, where even groundwater within schist is hydrologically connected with surface water. The objective is to maintain long term groundwater levels and water storage in aquifers and reflects the surface water Objective 6.3.1. Objective 6.3.2 relates to allocation and the removal of water from aquifers, and seeks to provide for the water needs of industry and communities.

Effects on bores

The purpose of an objective is to state what is to be achieved through the resolution of a particular issue, so this is not the location to provide for allowing some effect on neighbouring bores. Groundwater/bore issues are being addressed through future plan changes.

2.4.3 Recommendation

Adopt Objective 6.3.2A and delete Objective 9.3.2 as proposed.

Reasons

- An objective states what is to be achieved through the resolution of a particular issue.
- The objective recognises the connection between groundwater and surface water.
- In order to achieve integrated management of groundwater and surface water the objective should be located within Chapter 6.

2.5 Policy 6.4.0 and 9.4.3 – Understanding the water system

Table of Proposed Changes; References 8 and 42: pages 9-10 and 38-39

Summary of Decisions Requested (Submitters and Further Submitters): pages 32-33

2.5.1 Overview

Policy 6.4.0 provides for recognition of the connection between surface water and groundwater, to ensure adequate understanding of that connection before allocating water for taking, and it broadly incorporates matters addressed by Policy 9.4.3, which is deleted. The detail of how this will be achieved is in subsequent policies.

Nine submitters and three further submitters request decisions on the policy:

- Six submitters support its inclusion.
- Three submitters seek amendments to address matters including:
 - Hydrological characteristics.
 - Effects of land use.

2.5.2 Evaluation

Hydrological characteristics

Items (a) to (c) of the policy outline some of the hydrological characteristics of water bodies that will be recognised when managing water takes. The explanation goes on to state “hydrological characteristics” include “river flows and groundwater levels, interaction among connected ground and surface water bodies, and net outflows of freshwater from aquifers”. All available information will be assessed. For some water resources significant data may be available, while for other resources little or no information may be available. Where this is the situation in a surface water body, IFIM (instream flow incremental methodology) is applied, while for groundwater mean annual recharge and transient groundwater modelling is used. Because of the wide variability of available data for water bodies across Otago, it is not appropriate to state specific methods within this policy.

It is noted that hydrological characteristics do not include artificially induced effects of taking.

Effects of land use

The Water Quantity chapter has only ever been intended to have policies on take and use, and controlled flows. District plans are better placed to manage land use activities, and that is the arrangement agreed to in Otago over ten years ago. This is a more appropriate matter for the Regional Policy Statement for Otago’s review.

2.5.3 Recommendation

Adopt Policy 6.4.0 and delete Policy 9.4.3 as proposed.

Reasons

- It provides for recognition of the connection between surface water and groundwater, to ensure adequate understanding of that connection before allocating water for taking.
- Hydrological characteristics are already adequately defined within the explanation.
- The impact of different land use on water yield, and the effects of intact indigenous vegetation on water quantity and quality are beyond the scope of the proposed plan change.

2.6 Policy 6.4.1 – Surface water allocation system

Table of Proposed Changes; Reference 12: pages 13-15

Summary of Decisions Requested (Submitters and Further Submitters): pages 33-38

2.6.1 Overview

Policy 6.4.1 provides for the taking of surface water subject to allocation quantities and the retention of instream flows. The plan change proposes to remove from the explanation a summary list of all policies in section 6.4 of the Water Plan, to highlight that takes from Lakes Dunstan, Hawea, Roxburgh, Wanaka or Wakatipu, or from the main stem of the Clutha/Mata-Au or Kawarau Rivers are not subject to the minimum flow and allocation framework, and that takes within the Waitaki Catchment must also consider additional matters.

Twelve submitters and six further submitters request decisions or comment on the policy:

- One submitter supports aspects of the policy, but comments sufficient data and robust methods are needed.
- Eleven submitters seek amendments, or made general comments, regarding:

- Allocation quantities and flows.
- Excluded water bodies and hydroelectric generation.
- Rule status.
- Affected parties.
- Values protected.

2.6.2 Evaluation

Allocation quantities and flows

The basic framework to taking surface water through the provision of primary and supplementary allocation and minimum flows, is unchanged. The details of the framework are contained within existing Policies 6.4.2 to 6.4.10.

Takes from Lakes Dunstan, Hawea, Roxburgh, Wanaka or Wakatipu, or the main stem of the Clutha/Mata-Au or Kawarau Rivers are not subject to this framework. This is highlighted within the explanation to Policy 6.4.2 (which defines primary allocation). Including this matter within Policy 6.4.1 provides increased clarity.

Amending (a) of the policy to read “*Defined allocation quantities as set out in Schedule 2*”, is inappropriate as the policy encompasses more than Schedule 2. Allocation is also defined in Policies 6.4.2, 6.4.9, 6.4.10 and 6.4.10A.

Amending (b) of the policy to read “*Provision for water body levels and of environmental flows*”, is inaccurate as minimum flows take into account social, cultural, recreational and economic costs and benefits, as well as environmental considerations (and other matters), as highlighted by proposed Schedule 2D in Proposed Plan Change 1B (Minimum Flows). Minimum flows, and when they apply, are detailed in existing Policies 6.4.3 to 6.4.10. Residual flows may also be required to provide for aquatic ecosystems and natural character (Policy 6.4.7).

Comment was also made that where historical takes do not affect aquatic life, they should be allowed to continue. Both the Water Plan and RMA provide for regard to be given to existing takes, and residual flows will continue to be determined on a case-by-case basis. It is not necessary to provide for takes that are permitted by Section 14 of the RMA within this policy.

Excluded water bodies and hydroelectric generation

A request was made to amend the third paragraph of the explanation to acknowledge that cumulative consumptive takes reduce water available for the non-consumptive use of electricity generation.

As discussed above, allocation is set in accordance with Policies 6.4.2, 6.4.9 and 6.4.10, which remain fundamentally unchanged. In addition, the Water Plan is written so that no industry or activity is favoured over another and the proposed plan change did not seek to change this approach. Making specific reference to any potential effect on hydroelectric generation within the policy or its explanation is beyond the scope of the plan change.

The reason why these water bodies are not part of the allocation and minimum flow framework needs to be recognised. Rewording of the statement will not affect the allocation and minimum flow framework. Cumulative effects of taking could eventually result in measurable effects on these water bodies. This will be considered when the Water Plan is reviewed in full.

For discretionary activities, minimum flows may still be imposed on consents to take water from these water bodies, to address any adverse effects on any natural or human use values identified in Chapter 5 of the Water Plan.

Rule status

Takes outside of the allocation and minimum flow framework are discretionary, and it is not proposed to change the status of rules providing for these takes. Consideration of a new restricted discretionary rule status would require a variation to the plan change or a new plan change, to ensure persons potentially affected by this matter are consulted and heard.

Affected parties

The Water Plan does not list who may be affected parties to consent applications, rather this is considered under the RMA when consent applications are received.

Values protected

Amending the principal reason for adopting the policy to enable consumptive users' access to water while sustaining instream values better encompasses that flows provide for aquatic ecological, cultural and recreational values, and natural character.

Cultural (Kai Tahu) values are considered in discretionary consents, and in setting primary allocation limits and minimum flows in Schedule 2A (when a water body is listed in this Schedule, taking water from it may become a restricted discretionary activity). This is also discussed in regard to Rule 12.1.4.8 (see section 2.23).

2.6.3 Recommendation

Amend Policy 6.4.1 as follows:

6.4.1 To manage the taking of surface water, by:
(a) Defined allocation quantities; and
(b) Provision for water body levels and flows,
except when the taking is from Lakes Dunstan, Hawea, Roxburgh, Wanaka or Wakatipu, or the main stem of the Clutha/Mata-Au or Kawarau Rivers.

Explanation

This policy provides for the taking of surface water within specified limitations upon the total quantity taken, subject to suspension of takes when specified levels and flows for the water body are reached.

The details for surface water takes are provided in Policies 6.4.2 – 6.4.11. Primary allocation surface water takes are subject to the lowest minimum flows, supplementary allocation surface water takes are subject to higher minimum flows, and further supplementary allocation may be taken at flows greater than natural mean flow. Taking within the Plan's allocation limits and subject to the Plan's minimum flows is a restricted discretionary activity.

Allocation quantities and minimum flows set by policies in Chapter 6 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 large volumes of water are present (although minimum flows may still be set by consent if appropriate, to address matters in Chapter 5) 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 t~~Takes from these water bodies that are not otherwise permitted, are full discretionary activities in terms of this Plan.

In the Waitaki catchment, all allocation must also be considered against the Waitaki Catchment Water Allocation Regional Plan (which is incorporated into policies of this Plan in section 6.6A).

Principal reason for adopting

This policy is adopted to enable consumptive users' access to surface water while sustaining ~~aquatic ecological~~ instream values.

Reasons

- The policy introduces the existing framework to taking surface water in Otago.
- The policy encompasses all allocation, not just that specified in Schedule 2.
- Water body flows take into account more than just environmental considerations.
- It is not necessary to provide for takes that are permitted by Section 14 of the RMA within this policy.
- Specific reference to any potential effect on hydroelectric generation is beyond the scope of the plan change.
- Clarification should be made to highlight that, for the named water bodies, minimum flows could still be imposed by consent.
- Identification of affected parties is provided for in the RMA and is undertaken on a case-by-case basis on receipt of a consent application.
- “Instream” better encompasses that flows provide for aquatic ecological, cultural and recreational values, and natural character.

2.7 Policy 6.4.1A and 9.4.9 – Groundwater connected to surface water

Table of Proposed Changes; References 13 and 48: pages 15-17 and 42-43

Summary of Decisions Requested (Submitters and Further Submitters): pages 38-40

2.7.1 Overview

Policy 6.4.1A sets a framework for all groundwater allocation. How groundwater will be allocated (and whether minimum flow restrictions apply) depends on the degree of connectivity of groundwater to surface water. The policy lists four degrees of connection. The two extremes are (a) “as if it were surface water”, or (d) “purely groundwater”. The other two options, (b) and (c), recognise the varying degrees of connectivity between surface water and groundwater. Policy 9.4.9, which addressed groundwater takes in the Kakanui-Kauru and Shag Alluvium Aquifers, is deleted.

Eleven submitters and eight further submitters request decisions or comment on these policies:

- Six submitters support its inclusion.
- Four submitters seek amendments to address matters including:
 - Groundwater within 100 metres of a perennial surface water body.
 - Transfer of consents.
 - The Water Conservation (Mataura River) Order 1997.
- One submitter comments it may affect their consent and expressed interest in the policy.

2.7.2 Evaluation

Groundwater within 100 metres of a perennial surface water body

Policy 6.4.1A(b) requires all connected groundwater takes within 100 metres of a perennial surface water body to be managed as surface water, subject to surface water allocation provisions and minimum flows. While creating an artificial boundary of 100 metres is not always ideal, it was selected because:

- Connected groundwater takes within 100 metres of a perennial surface water body in Otago generally have a direct effect on that water body in almost 1:1 proportion to the total rate of take;
- The estimation of surface water effect as distinct from total take becomes virtually superfluous in this situation;
- The cumulative effect of groundwater takes with surface water effects of less than 5 l/s within the 100 metres zone could be significant, especially for smaller water bodies where minimum flows are an important protector for aquatic values;
- The threshold of significance of 5 l/s for takes beyond 100 metres was partly set in recognition of the accuracy of the methods of calculation of surface water effects (given in Schedule 5A). At distances of less than 100 metres from a perennial surface water body the accuracy and proportion of total take to surface water effects substantially increases; i.e. the certainty that depletion occurs at near total levels is greatest. Accordingly, the need for a threshold of significance is diminished;
- Finally, use of more sophisticated modelling to determine surface water effects can over-complicate applications to take groundwater, and result in less practicable outcomes. Use of the 100 metre default simplifies plan interpretation and administration.

As groundwater takes within 100 metres of a perennial surface water body, outside of the permitted activity rules in the Water Plan, will have a measurable effect on surface water, those takes should be subject to the surface water allocation framework, and minimum flow restrictions. ORC is aware of some situations where groundwater within 100 metres of a perennial surface water body is not connected, and this is provided for by (d) of the policy.

For groundwater takes further than 100 metres from a perennial surface water body, Policy 6.4.1A(c) allows determination of surface water effects using the equations provided in Schedule 5A. If surface water will be affected by 5 litres per second (l/s) or more, that portion of the take should be considered against the surface water allocation framework. However, given the distance from the surface water body response time of the groundwater take on surface water flows, it is not appropriate to impose minimum flow restrictions.

The default 100 metre distance approach ensures those groundwater takes that do have a measurable effect on surface water are addressed. If a departure from the default distance of 100 metres is warranted, then Schedule 2C can be used, and the area in which connectivity is important can be mapped. A plan change is required to add any such aquifer to Schedule 2C.

Transfer of consents

If a groundwater take meets the requirements of Policy 6.4.1A (a) or (b) (i.e. is managed as surface water), and a consent holder seeks to transfer the point of take from groundwater directly into the connected surface water body, then this may be considered under Section 136(2)(b)(ii) of the RMA. Policy 6.4.17 (regarding transfer of consents) may be amended to ensure it is clear where the take is considered to be from the same water body (i.e. managed as surface water) such a transfer may be considered (see section 2.22), retaining its allocation status.

In over-allocated catchments an issue may arise for groundwater takes issued between 28 February 1998 and 20 December 2008, if they are to be defined as primary allocation. Primary allocation is defined by Policy 6.4.2. In an over-allocated catchment, any groundwater consent must have been granted prior to 28 February 1998 in order to be considered primary allocation. If the groundwater take was consented between 28 February 1998 and 20 December 2008, upon renewal or transfer it would be considered surface water without primary allocation status. This was not intended, and Policy 6.4.2 should be amended to provide for such takes. A consequential change to Method 15.8.1.1 is required for consistency (see section 2.8).

Water Conservation (Mataura River) Order 1997

A small part of the headwaters of the Mataura River catchment lie in Otago. The Water Conservation (Mataura River) Order 1997 has not been recognised by or appended to the Water Plan, as is the situation with The Water Conservation (Kawarau) Order 1997. Water conservation orders are prescribed by Part 9 (Sections 199-217) of the RMA, and once operative, the consent authority shall not grant water permits contrary to the order. Section 67(4) states a regional plan must not be inconsistent with a water conservation order. As there is a risk of overlooking it, the Water Conservation (Mataura River) Order 1997 should be appended to the Water Plan as a minor amendment to be consistent with that of the Kawarau River.

2.7.3 Recommendations

(a) Adopt Policy 6.4.1A and delete Policy 9.4.9 as proposed.

(b) Amend existing Policy 6.4.2 as follows:

6.4.2 To limit allocation for the taking of surface water in any catchment, through the identification of a quantity, known as *primary allocation*, which is:

(a) For catchment areas in Schedule 2A the greater of:

- (i) The primary allocation specified in Schedule 2A; or**
- (ii) The consented maximum instantaneous or consented 7-day surface water take at 28 February 1998 and connected groundwater take at 20 December 2008, less:**
 - (1) Any takes with a minimum flow that was set higher than those required by Schedule 2A; and**
 - (2) Any takes that immediately return all of the take to the source water body; and**
 - (3) Any surface water take consents surrendered, lapsed, cancelled or not replaced on expiry, after 28 February 1998; and**
 - (4) Any connected groundwater take consents surrendered, lapsed, cancelled or not replaced on expiry, after 20 December 2008.**

(b) For catchment areas other than those in Schedule 2A the greater of:

- (i) 50% of the 7-day mean annual low flow; or**
- (ii) The consented maximum instantaneous or consented 7-day surface water take at 28 February 1998 and connected groundwater take at 20 December 2008, less:**
 - (1) Any takes that immediately return all of the take to the source water body; and**

(2) Any surface water take consents surrendered, lapsed, cancelled or not replaced on expiry, after 28 February 1998.

(3) Any connected groundwater take consents surrendered, lapsed, cancelled or not replaced on expiry, after 20 December 2008.

Explanation

This policy sets a limit for primary allocation for the taking of surface water and connected groundwater (as defined by Policy 6.4.1A (a), (b) and (c)).

The primary allocation limits are:

- Set in Schedule 2A for the specified catchment areas; and
- 50% of the 7-day mean annual low flow (50% MALF) for all other catchment areas. However, if existing consented (maximum instantaneous rate or 7-day rate) surface water takes at the date of notification of the Plan (28 February 1998), or connected groundwater takes at the date of notification of Plan Change 1C (Water Allocation and Use) (20 December 2008) exceeded these allocation limits, then the primary allocation is the volume of these existing takes. This provides for the existing needs for Otago's communities.

The consented 7-day take is the total weekly quantity of surface water allocated through resource consents at 28 February 1998, including deemed permits, and connected groundwater allocated through resource consents at 20 December 2008, using the process outlined in Method 15.8.1.1. In cases where the consented maximum instantaneous take is markedly higher than the 7-day take, the consented maximum instantaneous take will be used. Before issuing a consent for any new take, it is necessary to establish whether the existing quantity taken from the catchment exceeds the primary allocation specified in Schedule 2A or 50% MALF in the case of unscheduled catchments. Once 50% MALF is calculated by the Regional Council for a catchment, that value becomes fixed in terms of this policy.

Consents that have been granted subject to a higher minimum flow than is set in Schedule 2A, and takes that immediately return all the water taken to the source water body, are not part of the primary allocation.

- (a) For catchments in Schedule 2A;
 - (i) If the consented take is less than the primary allocation specified in Schedule 2A, more water can be allocated as primary allocation under this policy until that limit is reached.
 - (ii) If the surface water consented take at 28 February 1998 and connected groundwater takes at 20 December 2008 exceeded the primary allocation specified in Schedule 2A, no further primary allocation is available and no new primary allocation consents will be granted. The primary allocation will reduce if any permits are surrendered, lapse, are cancelled or not replaced on expiry.
 - (iii) For surface water takes, any further allocation, known as supplementary allocation, must then be considered under Policies 6.4.9 or 6.4.10.
- (b) For catchments other than those in Schedule 2A;

- (i) If the consented take is less than 50% of the 7-day mean annual low flow, more water can be allocated as primary allocation under this policy until that limit is reached.
- (ii) If the surface water consented take quantity as at 28 February 1998 and connected groundwater takes at 20 December 2008 exceeded 50% MALF, no further primary allocation is available and no new primary allocation consents will be granted. The primary allocation will reduce if any permits are surrendered, lapse, are cancelled or not replaced on expiry.
- (iii) For surface water takes, any further allocation, known as supplementary allocation, must then be considered under Policies 6.4.9 or 6.4.10.

Where a consent to replace an existing consent is not applied for within the time frames set in Section 124 of the Resource Management Act, that water take will lose its primary allocation status. The allocation previously provided to that former consent will not be reallocated as primary allocation on any subsequent consent application where the catchment primary allocation exceeds the limits under (a)(i) or (b)(i) of this policy.

The catchments used in terms of calculating allocation under this policy are based on the point at which each catchment enters the Clutha or Kawarau main stems, Lakes Roxburgh, Dunstan, Hawea, Wanaka or Wakatipu, or the coastal marine area. An alternative upstream point may be used where practicable, having regard to the hydrological characteristics of that catchment. Allocation limits will not apply in terms of any surface water take from the main stem of the Clutha or Kawarau Rivers, or connected groundwater takes, nor do the subsequent policies set minimum flows for these rivers but the provisions of Chapter 5 apply.

The Otago Regional Council will keep a record of the quantity of water allocated from each catchment.

Principal reasons for adopting

This policy is adopted, in conjunction with the application of minimum flows, for catchments identified in Schedule 2A, to provide certainty regarding the availability of water resources for taking, while ensuring the effects of takes on the life-supporting capacity for aquatic ecosystems and natural character of rivers are no more than minor.

This policy also provides a conservative primary allocation for unscheduled catchments until studies can determine the appropriate allocation limits. However these catchments are not identified in Schedule 2A, and they do not have minimum flows specified in the Plan.

- (c) Append the Water Conservation (Mataura River) Order 1997 to the Water Plan as Schedule 11A, and amend section 2.2.5 of the Water Plan as follows:

2.2.5 Water conservation orders and notices

Part IX of the Resource Management Act provides for water conservation orders where there are waters of outstanding amenity or intrinsic value.

The Water Conservation (Kawarau) Order 1997 was enacted on March 17 1997, gazetted on March 20 1997 and came into force on 17 April 1997. The Order has been recognised and provided for within this Plan. The Water Conservation (Mataura River) Order 1997 was gazetted on 10 July 1997 and commenced on 7 August 1997. The Order has been appended to this Plan.

Local water conservation notices, under the former Water and Soil Conservation Act, such as those for Lake Tuakitoto and the Pomahaka River have been incorporated into the provisions of this Plan. As stated in section 1.4, these notices formed part of the Transitional Regional Plan and were superseded by the Regional Plan: Water when it became operative.

Reasons

- The effects of taking groundwater within 100 metres of a perennial surface water body generally has a direct effect on surface water. The accuracy and proportion of total take to surface water effects substantially increase at distances of less than 100 metres from a perennial surface water body, when using the equations given in Schedule 5A.
- Cumulative effects of takes within 100 metres of a perennial surface water body with effects less than 5 l/s could have adverse cumulative effects on smaller water bodies.
- The 100 metre default simplifies plan interpretation and administration.
- A regional plan must not be inconsistent with a water conservation order.
- Amendments are required to ensure those with resource consents to take and use groundwater (granted prior to the notification of this plan change) are recognised and provided for.

2.8 Method 15.8.1 - Method for calculating consented 7-day take and assessed actual take

Table of Proposed Changes; Reference 108: pages 74-75

Summary of Decisions Requested (Submitters and Further Submitters): N/A

2.8.1 Overview

The plan change makes minor amendments to Method 15.8.1. No submissions were received regarding these amendments.

2.8.2 Evaluation

As a result of the inclusion of Policy 6.4.1A, and subsequent recommended amendments to Policy 6.4.2 (see section 2.7) consequential amendments are required to Method 15.8.1.

2.8.3 Recommendation

Amend Method 15.8.1 as follows:

15.8.1 Methodology for calculating consented 7-day take and assessed actual take

15.8.1.1 The Otago Regional Council will use the following process when calculating the consented 7-day take of any catchment area for the purposes of Policy 6.4.2(a)(ii) and 6.4.2(b)(ii):

- (a) Establish the weekly rate of surface water take authorised by all consents existing in the catchment at 28 February 1998; and
- (aa) Establish the weekly rate of connected groundwater takes authorised by all consents existing at 20 December 2008; and
- (b) Where a consent does not specify a weekly rate the monthly, daily or instantaneous rate will be converted into a weekly rate; and
- (c) Eliminate takes that immediately return all of that water to the river, and takes that are solely a re-take of irrigation runoff water; and
- (d) Eliminate takes that have a minimum flow higher than that set by Schedule 2A.

In calculating a catchment's assessed actual take for the purposes of Policy 6.4.9(a), steps (a) to (d) above are followed by:

- (e) Eliminate takes that cannot be exercised, whether due to legal or physical constraints, when flows in the catchment main stem are at the natural 7-day mean annual low flow; and
- (f) Establish at what flow the takes identified in (e) above will be exercised, and reinstate if the new allocation may interfere; and
- (g) Consider eliminating mining privilege takes which are not currently being exercised.

Principal reasons for adopting

This method is adopted to assist in determining the allocation status of catchments in order to establish whether further primary allocation is available, in accordance with Policy 6.4.2, and to assist in calculating the minimum flow set in accordance with Policy 6.4.9(a).

Reasons

- As a result of inclusion of Policy 6.4.1A, and subsequent recommended amendments to Policy 6.4.2, consequential amendments are required to Method 15.8.1.
- Amendments are required to ensure those with resource consents to take and use groundwater (granted prior to the notification of this plan change) are recognised and provided for.

2.9 Schedule 2 – Specified restrictions

Schedule 2A – minimum flows and primary allocation limits (excluding Welcome Creek)

Table of Proposed Changes; References 111 and 112: pages 78-79

Summary of Decisions Requested (Submitters and Further Submitters): page 40

2.9.1 Overview

Amendments are proposed to Schedule 2, which introduces Schedule 2A, 2B and 2C. The inclusion of Welcome Creek in Schedule 2A is addressed in section 3.5.

One submitter requested that the last paragraph in Schedule 2 be amended to reflect that only connected groundwater be treated as surface water. No submissions were received regarding proposed amendments to Schedule 2A (excluding Welcome Creek).

2.9.2 Evaluation

The amendment requested to Schedule 2 would be a consequential amendment as the result of accepting a submission on Policy 6.4.1A regarding the 100 metre default provision for managing connected groundwater as surface water, which is evaluated in section 2.7.

In accordance with Policy 6.4.1A, the last paragraph of Schedule 2 should be amended to ensure that groundwater takes within 100 metres of a surface water body are identified.

2.9.3 Recommendations

(a) Amend the final paragraph of Schedule 2 as follows:

In accordance with Policy 6.4.1A, groundwater takes from aquifers listed in Schedule 2C and identified in the C-series maps, and groundwater takes from within 100 metres of any connected perennial surface water body, are considered against primary or supplementary allocation limits provided for by Policies 6.4.2 and 6.4.9 and where listed in Schedules 2A and 2B, and may be subject to the minimum flows identified.

(b) Amend Schedule 2A (excluding Welcome Creek) as proposed.

Reasons

- There were no submissions in opposition to Schedules 2 or 2A.
- Groundwater takes from within 100 metres of a surface water body are considered against primary allocation and minimum flows, in accordance with Policy 6.4.1A
- The effects of taking groundwater within 100 metres of a perennial surface water body generally has a direct effect on surface water. The accuracy and proportion of total take to surface water effects substantially increase at distances of less than 100 metres from a perennial surface water body, when using the equations given in Schedule 5A.
- The 100 metre default simplifies plan interpretation and administration.

C) HISTORICALLY ACCESSED WATER

2.10 Policy 6.4.2A – Historically accessed water

Table of Proposed Changes; Reference 15: pages 17-19

Summary of Decisions Requested (Submitters and Further Submitters): pages 83-90

2.10.1 Overview

Policy 6.4.2A ensures where replacement applications to take water as primary allocation in over-allocated catchments are received, consideration is only given to water that has been historically accessed by the consent holder. If a consent has been exercised only at high flows, consideration is given to whether that take should be granted as supplementary allocation.

Twenty-one submitters and seven further submitters request decisions on this policy:

- One submitter supports its inclusion, but comments its effectiveness will depend largely on the measurements of the previous take.
- Thirteen submitters seek amendment to address matters including:
 - Determining historical access.
 - Allocating water for potential future uses.
 - Growth of community water supplies.
 - Considering supplementary status.
 - Efficiency considerations and investment value.
 - Supplementary allocation and water storage.
 - Consent matters
 - Recognition of hydroelectricity generation.
- Six submitters oppose the policy, for reasons including potential future changes in water requirements, determining historical access, and comment that such a policy could encourage pumping water to waste, and stop future water harvesting.
- One submitter does not specify their position.

2.10.2 Evaluation

The RMA and Water Plan provide for water take and use on a first-in, first-served basis. This approach is acceptable provided that those consent holders actually take and use their allocated water within a reasonable timeframe.

Determining historical access

Almost all consented takes within Otago (including deemed permits) have a requirement to measure or meter. By the time those consents are due for replacement, many will have a number of years' worth of data, but there will be those with limited data or none at all. Any relevant evidence may be used, such as existing infrastructure, or aerial photography (showing irrigated land).

When considering historically accessed water, regard should be given to seasonal variations and climate effects, including the effects of climatic extremes. A similar exemption is provided for in Policy 6.4.18 when a consent may be cancelled.

Allocating water for potential future uses

Consent holders should not retain the right to unused or unaccessed water, over and above any potential water user, on the basis they may decide to change their activities in the future.

Allocating more water than is needed to a consent inhibits the ability of any potential water user to access that water. In an over-allocated catchment, new users may only access supplementary allocation. The supplementary minimum flow is based on the amount of primary allocation. Every primary allocation consent that has been granted resulted in elevation of the supplementary minimum flow, limiting new consents' access to water, so allocated water that is not taken is of particular concern.

The RMA allows conditions to be placed on a consent regarding when they lapse and when they may be reviewed. ORC water permits typically have a condition stating that the consent shall lapse after two years, if not given effect to. They also typically have a condition stating the consent may be reviewed within 3 months of each anniversary of its commencement for the purpose of “*adjusting the consented rate or volume of water under condition X, should monitoring under condition Y or future changes in water use indicate that the consented rate or volume is not able to be fully utilised*”. If not otherwise specified, a consent lapses five years after the date of its commencement if it is not given effect to (Section 125 of the RMA). An application to extend this period may be made, the consent authority taking into account if substantial progress or effort has been made toward giving it effect.

The lapse period is considered adequate for any consent holder to either take and use their allocated water, or to make substantial progress towards installing infrastructure for that consented take and use. It should not be held in perpetuity if it is not being used, as it prevents potential users from accessing the water. While these matters are already typically addressed by the two consent conditions given above, proposed Policy 6.4.2A highlights the matter to ensure it continues to be addressed.

If new technology or other advances allow the same volume of water to be used for additional purposes, such as irrigating more land than previously able, this policy does not preclude that, and the consent holder is able to obtain additional benefit from their own efficiency gains.

Community water supply growth

Community water supplies are an important exception where future growth should be provided for. Key providers of such supplies are local authorities, who detail expected community growth within their Long-Term Council Community Plan. If anticipated community growth can be reasonably accounted for, the right to access required additional water (including for replacement consents that have not been historically accessed) should be provided for. However, community water supplies should not be exempt from the policy as a situation could arise where a community water supply in a water-short area holds a significant volume of water that is unused, even when the community is unlikely to expand in the foreseeable future.

Considering supplementary status

Primary allocation affects access to supplementary allocation. Supplementary minimum flows are provided for by Policy 6.4.9, and are calculated using either the total consented primary allocation or “assessed actual take”. In an over-allocated catchment, total consented primary allocation is the sum of all water consented for taking prior to 28 February 1998, regardless of whether that water is actually taken. Assessed actual take is the total consented primary allocation known to be taken, and it is calculated as described by Method 15.8.1.1.

When calculating supplementary minimum flows, Policy 6.4.9 requires assessed actual take be used in preference to total consented primary allocation. This avoids unnecessarily inhibiting sustainable further taking. Improved take monitoring data will enable assessed actual take to be determined in more catchments, to the benefit of those seeking additional water in over-allocated catchments.

Where total consented primary allocation is used to calculate supplementary minimum flows, that minimum flow will be extremely high. All primary allocation, including that accessed at “high” flows, will be taken at flows less than the supplementary minimum flow. Therefore those takes cannot be defined as “effectively” supplementary.

However, if assessed actual take is known then it is possible the supplementary minimum flow will be less than that flow at which some primary allocation takes are able to access water. Where this is the situation those takes should be considered as supplementary. Clarification of this matter is required in the explanation to Policy 6.4.2A.

As long as Policy 6.4.0A is met (i.e., the take is no more than that required for the intended purpose of use), consent holders will not experience a reduction in the ability to take any water they have relied on in the past.

Efficiency considerations and investment value

Consideration of the value of an existing investment is provided for by Section 104(2A) of the RMA, which states “*When considering an application affected by Section 124, the consent authority must have regard to the value of the investment of the existing consent holder*”. As the effect of the policy is to provide replacement consents for only the amount of water historically accessed, the value of the investment of the existing consent holder should not be adversely affected by the policy. Economic efficiency of a system is not a relevant consideration when assessing historical access to water.

Measures of efficiency to support Policy 6.4.2A are discussed in section 2.16.

Supplementary allocation and water storage

The Water Plan does not prohibit harvesting water that is primary allocation, particularly if an assessment shows that a run of the river take (including typical water restrictions imposed by minimum flows) will not allow full volumes of water required for an intended purpose of use to be accessed. Ideally, harvesting should be undertaken using supplementary allocation, accessible at higher flows.

Where previously consented water has not been accessed in the past, preference should not be given to those consent holders to have first option on supplementary allocation in future. If an existing consent holder seeks more water, then they may apply for a new resource consent in the same manner as all potential water takers and users.

The potential for water storage should only be considered where that volume of water has been previously accessed.

Consent matters

If an applicant with a groundwater take considered against surface water allocation seeks to become a direct surface water take, that may be considered as part of a replacement consent application, transfer, or variation (see section 2.22). It is not necessary or appropriate for such specific matters to be addressed by the policy.

There is nothing in the policy to prevent an applicant from altering their intake structure upon consent replacement. This is a consent matter provided for by both existing policy and rules within the Water Plan, and by the RMA.

Wasting water

The volume of water granted under a consent is already considered under existing Policy 6.4.15 (now proposed Policy 6.4.0A), such that only the water required for the intended purpose of use is granted. Consent conditions typically require that water is used efficiently,

so compliance action would be likely if water was found to be pumped to waste. The cost of pumping water should also deter this behaviour.

Hydroelectric generation

Run-of-river takes for hydroelectric generation (where all of the water is immediately returned to the source water body) are exempt from the policy as they are not considered primary allocation under Policy 6.4.2.

The Water Plan is written so that no industry or activity is favoured over another and the proposed plan change did not seek to change this approach. Making specific reference to hydroelectric generation within the policy is beyond the scope of the plan change, and would require a new plan change to ensure persons potentially affected by this matter are consulted and heard.

2.10.3 Recommendation

Amend Policy 6.4.2A as follows:

6.4.2A In considering any application for a replacement resource consent to take surface water within primary allocation specified in Policy 6.4.2(a)(ii) or (b)(ii), to grant consent ~~only for taking a rate and volume of water no more water than that which has been historically accessed under the previous consent, although consideration will be given to reasonably anticipated growth for community supply.~~

Explanation

This policy ensures that only the water physically taken under the previously existing resource consent will be considered for granting when an application to replace that consent is made.

The right to access water given by a consent is not always fully exercised, for example, because:

- (i) The consent holder does not need that amount of water, given their intended purpose of use of that water; or
- (ii) Water is unable to be physically accessed because the source does not sustain such taking.

If surface water is physically unable to be accessed, then reallocating such amounts within primary allocation is not sustainable management. Where that water is only able to be accessed at ~~high~~ flows greater than the supplementary minimum flow, calculated on the basis of assessed actual take as provided for by Policy 6.4.9, the take is effectively exercised as if it were of supplementary status under Policies 6.4.9 or 6.4.10, and it would be more appropriately granted as supplementary allocation. When making an assessment of historical access to water, the effect of seasonal extremes shall be considered.

Where an application is to take more water than has been physically taken from the source utilised by the previously existing consent, in a catchment to which Policy 6.4.2(a)(ii) or (b)(ii) applies, any new take will come from supplementary or further supplementary allocation, or from an alternative source.

Evidence of the rate and volume of water historically accessed will be required when such replacement consents are sought.

Consideration will be given to future needs for community water supplies, where growth is reasonably anticipated.

Principal reasons for adopting

This policy is adopted to assist in the reduction of primary allocation under Policy 6.4.2(a)(ii) or (b)(ii), and to ensure any water that is available can be reasonably accessed by other water users as primary allocation or by lowering the supplementary minimum flow set by Policy 6.4.9. This policy also ensures allocation is not constrained by resource consent holders who are not using all or part of their allocated water. It is unfair to potential users of the water resource if primary allocation is tied up in underutilised consents.

Reasons

- All potential users of previously unused allocation should have access to that water on a first-in, first-served basis.
- The lapse period of a consent is considered adequate for any consent holder to either take and use their allocated water, or to make substantial progress towards installing infrastructure for that consented take and use.
- If new technology or other advances allow the same volume of water to be used for additional purposes, this policy does not preclude the consent holder benefiting from using that water.
- Reasonably anticipated community growth should be provided for by the policy.
- The effects of seasonal extremes on access to water should be considered..
- The value of the investment of the existing consent holder is provided for by Section 104(2A) of the RMA.
- Economic efficiency of a system is not a relevant consideration when assessing historical access to water.
- The potential for water storage should only be considered where that volume of water has been previously accessed.
- It is not necessary or appropriate for consent processing matters to be included within this policy.
- Consent conditions typically require that water is used efficiently.
- Specific reference to any potential effect on hydroelectric generation is beyond the scope of the plan change.

D) TAKE AND USE OF WATER

2.11 Chapter 12 – General

Title of Chapter 12: Rules: Water Take, Use and Management

Section 12.1 – The taking and use of surface water

Principal reasons for adopting section 12.1

Table of Proposed Changes; References 59, 60 and 83: pages 49 and 58-60

Summary of Decisions Requested (Submitters and Further Submitters): page 41, N/A

2.11.1 Overview

It is proposed to include “take” in the title of Chapter 12, and “and use” within the title of section 12.1 of the Water Plan, to accurately reflect the content of this Chapter and section. Minor and consequential amendments are proposed to the principal reasons for adopting section 12.1 of the Water Plan. No submissions were received regarding these proposed amendments.

One submitter requested clarification in relation to all relevant “take and use” rules, that water permits issued prior to the notification of the proposed plan change authorise the use that is the subject of any take. Two further submitters supported this request.

2.11.2 Evaluation

Under Section 14 of the RMA “No person may...use...any water...unless the...use...is allowed by subsection (3)”. The taking of water and the effects of that take are inherently linked to the proposed use of the water. If the Water Plan is silent on the use of water, unless permitted by the RMA, use becomes a discretionary activity under Section 77C of the RMA.

The ORC should not require those consent holders with current consents to “take” water, but not specifically to “use” water, to obtain a use consent, as there would be no environmental benefit to this approach. Typically, while “use” was not consented, it was considered when processing the application to “take” water. Most older consents were granted to “take water for [a defined use, e.g. irrigation or community supply]”, indicating that the purpose of use was a factor taken into consideration when the decision to grant consent was made. A new rule to permit the use of surface water granted for the purpose specified on an existing resource consent clarifies this matter.

2.11.3 Recommendations

- (a) Adopt the title of Chapter 12 and section 12.1 of the Water Plan as proposed.
- (b) Include the following permitted activity rule in section 12.1.1 of the Water Plan:

12.1.2.0 The use of surface water for the purpose specified under an existing resource consent to take surface water, granted before 20 December 2008, is a *permitted activity* until the existing resource consent to take surface water:

- (a) lapses, is surrendered or expires; or
- (b) is replaced; or
- (c) is varied under Section 127 of the Act; or
- (d) is transferred under Section 137(2)(b)(ii) of the Act;

providing that the use does not, or is not likely to, have an adverse effect on the environment.

- (c) Amend the principal reasons for adopting section 12.1 of the Water Plan by adding a new second paragraph as follows:

Principal reasons for adopting

The taking and use of water can only occur if it is expressly allowed by a rule in a regional plan, or in any relevant proposed regional plan, or by a resource consent (Section 14(3) of the Resource Management Act).

Rule 12.1.2.0 is adopted to provide for resource consents to take water granted prior to 20 December 2008, where there is no associated resource consent to use water but the purpose of use is specified on the take consent.

(d) Include the following permitted activity rule in section 12.2.1 of the Water Plan:

12.2.2.0 The use of groundwater for the purpose specified under an existing resource consent to take groundwater, granted before 20 December 2008, is a *permitted activity* until the existing resource consent to take groundwater:

- (a) lapses, is surrendered or expires; or
- (b) is replaced; or
- (c) is varied under Section 127 of the Act; or
- (d) is transferred under Section 137(2)(b)(ii) of the Act;

providing that the use does not, or is not likely to, have an adverse effect on the environment.

(e) Amend the principal reasons for adopting section 12.2 of the Water Plan (see section 4.6) as recommended under (c) above.

Reasons

- Amendments to the headings and principal reasons for adopting section 12.1 of the Water Plan accurately reflect the content of Chapter 12 and section 12.1.
- There were no submissions in opposition to these amendments.
- Clarification is required to avoid the need to consent use, where the take only is consented and the use is described in that consent, and where there will be no adverse effect on the environment.

2.12 Prohibited and permitted activity rules to take surface water (Rules 12.1.1.1 and 12.1.1.2, and 12.1.2.1 to 12.1.2.5)

Table of Proposed Changes; References 61 – 67: pages 49-50

Summary of Decisions Requested (Submitters and Further Submitters): pages 41-43

2.12.1 Overview

The rules have been widened from the “*taking*” of surface water, to the “*taking and use*” of surface water.

Two submissions in support were made on these rules (subject to any consequential amendments from other submission points).

2.12.2 Evaluation

Under Section 14 of the RMA “*No person may...use...any water...unless the...use...is allowed by subsection (3)*”. The taking of water and the effects of that take are inherently linked to the proposed use of the water. If the Water Plan is silent on the use of water, unless permitted by the RMA, use becomes a discretionary activity under Section 77C of the RMA.

2.12.3 Recommendation

Adopt Rules 12.1.1.1 and 12.1.1.2, and 12.1.2.1 to 12.1.2.5 as proposed.

Reasons

- The take and use of water are inherently linked, and unless provided for by the Water Plan, become discretionary activities under the RMA.
- There were no submissions in opposition to these Rules.

2.13 Taking and use of surface water for community supply (Rule 12.1.3.1)

Table of Proposed Changes; Reference 68: page 50

Summary of Decisions Requested (Submitters and Further Submitters): pages 43-44

2.13.1 Overview

The rule has been widened from the “*taking*” of surface water, to the “*taking and use*” of surface water.

Five submitters request decisions on this rule. While all five submissions were in general support of the amendments to the rule, two submitters and one further submitter seek deletion of the phrase “*up to any volume or rate authorised as at 28 February 1998*”.

2.13.2 Evaluation

As discussed in section 2.12, if the Water Plan is silent on the use of water, unless permitted by Section 14 of the RMA, use becomes a discretionary activity under Section 77C of the RMA.

The term “*and use*” was inadvertently omitted from the second part of the rule, and should be included, particularly as item (d) of the list relates to use of water.

28 February 1998 limitation

The Water Plan was notified on 28 February 1998. Controlled activity status provides some protection to consented community supply water takes in existence before that date. District and City Councils provided the ORC with lists of community water supplies to be included in Schedule 1B, and therefore not subject to any minimum flow. It was always intended that after that date, consents to take more water were subject to all relevant policies and rules in the Water Plan. If an applicant seeks more water for community supply, not subject to minimum flow provisions, the activity is discretionary. If the 28 February 1998 date were to be changed, a new plan change is required, to ensure persons potentially affected by this matter are consulted and heard.

2.13.3 Recommendation

Amend Rule 12.1.3.1 as follows:

12.1.3.1 The taking and use of groundwater for community water supply, up to any volume or rate authorised as at 28 February 1998, by any take identified in Schedule 1B is a *controlled* activity.

In granting any resource consent for the taking and use of surface water in terms of this rule, the Otago Regional Council will restrict the exercise of its control to the following:...

Reasons

- The term “*and use*” was inadvertently omitted from this part of the rule, and should be included, particularly as item (d) of the list relates to use of water.
- The take and use of water are inherently linked, and unless provided for by the Water Plan, become discretionary activities under the RMA.
- Deletion of the phrase “*up to any volume or rate authorised as at 28 February 1998*” is beyond the scope of the plan change.

2.14 Restricted discretionary, discretionary and non-complying activity rules to take surface water (Rules 12.1.4.1 to 12.1.4.7 (excluding 12.1.4.4A for Welcome Creek), 12.1.5.1, 12.1.6.1, 12.1.6.2), and the note above Rule 12.1.4.2.

Table of Proposed Changes; References 69-73, 75-77, 80-82: pages 50-55, 58

Summary of Decisions Requested (Submitters and Further Submitters): pages 44-51 and 57

2.14.1 Overview

The rules have been widened from the “*taking*” of surface water, to the “*taking and use*” of surface water. Rule 12.1.4.4A relating to Welcome Creek, is addressed in section 3.5, for reasons discussed below.

Two submitters were in support of these rules and the note above Rule 12.1.4.2. No submissions were received on Rule 12.1.6.2. One further submitter supports retention of Rule 12.1.4.5, while one further submitter supports retention of Rule 12.1.5.1.

Four submitters oppose primary and supplementary minimum flows on Welcome Creek (as a consequence of Welcome Creek being proposed to be included in Schedules 2A and 2B), so consequentially oppose Rules 12.1.4.3 and 12.1.4.4A. Seven further submitters requested decisions regarding Welcome Creek (Rules 12.1.4.3 and 12.1.4.4A)

2.14.2 Evaluation

As discussed in section 2.12 above, if the Water Plan is silent on the use of water, unless permitted by Section 14 of the RMA, use becomes a discretionary activity under Section 77C of the RMA.

Should no supplementary minimum flow be imposed on Welcome Creek as part of this plan change, Schedule 2B would be amended, but there would be no subsequent amendments required to Rule 12.1.4.3. However, Rule 12.1.4.4A would require further amendment, therefore this rule is discussed in section 3.5.

2.14.3 Recommendations

- (a) Adopt Rules 12.1.4.1 to 12.1.4.7 (excluding 12.1.4.4A), 12.1.5.1, 12.1.6.1 and 12.1.6.2 as proposed.

- (b) For the recommendation on Rule 12.1.4.4A and Welcome Creek primary and supplementary minimum flows, see section 3.5.

Reason

- The take and use of water are inherently linked, and unless provided for by the Water Plan, become discretionary activities under the RMA.

2.15 Glossary – Definition of use

Table of Proposed Changes; Reference 122: pages 91-92

Summary of Decisions Requested (Submitters and Further Submitters): page 57

2.15.1 Overview

The definition of “use” is deleted from the glossary. The definition has caused difficulties when considering water use consents. Furthermore, planning practice and understanding of water use has evolved since the Water Plan was first prepared.

One submitter opposes its deletion and seeks to have it amended to better reflect the consumptive and non-consumptive manners in which water may be utilised. One further submitter opposes this request.

2.15.2 Evaluation

Definitions are only required within a planning document when a specific meaning is required other than that specified in legislation or in a dictionary. Given that the common meaning of “use” is now intended, and this aligns with approaches under the RMA, no glossary definition is now required. This encompasses all use of water, be it consumptive or non-consumptive.

2.15.3 Recommendation

Delete the definition of “use” within the glossary as proposed.

Reason

- To attempt to define “use” when there is no specific meaning beyond the ordinary dictionary meaning, is not necessary.

E) PURPOSE OF USE

2.16 Policy 6.4.0A, 6.4.15 and 9.4.8 – Allocation for intended purpose of use

Table of Proposed Changes; References 9, 27 and 47: pages 10-11, 28 and 41-42

Summary of Decisions Requested (Submitters and Further Submitters): pages 58-62

2.16.1 Overview

Policies 6.4.15 and 9.4.8 are merged and clarified, ensuring consents to take water allow only the quantity of water required for its use, having regard to local conditions.

Eighteen submitters and five further submitters request decisions on this policy:

- Three submitters support its inclusion.
- Twelve submitters seek various amendments to address matters including:
 - Allocating for intended purpose of use.

- Efficiency.
- Community water supplies.
- Other matters to be considered.
- Recognition of hydroelectric generation.
- One submitter opposes the policy and seeks to have it removed.
- One submitter did not specify a position but comments that take consents must reflect ultimate use requirements.

2.16.2 Evaluation

Allocating for intended purpose of use

This policy address how much water is required for the intended purpose of use, and takes into account factors which may influence the quantity to be taken, which may vary across the region for the same use.

The phrase “*the intended purpose of use*” is considered to better highlight that the ORC does not consider it efficient management, allocation or use of the water resource to provide for all losses from water transport and application systems. However, some losses may be provided for, depending on the matters highlighted by (a), (b) and (c), and any other matter that may be relevant.

Amending the policy to read “...no more than that required to provide for the intended purpose of use...” suggests additional water will be allocated to transport and application losses, to ensure that the quantity for the final purpose of use (e.g. community water supply, irrigation) is provided for, and therefore negates amendment to “*the intended purpose of use*”.

The principal reason for adopting the policy is to “avoid” wastage, rather than “minimise” it, or “avoid wherever practicable”. Some flexibility is provided by allowing consideration of the matters highlighted by (a), (b) and (c), and any other matter that may also be relevant.

Efficiency

There are four different types of efficiency that may affect different aspects of taking and using water:

(1) Resource allocation efficiency

Resource allocation efficiency addresses the wider perspective of water source - is granting a consent to take water from a particular source the best way to manage the regional water resource, or is there an alternative source that could be accessed, giving the wider community greater opportunity to use the water resource? Resource allocation efficiency is addressed by proposed Policy 6.4.0C, discussed in section 2.18.

(2 and 3) Delivery and application (use) efficiency

Delivery and application efficiency addresses leaky pipes and races, and evaporation that can occur from open races especially over long distances, and how the water is used. This policy addresses these efficiencies.

The policy does not attempt to define what constitutes “normal” leakage, what is practically and reasonable achievable, or what percentage of loss from a delivery or application system is acceptable. Each application should be considered on a case-by-case basis.

A system upgrade may need to be undertaken where losses are so significant that they need to be provided for. The water source may need to be reconsidered where significant losses from

transport systems are occurring, including because of the distance water is transported (see Policy 6.4.0C, section 2.18).

Use of the term “technical efficiency” is problematic as it is applied in relation to the Waitaki Catchment, by the Waitaki Catchment Water Allocation Regional Plan. Its glossary meaning is given as “*Using a resource in a way that any given output is produced at least cost, including avoiding waste.*” However, the definition is not helpful, and this type of efficiency is highlighted by matters (b) and (c) of the policy. To avoid confusion in Rule 12.2.4.8, the bracketed section of item (v) should be deleted.

All uses of water typically have an application system. For community water supplies, the application system may include pipes and taps. Discretion is exercised when it is relevant to a consent application.

This policy does not preclude consent holders obtaining additional benefit from their own efficiency gains, for example, if new technology or other advances allow the same volume of water to be used for additional purposes, such as irrigating more land than previously possible.

(4) Economic efficiency

Economic efficiency addresses economic considerations regarding sourcing, delivery and application and use of water.

Economic efficiency is deliberately excluded from this policy, in part because consideration of this matter is provided for by Section 104(2A) of the RMA, which states “*When considering an application affected by Section 124, the consent authority must have regard to the value of the investment of the existing consent holder*”.

Economic efficiency should not be a key argument used against improving resource allocation, delivery and application efficiencies. For example, there will be instances where it is cheaper to continue to take water along lengthy and leaky open races using gravity and flood irrigation application methods, than to pump water from a closer source and minimise losses through more efficient pipes and spray application methods. However, the cost to the greater community may be considerable, if the water lost could be used by others (see section 2.18).

Community water supplies

Community water supplies are an important exception where future growth can be provided for. Key providers of such supplies are local authorities, who detail expected community growth within their Long-Term Council Community Plan. If anticipated community growth can be reasonably accounted for, then this is the “*intended purpose of use*”, so further provision is not required within the explanation to the policy. This matter is also discussed in relation to Policy 6.4.2A (see section 2.10).

Other matters to be considered

Inclusion of additional matters was sought:

- Seasonal crop rotation;
- Provision for future changes in land use; and
- Water storage.

As the policy is general, and seeks to address all possible uses of water, specific consideration of seasonal crop rotation is not appropriate. If an applicant's "*intended purpose of use*" includes a schedule of various crops depending on the season, then this will be assessed on a case by case basis.

Reasonably foreseeable and anticipated changes in water use, such as that arising from a change in land use may be considered at the time the application is made. Typically, consented volumes may be reviewed from time to time, and the consent holder would be required to demonstrate that the consent had been given effect to, or that progress had been made toward this. However, it should not be held in perpetuity if it is not being used, as it prevents potential users from accessing the water. The cost to the community if this approach was allowed may be considerable. This matter is also discussed in relation to Policy 6.4.2A (see section 2.10).

When considering "*intended purpose of use*", an assessment will be made regarding any proposal to store that water for future use. If an applicant seeks to use more water than can be taken from run-of-river flows at one time for a given use, then storage may be appropriate and required (including from primary allocation). Because of high minimum flows, some supplementary takes may only be of use if storage is available, or is proposed. The policy does not require amendment to include this matter as an additional consideration. Water storage is already promoted by Policy 6.6.2.

Recognition of hydroelectric generation

The Water Plan is written so that no industry or activity is favoured over another and the proposed plan change did not seek to change this approach. To include specific reference to hydroelectric generation within the policy, its explanation or principal reasons for adopting, is therefore beyond the scope of the plan change.

2.16.3 Recommendation

Amend Policy 6.4.0A as follows:

6.4.0A To ensure that the quantity of water granted to take is no more than that required for the intended purpose of use, taking into account matters including the extent to which:

- (a) Local climate, soil, vegetation and water availability affect the quantity of water requested; and**
- (b) The proposed water transport system is efficient; and**
- (c) The application system is efficient.**

Explanation

When considering applications for resource consents to take water, the actual quantity required for the intended purpose of use of the water taken must be reflected in any consent granted. Reasonably foreseeable future growth or changes in water use may be provided for.

Principal reason for adopting

This policy is adopted to ensure that wastage is avoided when water is granted to any use under a resource consent. This will enable more people to benefit from water available for consumptive use.

Reasons

- The principal reason for adopting the policy is to “avoid” wastage.
- Efficiencies considered under this policy relate to distribution and application (or use) efficiencies. Resource allocation efficiency is considered by Policy 6.4.0C, while the value of an existing investment is considered under Section 124 of the RMA. Economic efficiency should not be included in the policy as a key argument used against improving resource allocation, delivery and application efficiencies.
- If an application system is not relevant to a consent application, then (c) would not be taken into account.
- “Intended purpose of use” allows for reasonably foreseeable future community growth, seasonal crop rotations, change in land use and water storage to be considered.
- Specific reference to any potential effect on hydroelectric generation is beyond the scope of the plan change.

2.17 Method 15.3.1 – Provision of information about effective water utilisation

Table of Proposed Changes; Reference 106: pages 73-74

Summary of Decisions Requested (Submitters and Further Submitters): page 63

2.17.1 Overview

Method 15.3.1. has been expanded to include a role for ORC in provision of information on available water resources.

Three submitters and three further submitters request decisions on this method:

- One submitter supports its inclusion;
- Two submitters seek ORC provide additional information to water users.

2.17.2 Evaluation

Provision of information on economically priced water measuring devices/systems and instream values does not meet the purpose of the method, which is to “encourage the efficient use of water”. It is noted that Schedule 1A of the Water Plan provides some information on instream values on water bodies across Otago, and should individual requests to the ORC be made for information regarding instream values, or on water measuring devices/systems, it would be provided as and where available.

2.17.3 Recommendation

Adopt Method 15.3.1.1 as proposed.

Reason

- The ORC should provide available information on water resources to assist users who are required to assess alternative sources when applying for resource consent.

F) LOCAL SOURCE AND LOCAL USE

2.18 Policy 6.4.0C – Local source and local use

Table of Proposed Changes; Reference 11: page 12-13

Summary of Decisions Requested (Submitters and Further Submitters): pages 64-75

2.18.1 Overview

Policy 6.4.0C prioritises the local use of water, taking into account a range of matters. The policy promotes sustainable management of the water resource for communities, and addresses the issue of takes from water bodies that are water-short, to areas where alternative supplies may be available.

Twenty submitters and seven further submitters request decisions on this policy.

- Eight submitters support its inclusion.
- Fourteen submitters seek amendment to address matters including:
 - Competing local water demands.
 - Preference to community supplies.
 - Comparative assessments.
 - Defining local use.
 - Exporting water and hydroelectric generation.
 - Feasible water sources.
 - Cost of alternative access.
 - Access to water if a consent is declined.
 - Policy wording amendments.
 - Values protected.
- One submitter did not specify their position, but requested consideration be given to the costs involved if existing users are required to access alternative water sources.

2.18.2 Evaluation

Competing local water demands

Local water for local use is an outcome identified during consultation prior to notification of this plan change. This principle is constrained by:

- The first-in first-served approach of the RMA;
- The requirement under Section 104(2A) to give regard to the value of the investment of the existing consent holder; and
- The provisions under Sections 124A to 124C of the RMA regarding priority of determining replacement applications over competing new applications.

Policy 6.4.0C addresses the inappropriate practice of exporting water from water-short catchments, and taking water from established sources regardless of feasible alternatives, while recognising this may be acceptable where there is no local demand, or no alternative source. Two other approaches were considered, but rejected:

(1) The Waitaki catchment allocation model

Allocating water to types of activities through rules was provided for by a 2005 amendment to Section 30 of the RMA. This system has been applied in the Waitaki, where large volumes of unallocated water were available to meet various demands. In Otago, consented demand often exceeds supply and as such, this water would be unable to be reallocated until existing consents expire. This would constrain community growth and development.

(2) Preferences to certain activities

An alternative to allocating water to activities is to give “preferences” to takes that meet certain criteria. Preference to “essential” uses like domestic supply may be appropriate for existing settlements, but this may result in inappropriate subdivision in water-short areas at the expense of other activities being encouraged. Consideration was also given to other types of activity but this “picking winners” approach was undesirable to ORC.

The preference approach would only work if competing consent applications were received at the same time, suggesting the need for common consent expiry dates, which is difficult to achieve.

Some preference to community supplies is already provided in the Water Plan by Schedule 1B and provision for some of those takes to be controlled activities.

Comparative assessments

Sections 124A to 124C of the RMA require that replacement applications be determined over competing new applications, allowing for consideration to be given to the person's efficiency of use; use of industry good practice; and whether any enforcement orders were served. In addition, all relevant provisions of the RMA may be considered. In this instance, Section 7(b) "the efficient use and development of natural and physical resources" and Section 104(1)(b)(iv) "any relevant provisions of a plan" are important.

Policy 6.4.0C provides for regard to be given to competing demands for water, where that water is exported from its source area. While existing water demand (through consents issued) cannot be considered, or future demand foreseen, application of this policy may result in an application being declined, or a shortened consent term being applied. Under this policy and Sections 124A to 124C of the RMA, the assessment is on the merits of an individual's application, and is not directly compared to any other application.

Defining local use

There are difficulties in clearly defining "local use" within the policy. Where surface water is concerned, this is typically within the catchment of the water body, but what is "local" may still vary depending on the size of the water body within the larger catchment. Aquifers may cut across surface water catchments, and what is local with regard to an aquifer will vary across the region, depending on the presence of other aquifers and surface water bodies nearby. Therefore, what activities constitute "local use" are best determined on a case-by-case basis. The interdependency of some takes is not considered relevant to "local use" in terms of this policy.

Some community water supplies cross catchment boundaries, and some export water from other catchments. If they are not protected as controlled activities (and listed in Schedule 1B), they should consider if they are accessing water from the most appropriate source.

Exporting water and hydroelectric generation

Most consumptive water takes will decrease instream flows, regardless of whether the water is exported from a catchment, or used within the source catchment. As discussed in section 2.6, how allocation is set is in accordance with Policies 6.4.2, 6.4.9 and 6.4.10, which remain fundamentally unchanged. Cumulative effects of taking could eventually result in measurable effects on large water bodies (such as the Clutha River), however this matter is beyond the scope of this plan change. In addition, the Water Plan is written so that no industry or activity is favoured over another and the proposed plan change did not seek to change this approach.

Feasible water sources

Regardless of whether the sources must be "feasible", "viable" or "achievable" is used, there may still be debate between an applicant and ORC, as they cannot be defined within the Water Plan for every situation. Applicants may take the position that the costs of accessing any alternative make that alternative unfeasible/unviable, whereas the ORC may consider that

the alternative, which may have an associated access cost to the applicant, is better resource allocation efficiency, and therefore is feasible/viable. Amending item (c) of the policy to read “*Whether another possible source of water, including a water supply scheme, is available*” and moving “possible” to the explanation makes the requirement clearer.

An assessment of the feasibility/viability of alternative sources occurs during the processing of a consent application, when the costs and benefits under (d) of the policy are considered. It has been recommended that item 4A of section 16.3.1 of the Water Plan “Information requirements” be amended to clarify that the cost and benefit assessment required from consent applicants is for the source applied for, over other possible sources (see section 2.24).

Whether local water supply schemes have any capacity to accept new connections is already a consideration, as highlighted under (c) by the phrase “*is available*”.

Cost of alternative access

A resource consent to take water allows access to available water for a specified term. There is no guarantee that access to water will continue in perpetuity, although Section 104(2A) of the RMA requires regard be given to the value of the investment of the existing consent holder when considering a replacement consent, and Sections 124A to 124C of the RMA require priority be given to determining replacement applications over competing new applications.

Some infrastructure to take and use water requires significant investment. Investment decisions would reasonably be made with regard to the term of the consent, and should incorporate an assessment of risk which would include consent conditions and access to certain sources of water. In addition, depreciation of farm assets would result in the financial capital value of the infrastructure being far less than the initial capital investment. There will be costs involved in accessing a new source of water; however there would also be costs in maintaining or upgrading access to an existing source.

The RMA does not provide for compensation for existing consent holders who may be required to access alternative water sources.

There may be situations where use of water outside the area from which it is taken is appropriate, and there are no alternatives. Under this policy, consent would only be declined if the ORC was confident an applicant could reasonably access an alternative source and that this would result in more efficient allocation of the water resource.

It is important to note that no consent holder would be left without access to water, during the life of the current consent, as the result of this policy.

Access to water if a consent is declined

The provisions of Section 124 of the RMA allow an existing consent holder (that applies for a replacement consent at least 3 months before its expiry) to keep operating under the old consent until a decision is given on their application and any appeals determined. There is concern that should a replacement application to take water from one source be declined, that a consent holder will be left without water until a new consent application to take from the alternative source is sought and granted.

If there is any risk of a consent being declined because of Policy 6.4.0C, ORC typically liaises with the applicant to discuss options before the recommendation to decline a consent

application is made. If an applicant chooses to disregard that advice and proceed with their application to take from that source, then they take the risk of losing access to the original water. However, if they choose to place that application on hold and apply to take from another water source, then access to water during the consenting period is not compromised. Method 15.3.1.1 (d) highlights that ORC will provide information to water users regarding water resources that are available to be taken.

Policy wording amendments

If the ORC only “encouraged” or “favoured” the use of water within a local area (rather than “prioritised”), the issue of inappropriate resource allocation efficiency may not be resolved. Most consent holders would likely prefer to continue to use their existing water source and infrastructure due to costs of accessing alternative sources. “*Prioritise*” indicates that the ORC will action this policy where possible (considering matters (a) to (d)), but risks confusion with the deemed permit “priority” system. “*Give preference to*” has the same meaning as “*prioritise*”, without this possibility for misunderstanding.

Inclusion of the word “would” is grammatically acceptable within condition (d), however other wording amendments to condition (d) are unnecessary.

Values protected

It is not appropriate to specify “meaningful measures” to determine the economic, social, environmental and cultural costs and benefits, as these may vary widely depending on an individual situation.

The wording of the principal reason for adopting the policy seeks to reflect that given by Section 5 of the RMA, which does not include “recreational”. Recreational values may be considered a sub-set of social values. The Water Plan seeks to protect instream values (including recreational values) through the allocation and minimum flow framework, not through Policy 6.4.0C.

2.18.3 Recommendation

Amend Policy 6.4.0C as follows:

- 6.4.0C To prioritise give preference to the use of water within the area it is taken from, over its use elsewhere, taking into account matters including:**
- (a) Competing local demands for that water; and**
 - (b) Whether the take and use of that water is an efficient use of the water resource; and**
 - (c) Whether another possible source of water, including a water supply scheme, is available; and**
 - (d) The economic, social, environmental and cultural costs and benefits that result from the proposed take and use of water.**

Explanation

In considering an application to take water, the Council will give regard to competing demands for water. Essential local uses such as domestic, stock drinking, firefighting, and community water supplies under Policy 6.4.8 require adequate water supply. If local demand is satisfied then water may be exported to users elsewhere.

The Council may decline a consent application if it considers taking from another source of water is possible and is a more efficient allocation of the water resource.

Sections 124A, 124B and 124C of the Act recognise the priority for processing that replacement consents have over new applications. This policy requires all applicants to consider alternatives, including any water supply scheme in the area, so that the most feasible source(s) with available water is utilised.

Principal reasons for adopting

This policy promotes the management of Otago's water resources in a way that enables continued access to suitable water. This will ensure Otago's communities can provide for their social, cultural and economic wellbeing, now and for the future.

Reasons

- The regional community has requested local water is available for local use.
- What constitutes "local use" is best determined on a case-by-case basis.
- Exporting water from a catchment may be appropriate, once local needs are met.
- RMA provisions for replacement consents always apply.
- RMA and Water Plan provisions for preferential access to water for specified uses such as drinking water always apply.
- Alternative models to water allocation were considered but discarded as not sufficiently providing for community wellbeing through allocation efficiency of the water resource as a whole.
- Giving preference to particular activities is beyond the scope of the plan change.
- Under this policy and Sections 124A to 124C of the RMA, the assessment is on the merits of an individual's application, and is not directly compared to any other application.
- The RMA requires consideration about the effects of taking water on other users.
- Deletion of the last sentence of the first paragraph to the explanation to Policy 6.4.0C would not address concerns regarding the export of water.
- Apart from deleting the word "possible" from item (c) of the policy, and including it within the explanation, which provides clarity, requested minor wording changes add no value to the policy.
- The value of existing investments is considered with regard to the term of the consent and likely ongoing access to a water source.
- The RMA does not provide for compensation arising from change to resource allocation.
- ORC will liaise with any applicant regarding alternative water sources, if a recommendation to decline consent to take from a preferred source is likely.

G) SUSPENSION OF TAKING

2.19 Policy 6.4.11 and 9.4.6 – Suspension of takes

Table of Proposed Changes; References 23 and 45: pages 25-26 and 40-41

Summary of Decisions Requested (Submitters and Further Submitters): page 76

2.19.1 Overview

The plan change merges existing Policies 6.4.11 and 9.4.6, which are effectively identical (addressing minimum flows and aquifer restriction levels, respectively), and makes minor amendments to the policy.

Three submitters and one further submitter request decisions on this policy.

- Two submitters support the amendments.
- One submitter seeks amendment with regard to community supplies.

2.19.2 Evaluation

Further assessment of imposing water use restrictions on consents to take water for community supply is worthwhile, but is beyond the scope of this plan change. A new plan change would be required to ensure persons potentially affected by this matter are consulted and heard.

Permitted takes under the Section 14 of the RMA are not affected by this policy.

2.19.3 Recommendation

Adopt Policy 6.4.11 and delete Policy 9.4.6 as proposed.

Reasons

- Imposing water use restrictions on consents to take water for community supply is beyond the scope of this plan change.
- Permitted takes under the Section 14 of the RMA are not affected by this policy.

2.20 Policy 6.4.13 and 9.4.13 – Suspension of takes by a Council recognised rationing regime

Table of Proposed Changes; References 26 and 52: pages 27-28 and 45

Summary of Decisions Requested (Submitters and Further Submitters): pages 76-77

2.20.1 Overview

The plan change merges Policies 6.4.13 and 9.4.13, and widens the requirement for the suspension of takes to include any Council recognised rationing regime.

Four submitters and three further submitters request decisions or comment on this policy:

- Three submitters sought amendments to address matters including:
 - Exclusion of non-consumptive and permitted takes.
 - Committees and groups.
 - Location of the policy.
- One submitter did not specify their position, but has reservations regarding community controlled and monitored schemes. These concerns are addressed in section 1.2.

2.20.2 Evaluation

Exclusion of non-consumptive and permitted takes

Policies 6.5.3 and 6.5.4 provide for limiting the operating levels of any controlled lake to avoid or mitigate adverse effects on the needs of Otago's people and communities, and for the existing needs of consumptive users of water when regulating the management of flows. As such, it may be inappropriate to require such takes to be subject to a rationing regime with consumptive takes.

Generally, other types of non-consumptive takes should also be excluded from a rationing regime, as their exercise does not typically result in less water in a catchment. However, it is important that any non-consumptive takes excluded from rationing regimes are specified to immediately return the take back to the source water body.

The ORC must approve all rationing regimes, and it will determine on a case-by-case basis whether it is appropriate for certain non-consumptive takes to be included within such a regime. To allow a rationing regime to be imposed, a consent must contain a condition allowing this to occur. When such a condition is imposed on a consent, a consent holder has the right of objection under Section 357 of the RMA.

Permitted takes under Section 14 of the RMA are not be affected by this policy.

Committees and groups

The policy relates to rationing regimes that may be proposed by both committees and groups, but also by the ORC. Some clarification regarding rationing within groups should be given.

Location of the policy

This policy should remain in section 6.4 of the Water Plan “*Policies applying to the management of taking water*” as the ORC or committees (being subcommittee of ORC) may direct the taking of water under this policy. Section 6.6 of the Water Plan contains “*Policies for the promotion of management of water resources by users*”.

2.20.3 Recommendation

Amend Policy 6.4.13 as follows:

6.4.13 To suspend the taking of water as required to comply with any Council recognised rationing regime.

Explanation

This policy provides for the suspension of water takes in accordance with the requirements of any Council recognised rationing regime. Rationing regimes may be proposed by water allocation committees, water management groups, or by the Council. A rationing regime will include:

- The area ~~or consent holders~~ covered by the regime;
- The consent holders who have agreed to be covered by the regime;
- The flow at which the regime will commence; and
- A description of how the regime will be applied.

The requirement for compliance with any recognised rationing regime of a water allocation committee or the Council will be a condition of resource consents that can be included on new consents, or upon the review of existing consents. For water management groups, the requirement for compliance with a recognised rationing regime may be a condition of all resource consents exercised under control of that group.

Principal reasons for adopting

This policy is adopted to enable the fair sharing of water under low flow conditions, and to assist in delaying the wider suspension of takes.

Reasons

- The ORC must approve all rationing regimes, and will determine on a case-by-case basis whether it is appropriate for consented non-consumptive water takes to be subject to those regimes.

- Permitted takes under Section 14 of the RMA will not be affected by this policy.
- Some clarification regarding rationing within groups is required.
- As the ORC and water allocation committees may also direct the taking of water, the policy should remain in section 6.4 of the Water Plan.

2.21 Rules 12.1.4.9 and 12.2.3.5 – Suspension of takes

Table of Proposed Changes; References 79 and 101: pages 58 and 69-70

Summary of Decisions Requested (Submitters and Further Submitters): page 78

2.21.1 Overview

Rules 12.1.4.9 and 12.2.3.5 provide for the suspension of groundwater takes, and are amended to widen the suspension to include both takes as restricted discretionary activities and permitted activities which have the condition “the taking of surface water is not suspended”, and to clarify the ORC must do this by public notice. Amendments to Rule 12.2.3.5 also better recognise the connection between groundwater and surface water.

- Two submitters supported Rule 12.1.4.9 and one submitter supported Rule 12.2.3.5 (subject to any consequential amendments from other submission points),
- Two submitters sought amendments to Rule 12.1.4.9 to address matters including:
 - Community water supplies (amendment was also sought in relation to Policy 6.4.11, and this submission is discussed in section 2.19).
 - Consents subject to minimum flow.

2.21.2 Evaluation

There is concern that consented takes (under Rules 12.1.4.2 – 12.1.4.7) not subject to the minimum flow could be suspended with the amendments proposed. A condition must be included on relevant consents to require the suspension of taking. If there is no such condition on the consent, the rule to suspend taking does not apply.

2.21.3 Recommendation

Adopt Rules 12.1.4.9 and 12.2.3.5 as proposed.

Reasons

- There were no submissions regarding amendment of Rule 12.2.3.5.
- The amendments to Rule 12.1.4.9 will not result in consented takes not subject to the minimum flow being suspended.

H) OTHER CONSENT MATTERS

2.22 Policy 6.4.17 and 9.4.11 – Transfer of consent

Table of Proposed Changes; References 29 and 50: pages 29-30 and 43-44

Summary of Decisions Requested (Submitters and Further Submitters): page 82

2.22.1 Overview

The plan change proposes to merge existing Policies 6.4.17 and 9.4.11, which are effectively identical, allowing transfers of surface water and groundwater takes, and make minor consequential changes.

- Four submitters support amendments to the policy.
- One submission seeking amendment to Policy 6.4.1A is better addressed under Policy 6.4.17, regarding connected groundwater managed as surface water being able to be transferred to a surface water take.

2.22.2 Evaluation

Policy 6.4.17 reflects the provisions of Section 136(2)(b)(ii) of the RMA, however, the RMA provides only for transfers when both sites are in the same catchment, or aquifer. Wording of the policy needs to also recognise hydrological connection between groundwater and surface water when a transfer is sought.

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This aligns with amendments recommended to Policy 6.4.2, to provide for primary allocation status for existing groundwater consents now managed as surface water (see section 2.7).

2.22.3 Recommendations

(a) Amend Policy 6.4.17 as follows:

6.4.17 On the application of any resource consent holder, to approve the transfer of consents to take or use water in terms of Section 136(2)(b)(ii) of the Resource Management Act, retaining the take's allocation status, providing:

- (a) The transferred take is exercised within the same catchment or aquifer as the original resource consent or both sites are connected in terms of Policy 6.4.1A(a) or (b); and**
- (b) The total take from the water body following transfer does not exceed that occurring prior to the transfer, as a result of the transfer; and**
- (c) The quantity of water taken is no more than that required for the intended purpose of use of that water, having regard to the local conditions; and**
- (d) There is no more than minor adverse effect on any other take, any right to store water, or on any natural or human use value, as a result of the transfer.**

Explanation

Section 136(2)(b) of the Resource Management Act provides for the transfer of a resource consent, or part of a consent, to another site or to another person on another site, if both sites are in the same catchment (either upstream or downstream) or aquifer. Transferring a take under this policy will not change its allocation status. A take originally in the primary allocation will be transferred as a primary allocation take, and will remain subject to the primary allocation minimum flow.

An application to transfer the consent must be made to the Council. This policy sets out the requirements for the transfer of consents to take water to be approved by the Council. The explanation to Policy 6.4.0A provides additional guidance in terms of (c).

Principal reasons for adopting

This policy is adopted to enable new users to gain access to existing allocated resources provided the natural and human use values of Otago's water bodies, and other water users' interests in the water resource, are not adversely affected.

Such transfers may become important where the demand on the water resource is already high. In such circumstances, transfers are a means by which opportunities for diverse consumptive use of the allocated resource can be achieved.

(b) Delete Policy 9.4.11 as proposed.

Reasons

- To achieve integrated management of groundwater and surface water the policies should be merged. Other changes to the policy are minor and inconsequential.
- The policy should recognise the hydrological connection between groundwater and surface water under Policy 6.4.1A.

2.23 Restricted discretionary considerations (Rule 12.1.4.8)

Table of Proposed Changes; Reference 78: pages 55-58

Summary of Decisions Requested (Submitters and Further Submitters): pages 52-56

2.23.1 Overview

Rule 12.1.4.8 lists the matters to which discretion has been restricted for Rules 12.1.4.2 to 12.1.4.6, as well as stating when notification and written approvals are required. It was amended to give effect to the new and amended policies proposed in this plan change.

Thirteen submitters and seven further submitters request decisions on the rule, primarily requesting amendments to the list of matters to which discretion has been restricted.

2.23.2 Evaluation

The list of matters to which discretion has been restricted has been changed to give effect to new and amended policies within Chapter 6 of the Water Plan. The table below makes reference to the relevant policy discussion and report section.

Item	Discretion	Related Policy	Evaluation of Request(s)
(i)	Amount of water to be taken and used.		Addition of " <i>and the stated use</i> " is unhelpful, and potentially confusing. The water to be used will be assessed against the use stated by the applicant.
(iii)	The quantity of water required for the intended purpose of use.	6.4.0A	Refer to section 2.16
(iv)	In the case of a replacement primary allocation consent, the rate and volume of water historically accessed under the previous consent.	6.4.2A	Refer to section 2.10.
(v)	The proposed method(s) of delivery and application of the water taken (including efficiency).	6.4.0A	Refer to section 2.16. As Policy 6.4.0A is clear regarding delivery and application efficiencies, to avoid confusion the bracketed section of the item should be deleted.
(vi)	The source(s) of water available to be taken.	6.4.0C	Refer to section 2.18.

(vii)	The location(s) of the use of the water, when it will be taken out of a local catchment.	6.4.0C	Refer to section 2.18.
(xi)	Any arrangement for cooperation with other takers, with the ability to respond flexibly to local circumstances, that has been entered into.	6.4.0B	While consents are typically granted to “take and use water”, two separate consents for the take and use would be considered at an applicant’s request. To ensure this is reflected “ <u>and users</u> ” should be included (and in item (vii) of Rule 12.2.3.4). Refer to section 1.1 regarding voluntary cooperation.
(xii)	Any water storage facility available for the water taken, and its capacity.	6.6.2 6.4.0A	The plan change supports storage. It is a relevant concern when assessing intended purpose of use, particularly as some supplementary takes may only be of use if storage is available, or is proposed. It is unnecessary to add “ <u>proposed water storage facility</u> ”.
(xvi)	Any actual or potential effects on any groundwater body	6.4.0	The RMA requires that both actual and potential effects on the environment are considered.
(xxii)	The duration of the resource consent.		No amendment was proposed to this discretion. Under Section 123 of the RMA the default term is 5 years.
(g)	Any adverse effect on any lawful priority attached to any resource consent or deemed permit.	6.4.20	If Policy 6.4.20 is deleted, this discretion must also be deleted. Refer to section 3.7
(h)	Whether the taking of water under a water permit should be restricted to allow the taking or damming of water under any other permit.	6.4.21	If Policy 6.4.21 is deleted, this discretion must also be deleted. Refer to section 3.7

Additional matters

Inclusion of additional matters was sought:

- “Any adverse effect on Kai Tahu values identified in Schedule 1D”
- “Any need to locate the intake so to avoid adverse effect on fish spawning sites”
- “The natural character of any affected water body”
- “The economic efficiency of the system”
- “The extent to which existing investment relies on the reliability and volume of the current allocation”

By the time the Water Plan was made operative in 2004, it had been determined that the matters in Chapter 5 of the Water Plan (Natural and Human Use Values) did not need to be considered for takes that were restricted discretionary (i.e. within the allocation and minimum flow framework), because that framework protected the natural and human use values (including iwi cultural values). This approach forms a fundamental basis to the Water Plan and no change to this framework is proposed. A new plan change would be required to ensure persons potentially affected by this matter are consulted and heard.

Consideration of the value of an existing investment is provided for by Section 104(2A) of the RMA, which states “*When considering an application affected by Section 124, the consent authority must have regard to the value of the investment of the existing consent holder*”. Therefore, it is not necessary to include this matter as an additional item in Rule 12.1.4.8. It should be included in section 16.3.1 of the Water Plan “Information requirements” (see section 2.24).

2.23.3 Recommendation

Amend Rule 12.1.4.8 as follows:

12.1.4.8 Restricted discretionary activity considerations

In considering any resource consent for the taking and use of surface water in terms of Rules 12.1.4.2 to 12.1.4.7, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (i) The amount of water to be taken and used; and
- (ii) The means and timing of the take, and the rate of take; and
- (iii) The quantity of water required for the intended purpose of use; and
- (iv) In the case of a replacement primary allocation consent, the rate and volume of water historically accessed under the previous consent; and
- (v) The proposed method(s) of delivery and application of the water taken (~~including efficiency~~); and
- (vi) The source(s) of water available to be taken; and
- (vii) The location(s) of the use of the water, when it will be taken out of a local catchment; and
- (viii) Competing lawful local demand for that water; and
- (ix) The primary and supplementary allocation limits for the catchment; and
- (x) Whether the proposed take is primary or supplementary allocation for the catchment; and
- (xi) Any arrangement for cooperation with other takers and/or users, with the ability to respond flexibly to local circumstances, that has been entered into; and
- (xii) Any water storage facility available for the water taken, and its capacity; and
- (xiii) The minimum flow to be applied to the take of water, if consent is granted; and
- (xiv) Where the minimum flow is to be measured, if consent is granted; and
- (xv) Any adverse effect on any lawful take of water, if consent is granted, including potential bore interference; and
- (xvi) Any actual or potential effects on any groundwater body; and
- (xvii) The consent being exercised or suspended in accordance with any Council recognised rationing regime in that catchment or, in its absence, the Council; and
- (xviii) Any need for a residual flow at the point of take; and
- (xix) Any need to prevent fish entering the intake; and
- (xx) Any adverse effect on a significant wetland value identified in Schedule 9 or any wetland higher than 800 metres above sea level; and
- (xxi) Any financial contribution for Type B wetland values that are adversely affected; and
- (xxii) The duration of the resource consent; and
- (xxiii) The information, monitoring and metering requirements; and
- (xxiv) Any bond; and
- (xxv) The review of conditions of the resource consent; and
- (xxvi) For resource consents in the Waitaki catchment the matters in (i) to (xxv) above, as well as matters in Policies 6.6A.1 to 6.6A.6.

Notification and written approvals

- (a) Applications for resource consent to which this Rule applies, to take and use water from a river, may be considered without notification under Section 93 and without service under Section 94(1) of the Resource Management Act on persons who, in the opinion of the consent authority, may be adversely affected by the activity, if the application is to take and use water from:
- (i) A river for which a minimum flow has been set by or under this Plan; or
 - (ii) A river for which it is not necessary for the Council to consider whether, if consent is granted, the taking should be subject to a condition requiring a residual flow to remain in the river at the point of take, or a condition requiring other provision for native fish, other than a condition requiring fish screening.

Other applications for resource consent to take and use water from a river may be considered without notification under Section 93 of the Resource Management Act in those circumstances in which the Act allows applications to be considered on a non-notified basis.

- (b) Applications for resource consent to which this rule applies, to take and use water from a water body other than a river, may be considered without notification under Section 93 and without service under Section 94(1) of the Resource Management Act on persons who, in the opinion of the consent authority, may be adversely affected by the activity.

Reason

- Amendments to the list of matters to which discretion has been restricted in Rule 12.1.4.8 is a reflection of amendments to policies within Chapter 6 of the Water Plan.

2.24 Section 16.3.1 - Information requirements

Table of Proposed Changes; Reference 110: page 77

Summary of Decisions Requested (Submitters and Further Submitters): pages 79-82

2.24.1 Overview

Section 16.3.1 of the Water Plan lists specific information requirements when applying for consent to take surface water or groundwater. The list is amended as a consequence of proposed inclusion of changes to policies within Chapter 6 of the Water Plan, and matters to which discretion has been restricted in Rules 12.1.4.8 and 12.2.3.4.

- Fourteen submitters and five further submitters request decisions on this section, all seeking amendments to the information requirements, including:
 - Sources of water.
 - Working with others (requirements 4A and 4B).
 - Affected parties to groundwater takes (requirement 5A).

- Assessment matters for discretionary activities (requirement 8).
- Cross-referencing to documents.
- Investment of existing consent holders.

2.24.2 Evaluation

Most new or amended matters on the list to of information requirements are a result of new and amended policies within Chapter 6 of the Water Plan. Where relevant, reference is given to the evaluation regarding those policies or rules elsewhere in this report.

Sources of water (requirement 4A)

Wording changes suggested to clarify when requirement 4A should apply are not necessary. Section 88(2) of the RMA requires an application for resource consent to include an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment. As such, it is not expected that all applications to take and use water will need to make a comprehensive assessment of alternative water sources. Depending on the situation, and the degree of relevance of any particular item to a given application, an applicant may make a statement such as:

- “there are no alternative water sources available”; or
- “sourcing groundwater was considered as an option, but it is not considered appropriate because...”; or
- “alternative sources available include a water supply scheme, however the scheme operator was approached and no new connections are possible at this time”.

It should be clarified that an assessment of the costs and benefits of taking is only required from the source applied for, with discussion as to why those costs and benefits are favoured over those from other possible sources.

The requirement for providing this information is consistent with the list of restricted discretionary considerations under Rules 12.1.4.8 and 12.2.3.4, and any discretionary activity. However, for activities under Rules 12.1.3.1 and 12.2.2A.1 to which control is limited, certain requirements listed do not apply. This should be clarified in section 16.3.1 of the Water Plan.

The requirement under 4A is also addressed by Policy 6.4.0C, restricted discretionary consideration matters 12.1.4.8 (vi) and 12.2.3.4 (v) (see sections 2.18, 2.23 and 4.5).

Working with others (requirement 4B)

Wording changes suggested to clarify when requirement 4B should apply are not necessary. Inclusion of 4B does not make working with other water users or joining a water supply scheme compulsory. Rather, the information allows those making recommendations or decisions on consent applications to assess how a proposal meets Policies 6.4.0B, 6.4.0C, 6.4.12A, restricted discretionary consideration matters 12.1.4.8 (vi) and (xi) and 12.2.3.4 (v) and (vii) (see sections 1.1, 1.2, 2.23, 2.18 and 4.5). If an applicant chooses to take and use water as an individual or not to join a scheme for any reason, they should state this in their application.

Affected parties to groundwater takes (requirement 5A)

Amending the wording to “*potentially affected parties*” is not necessary, as Schedule 5B allow determination of who is considered an affected party for such takes.

Assessment matters for discretionary activities (requirement 8)

Deleting the words “*under Rule 12.1.5.1 or 12.2.4.1*” from requirement 8, to ensure effects on natural and human use values, natural character and amenity values are considered for all consent applications rather than just those that are discretionary activities is beyond the scope of this plan change. By the time the Water Plan was made operative in 2004, it had been determined that the matters in Chapter 5 of the Water Plan (Natural and Human Use Values) did not need to be considered for takes that were restricted discretionary (i.e. within the allocation and minimum flow framework), because that framework protected the natural and human use values. This approach forms a fundamental basis to the Water Plan, and no amendment to this framework is proposed.

Any change to require consideration of Chapter 5 matters values for restricted discretionary activities would require a new plan change, to ensure persons potentially affected by this matter are consulted and heard.

Cross-referencing to documents

Where certain information and records are already held by ORC, such as metering records of takes or provision of bore-logs, a cross-reference to the consent that those documents relates to is acceptable.

Investment of existing consent holders

Consideration of investment is provided for by Section 104(2A) of the RMA, which states “*When considering an application affected by Section 124, the consent authority must have regard to the value of the investment of the existing consent holder*”. To ensure those making recommendations and decisions on replacement consent applications are able to give effect to this requirement, information regarding the value of the investment of that consent holder should be included in section 16.3.1 of the Water Plan.

Other minor and consequential amendments

An error was made in the drafting of amendments to section 16.3.1 of the Water Plan as notified. A provision to require evidence of the rate and volume of water historically accessed for replacement surface water takes in over-allocated catchments should have been included, to reflect the requirements of Policy 6.4.2A, Rule 12.1.4.8(iv), and recommended new Policy 6.4.10AA (see section 4.1).

A correction is also required to reflect the limited information requirements for controlled activities (Rules 12.1.3.1 and 12.2.2A.1).

2.24.3 Recommendation

Amend section 16.3.1 of the Water Plan as follows:

16.3 Specific information requirements

In addition to the general information required by section 16.2 above, where the proposed activity involves the following activities, the information listed will be required.

16.3.1 The taking of surface water or groundwater

1. A description of the quantity, rate and timing, (including the 7-day take and annual or seasonal volumes), of the proposed take and an assessment of the need for the take.

2. A statement of the intended purpose of use for which the water is to be taken and the location(s) where the water is to be used.
3. A description of the means of the take, delivery, storage (if any) and application to be used.
- *4. An assessment of the effect of the take on other users of the source water body.
- *4A. A description of all possible sources of water, with an assessment of the economic, social, environmental and cultural costs and benefits of taking from the each source applied for, over other possible sources.
- *4B. A statement about how, or if, the applicant proposes to work with other water users to meet day-to-day water requirements; and whether there is a water supply scheme in the area.
- 4C. For replacement consent applications in over-allocated catchments or aquifers, evidence of the rate and volume of water historically accessed**.
- *4D. For replacement consent applications to take or use water, a brief outline of the value of the investment made, reliant on that take or use of water.
5. In the case of the taking of groundwater, a description of the bore used or to be used**.
- *5A. In the case of the taking of groundwater, affected parties who are those taking from that aquifer, within a radius r of the proposed pumping bore as specified in Schedule 5B.
6. In the case of the taking of groundwater, a description of the likely adverse effect on the aquifer or any connected surface water body using the equations given in Schedule 5A of this Plan.
7. In the case of the taking of groundwater for irrigation purposes, a description of the quality of the groundwater where there is likely to be any adverse effect on soils.
8. 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:
 - (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 supports by any affected water body.

* Where the activity is controlled under Rule 12.1.3.1 or 12.2.2A.1, the requirements listed under 4, 4A, 4B, 4D and 5A are not required.

**Where the Council already holds this information under the requirements of another consent or an expiring consent, the applicant may provide a cross-reference to the consent number in relation to which this information is held.

Reasons

- An assessment of environmental effects needs only include detail as corresponds with the scale and significance of the effects that the activity may have on the environment.
- A cost and benefit assessment of taking is only required from the source applied for, relative to any other possible source.
- Clarification of which requirements apply to applications which are controlled activities under Rules 12.1.3.1 and 12.2.2A.1 is required.
- Schedule 5B allows determination of who is considered an affected party for groundwater takes.
- Amendment to requirement 8 is beyond the scope of this plan change.

- Where certain information and records are already held by ORC, a cross-reference to that data is adequate.
- For replacement applications, regard must be given to the value of the investment of the existing consent holder under the RMA.
- It is implicit within Policy 6.4.2A and Rule 12.1.4.8(iv) that historical access information is required, and it is recommended that this information is also required of groundwater takers in over-allocated aquifers.

CHAPTER 3: SURFACE WATER

Introduction

Chapter 3 evaluates submissions regarding amendments to the Water Plan that affect surface water takes only. Submissions relating to how surface water is managed where there is a measurable effect on groundwater, are discussed in Chapter 2.

A) NEW CONSENTS FROM PRIMARY ALLOCATION

3.1 Policy 6.4.2B – New consents from primary allocation

Table of Proposed Changes; Reference 16: page 19

Summary of Decisions Requested (Submitters and Further Submitters): pages 91-92

3.1.1 Overview

Policy 6.4.2B complements Policy 6.4.2 (which defines primary allocation), and highlights new resource consents in over-allocated catchments cannot be granted until the catchment allocation decreases to either the limit given in Schedule 2A or 50% MALF. This concept is encapsulated within Policy 6.4.2; Policy 6.4.2B clarifies the situation.

Five submitters and two further submitters request decisions on this policy:

- Two submitters support its inclusion.
- Three submitters seek amendments to address matters including:
 - New consent applications.
 - Replacement consents.
 - Reduction in the total primary allocation available.

3.1.2 Evaluation

New consent applications

An amendment to the principal reasons for adopting to read “...or increase in the catchment primary allocation as a result of any new consent application...” better aligns the principal reasons for adopting the policy, with the policy.

Replacement consents

Replacement consents sought for existing primary water permits or deemed permits are not adversely affected by this policy. In the situation where a number of individual consent holders seek to merge their consent into a single take (e.g. under a water management group) or transfer those consents to another person, those consents (including deemed permits) retain their primary allocation status.

Reduction in total primary allocation available

The total amount of water available for allocation in over-allocated catchments is not reduced by gradually decreasing existing consented primary allocation takes to reflect actual take. Existing consent holders are provided for, but until over-allocation is addressed (being the amount allocated over and above that listed in Schedule 2A or 50% MALF), no new consent to take and use that water as primary allocation will be considered. Existing consent holders may reapply for their already consented amounts, although consideration will be given to the amount of water that is required for the intended purpose of use (Policy 6.4.0A) and whether that water has been historically accessed (Policy 6.4.2A). New applications to take water will

not be considered as primary allocation until the catchment is no longer considered “over-allocated”.

3.1.3 Recommendation

Amend Policy 6.4.2B as follows:

6.4.2B In considering any new resource consent to take surface water within primary allocation in terms of Policy 6.4.2(a)(ii) or (b)(ii) for any catchment, to grant consent only when actual allocation is less than the quantities specified in Policy 6.4.2(a)(i) or (b)(i).

Explanation

This policy recognises that the quantity in Policy 6.4.2(a)(ii) or (b)(ii) will decrease with time. No new resource consent for primary allocation shall be issued unless water of that status has become, or is still, available in any catchment. This means water available as primary allocation has:

- (i) Fallen below the limit listed in Schedule 2A, in terms of 6.4.2(a)(i); or
- (ii) Fallen below or not yet reached 50% of the 7-day mean annual low flow, in terms of 6.4.2(b)(i).

Any further allocation, known as supplementary allocation, must then be considered under Policies 6.4.9 or 6.4.10, or be considered as a full discretionary activity under Rule 12.1.5.1.

Principal reasons for adopting

This policy is adopted to avoid any continuation or increase in the catchment primary allocation as a result of any new consent application, and its effects on lawful users, where allocation exceeds the limits under Policy 6.4.2(a)(i) or (b)(i).

Reasons

- The amendment better explains the principal reasons for adopting the policy, with the policy.
- The policy is not new, but highlights what is already encapsulated in the explanation to Policy 6.4.2.
- Replacement consents with primary allocation status are not adversely affected by this policy.
- The total amount of water available for allocation in over-allocated catchments is not reduced by gradually decreasing existing consented primary allocation takes to reflect actual take.

B) SUPPLEMENTARY ALLOCATION

3.2 Policy 6.4.9 – Supplementary allocation

Table of Proposed Changes; Reference 17: pages 19-21

Summary of Decisions Requested (Submitters and Further Submitters): page 93

3.2.1 Overview

Minor amendments to Policy 6.4.9 clarify the policy applies only to surface water; widens reference from supplementary allocation in the Kakanui River to any catchment listed in Schedule 2B; and makes reference to Method 15.8.1A.

Two submitters request decisions on this policy.

- One submitter supports its inclusion.
- One submitter seeks amendment to the explanation so it is easier to follow and understand.

3.2.2 Evaluation

The submitter seeking amendments did not provide guidance or suggestion as to which part of the explanation they found difficult to follow.

3.2.3 Recommendation

Adopt Policy 6.4.9 as proposed.

Reason

- The amendments provide clarity that the policy applies only to surface water, widen the reference to any catchment listed in Schedule 2B and make reference to Method 15.8.1A.

3.3 Method 15.8.1A – Determining supplementary allocation

Table of Proposed Changes; Reference 109: pages 75-76

Summary of Decisions Requested (Submitters and Further Submitters): pages 93-94

3.3.1 Overview

Section 15.8.1A of the Water Plan includes two new methods: 15.8.1A.1 for calculating supplementary allocation under Policy 6.4.9(a); and 15.8.1A.2 for calculating supplementary allocation under Policy 6.4.9(b).

Five submitters request decisions on these methodologies.

- Four submitters seek amendments to address matters including:
 - The proposed National Environmental Standard (NES) on Ecological Flows and Water Levels.
 - Determining supplementary allocation block sizes and minimum flow.
 - Existing practice in the Kakanui River.
- One submitter opposes inclusion of these methodologies, and considers social, economic, cultural and environmental matters should be assessed.

3.3.2 Evaluation

The two methods reflect ORC's Resource Science Unit current practice in determining the size of supplementary allocation blocks. Policy 6.4.9 provides a formula for calculating supplementary allocation minimum flows, but provides no guidance with regard to the size of supplementary allocation blocks.

The proposed NES on Ecological Flows and Water Levels

The NES on Ecological Flows and Water Levels has been proposed, and unless otherwise provided for in a regional plan, proposes an allocation limit as the greater of:

- The total of existing consents when the NES becomes operative;
- 30% of the mean annual low flow (MALF), when mean flows are less than or equal to 5 m³/s; or
- 50% MALF, when mean flows are greater than 5 m³/s.

Under the Water Plan, these allocation limits would apply to primary consents. The proposed NES does not address further (supplementary) taking.

Determination of supplementary allocation block sizes and supplementary minimum flow

The supplementary block sizes depend on the MALF of the catchment - the more water that flows within the catchment, the greater the allocation block size. The block sizes set ensure flow variability is maintained. If set too large, the supplementary minimum flow will be reached more frequently.

As the supplementary minimum flow is calculated in accordance with Policy 6.4.9, which is not amended by this plan change, the submission opposing supplementary minimum flows is beyond the scope of this plan change.

Social, economic, cultural and environmental matters

The Water Plan recognises the benefits of taking surface water for consumptive use, and provides for taking through specification of primary allocation, supplementary allocation, and further supplementary allocation (flood harvesting). Proposed Plan Change 1B (Minimum Flows) includes a new schedule (Schedule 2D) that lists matters to be considered when setting minimum flows and allocation limits, including social, economic, cultural and environmental matters, along with other considerations. Supplementary minimum flows and allocation blocks set by Policy 6.4.9 allow for flow variability. It is not considered necessary to further provide for these matters when setting supplementary minimum flows and allocation blocks.

Existing practice in the Kakanui River

In catchments where primary allocation and minimum flows have been set in Schedule 2A, the supplementary allocation block and minimum flow may be specified in Schedule 2B. This plan change includes a number of catchments, with additional catchments being added through future plan changes. With the exception of the Kakanui catchment, the supplementary allocation block size and supplementary minimum flow have been calculated using Policy 6.4.9 and Method 15.8.1A.1.

The Kakanui catchment is discussed in section 3.4 and a recommendation regarding their calculation is made in relation to Schedule 2B (rather than Method 15.8.1A.1). Apart from this catchment, supplementary blocks have been set using Method 15.8.1A.

3.3.3 Recommendations

(a) Amend Method 15.8.1A.1 as follows:

15.8.1A.1 The Otago Regional Council will assign supplementary allocation blocks for any catchment area, excluding the Kakanui, for the purposes of Policy 6.4.9(a) using the following table:

7 day mean annual low flow of catchment (litres per second)	Supplementary allocation block (litres per second)
<10	50
10 – 299	100
300 – 999	250
>1000	500

The size of the first and any subsequent supplementary allocation blocks ~~will be assigned on the basis of~~ are based on the 7-day mean annual low flow of that catchment, and ensure flow variability is maintained.

A formula for assigning supplementary allocation blocks in the Kakanui catchment is given in Schedule 2B.

(b) Adopt section 15.8.1A of the Water Plan, including Method 15.8.1A.2 as proposed.

Reasons

- The NES on Ecological Flows and Water Levels is only proposed, and does not address supplementary allocation.
- Section 15.8.1A of the Water Plan provides certainty and consistency in the determination of the size of supplementary allocation blocks. The additional text highlights that supplementary allocation block sizes vary between catchments, and the reason why size is important.
- Supplementary minimum flows are set by existing Policy 6.4.9 using a simple formula.
- It is not necessary to further provide for social, economic, cultural and environmental matters when setting supplementary minimum flows and allocation blocks, as the Water Plan already recognises the benefits of taking surface water for consumptive use.
- The Kakanui catchment supplementary allocation blocks have not been calculated using Method 15.8.1A.1.

3.4 Schedule 2B – Supplementary allocation blocks and minimum flows (excluding Welcome Creek)

Table of Proposed Changes; Reference 113: pages 81-82

Summary of Decisions Requested (Submitters and Further Submitters): pages 94-101

3.4.1 Overview

Supplementary allocation blocks and associated flows for Schedule 2B include the Kakanui, Shag, Trotters, Waianakarua and Welcome Creek catchments.

Seven submitters request decisions on the Schedule:

- Four submitters oppose the setting of a minimum flow on Welcome Creek. There were seven further submitters. These submissions are addressed in section 3.5.
- Three submitters seek amendment to address:
 - The Waianakarua catchment.
 - The Kakanui catchment.

3.4.2 Evaluation

The supplementary allocation block for the Waianakarua catchment was determined using Method 15.8.1A.1 and the supplementary minimum flow was determined using Method 15.8.1A.2 (see section 3.3).

Waianakarua catchment

There are three current supplementary permits within the Waianakarua catchment, granted in 1999, 2001 and 2004. Each is subject to a minimum flow, gauged at Browns Pump. The minimum flows are 185 l/s, 385 l/s and 376 l/s respectively. The 1999 consent (held by the submitter) was granted under the Proposed Regional Plan: Water. It was made clear at the time that the Waianakarua River was fully allocated, and that the consent fell outside the framework of the Water Plan and would be subject to a higher minimum flow. The MALF at that time was 185 l/s and was applied as a minimum flow (when existing consents at that time were subject to no minimum flow). In 2000, the primary and supplementary allocation framework was introduced when ORC decisions on submissions to the Proposed Regional Plan: Water were released, and the consent met the definition of supplementary allocation. The varying minimum flows applied to the 2001 and 2004 consents reflect the provisions of the Water Plan at those times.

Once a minimum flow is set in Schedules 2A and 2B, notice will be served on all existing consent holders to review their consents under Section 128 of the RMA, to impose the operative minimum flow.

The new supplementary minimum flow of 311 l/s will affect the submitter's ability to exercise their consent as they will no longer be able to continue taking at flows down to 185 l/s. However, it has been made clear since the application to take water was received and granted that the Waianakarua River was fully allocated and that the consent fell outside the framework of the Water Plan, and would be subject to a higher minimum flow than those existing consents.

Kakanui catchment

Amendment of Schedule 2B to "better reflect the recent grant of a supplementary flow consent" is considered to refer to a consent in the Kakanui catchment, granted in October 2008 (2008.216). This consent allows taking from the first, second, third and fourth supplementary allocation blocks from the Kakanui, and has associated minimum flows imposed. Schedule 2B already lists the first supplementary block, and this plan change proposes to include the second.

The first supplementary allocation block size for the Kakanui was set after appeals on the Water Plan were decided on in the Environment Court in 2002. Two blocks were provided for; a summer block of 300 l/s with a minimum flow of 1050 l/s, and a winter block of 500 l/s with a minimum flow of 1350 l/s. The summer block was based on MALF, with provision for additional taking in winter, subject to a higher minimum flow to provide for fish spawning.

If Method 15.8.1A.1 was used the block size for the Kakanui would be set at 250 l/s. However, because of background knowledge regarding flows and allocation in the Kakanui and the Environment Court decision, the two flow blocks of 300 l/s for summer and 500 l/s for winter were proposed for the second supplementary allocation block in Schedule 2B. The formula from Policy 6.4.9 was used to determine minimum flows.

Policy 6.4.9 provides for supplementary allocation to be taken until the volume of water allocated is equivalent to the natural mean flow (5320 l/s), at which point taking would be considered “further” supplementary allocation (without any restriction on volume taken) under Policy 6.4.10.

As taking from the third and fourth allocation blocks has now been consented, these blocks should be formalised in Schedule 2B, subject to the following minimum flows:

Summer allocation (Oct-Apr)	Minimum flow l/s	Block size l/s
1 st supplementary allocation block	1050	300
2 nd supplementary allocation block	1350	300
3 rd supplementary allocation block	1650	300
4 th supplementary allocation block	1950	300

Winter allocation (May - Sept)	Minimum flow l/s	Block size l/s
1 st supplementary allocation block	1500	500
2 nd supplementary allocation block	2000	500
3 rd supplementary allocation block	2500	500
4 th supplementary allocation block	3000	500

The submitters consent is subject to the 3rd and 4th summer supplementary allocation blocks, and a minimum flow of 2180 l/s is applied “all year”. If an “all year” minimum flow is appropriate (and this is not recommended), the minimum flow should be 2500 l/s using the formula given in Policy 6.4.9. Further, with no restriction placed on the allocation block, this effectively allows for flood harvesting at a flow approximately half that of natural mean flow (in conflict to Policy 6.4.10). This does not provide for sustainable management of the Kakanui’s water resource.

As a consequence of the plan change recommendation to add further allocation blocks and minimum flows, the submitter will get more favourable access to water over the summer months, but less favourable access over winter.

3.4.3 Recommendation

Amend Schedule 2B as follows:

Catchment See Maps B1-B5 & Supplementary Block Number	Minimum Flow (litres per second instantaneous flow) at the monitoring site(s) See Maps B1-B5	Supplementary Allocation Block (litres per second instantaneous flow)
<u>Kakanui catchment</u>	For each minimum flow listed below: 1. <u>At Mill Dam (MS 3) for takes downstream of Clifton Falls monitoring site, or</u> 2. <u>At both Mill Dam (MS 3) and Clifton Falls (MS 3a) for takes upstream of Clifton Falls monitoring site.</u>	
Kakanui catchment (first supplementary allocation block)	October to April: 1050: 1. At Mill Dam (MS 3) for takes downstream of Clifton Falls monitoring site, or 2. At both Mill Dam (MS 3) and Clifton Falls (MS 3a) for takes upstream of Clifton Falls monitoring site.	October to April: 300
	May to September: 1500: 1. At Mill Dam (MS 3) for takes downstream of Clifton Falls monitoring site, or 2. At both Mill Dam (MS 3) and Clifton Falls (MS 3a) for takes upstream of Clifton Falls monitoring site.	May to September: 500
Kakanui catchment (second supplementary allocation block)	October to April: 1350: 1. At Mill Dam (MS 3) for takes downstream of Clifton Falls monitoring site, or 2. At both Mill Dam (MS 3) and Clifton Falls (MS 3a) for takes upstream of Clifton Falls monitoring site.	October to April: 300
	May to September: 2000: 1. At Mill Dam (MS 3) for takes downstream of Clifton Falls monitoring site, or 2. At both Mill Dam (MS 3) and Clifton Falls (MS 3a) for takes upstream of Clifton Falls monitoring site.	May to September: 500
<u>Kakanui catchment (subsequent supplementary allocation blocks)</u>	<u>All subsequent minimum flows corresponding to supplementary allocation blocks in the Kakanui catchment will be based on the following formula:</u> <u>October to April: 1050 + (300 x number of supplementary allocation block*)</u> <u>May to September: 1500: + (500 x number of supplementary allocation block*)</u> <u>* 2 for the 2nd, 3 for the 3rd allocation block, and so on.</u>	<u>All subsequent supplementary allocation blocks in the Kakanui catchment will be based on the following sizes:</u> <u>October to April: 300</u> <u>May to September: 500</u>
Shag catchment (first supplementary allocation block)	650 At Craig Road (MS 2) 401 At Goodwood Pump (MS 1)	100
Shag catchment (second supplementary allocation block)	750 At Craig Road (MS 2) 501 At Goodwood Pump (MS 1)	100
Trotters Creek catchment (first supplementary allocation block)	130 At Matheson's weir	100
Waianakarua catchment (first supplementary allocation block)	311 At Browns Pump	100
Welcome Creek catchment (first supplementary allocation block)	1000 At Steward Road	400 <i>(Also subject to Table 12.1.4.4A)</i>

Reasons

- The catchments listed within Schedule 2B are also listed within Schedule 2A (or are proposed to be listed by Plan Change 1B (Minimum Flows)) and actual primary allocation in accordance with Policy 6.4.2 is known in these catchments.
- The figures listed for the supplementary allocation block have been determined using Method 15.8.1A.1, and the figures listed for the supplementary minimum flow have been determined using Method 15.8.1A.2).
- In the Kakanui seasonal block sizes were determined by the Environment Court and it is not proposed to amend the block size, or the formula for calculating minimum flows set in Policy 6.4.9. As four blocks have now been allocated, a formula to calculate block sizes is appropriate, particularly since this formula differs slightly from that given in Method 15.8.1A.1.

C) WELCOME CREEK

3.5 Rule 12.1.4.4A - to take and use water as a restricted discretionary activity from Welcome Creek

Schedule 2A - Minimum flows and primary allocation for Welcome Creek

Schedule 2B – Supplementary allocation blocks and minimum flows (Welcome Creek)

Map B3 - Welcome Creek monitoring site

Table of Proposed Changes; References 74, 112, 113, 124: pages 53, 79-82 and 94

Summary of Submissions by Topic; pages 94-100, 102-107 and 108-114

3.5.1 Overview

Rule 12.1.4.4A relates to the taking of surface water from Welcome Creek where the take was the subject of a consent or application prior to 19 February 2005. Under this rule, takes are subject to a minimum flow equivalent to the 5-year 7-day low flow. The plan change proposes amendments deleting reference to 19 February 2005 and replacing the minimum flow requirement with that “*specified in Schedule 2A*”. The rule is also widened from the “*taking*” of surface water to the “*taking and use*” of surface water. Welcome Creek is included in Schedule 2A with a monitoring site named, and a minimum flow and primary allocation limit specified. A supplementary allocation block and minimum flow for Welcome Creek is given in Schedule 2B.

Six submitters and seven further submitters request decisions on Rule 12.1.4.4A:

- Two submissions support these rules (subject to any consequential amendments from other submission points).
- Four submitters oppose the imposition of a minimum flow on Welcome Creek, which affects Rule 12.1.4.4A, Schedule 2A and Schedule 2B. They consider that there has not been sufficient data gathered, or consultation undertaken, and that it is currently well looked after by irrigators.

Map B3 shows the Welcome Creek catchment boundaries and monitoring site. No submissions were received regarding Map B3.

3.5.2 Evaluation

Proposed primary minimum flow for Welcome Creek:

There are five current permits to take water from Welcome Creek. All are currently subject to the same condition of consent stating that no abstraction shall occur when flows in Welcome

Creek are equal to, or less than, 700 l/s at the Steward Road monitoring site. This condition has been applied to these consents since at least 1988 at the request of South Central Fish and Game, to ensure that sufficient flows are maintained to support instream values (described below). The plan change formalises this minimum flow by including it in Schedule 2A. In addition to a 700 l/s minimum flow, three of the permits may only take during summer months.

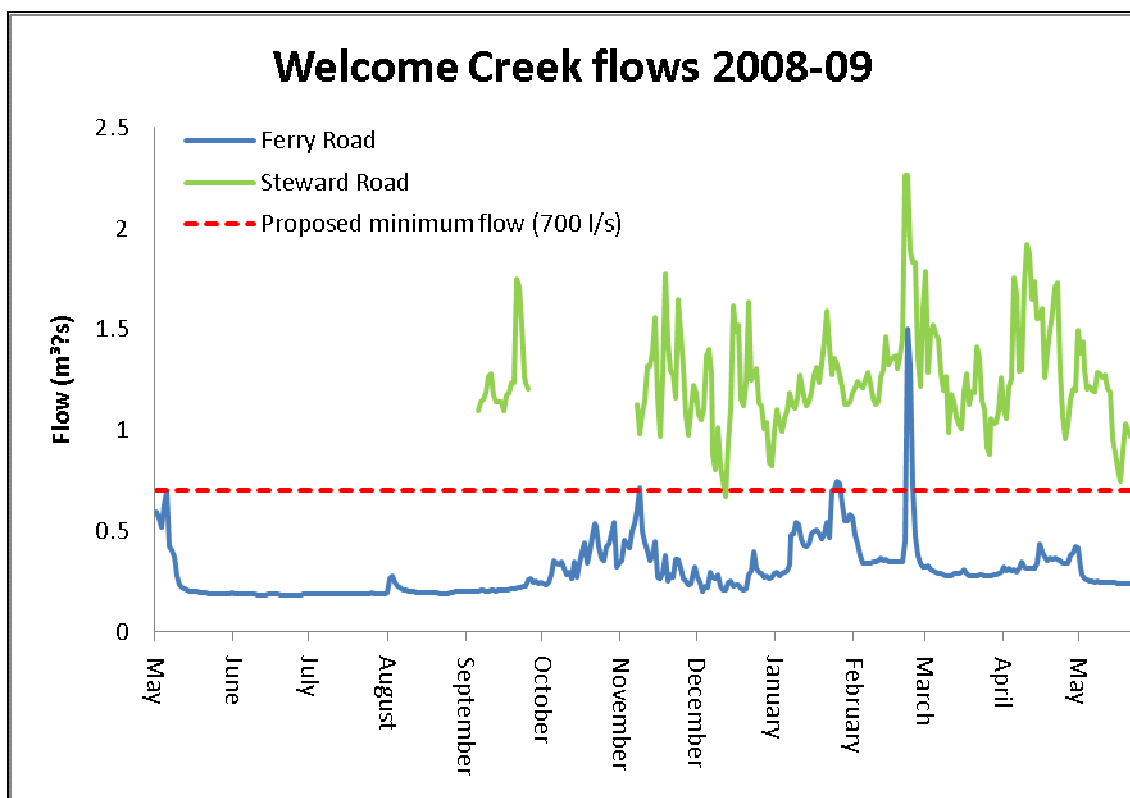
Under restricted discretionary Rule 12.1.4.4A, replacement consents must be subject to “a minimum flow equivalent to the 5-year 7-day low flow until the minimum flow has been determined by investigation and added to Schedule 2A by a plan change” or they become a non-complying activity. The 5-year 7-day low flow has not yet been determined due to a lack of gauging data, nor applied as no replacement consents have been sought since Rule 12.1.4.4A became operative on 3 July 2006.

Schedule 9 (Significant Wetlands) notes some flow rates of Welcome Creek (added to the Water Plan in 2005), including:

- An upstream (source spring) flow of 56 – 59 l/s.
- A mid catchment base spring flow (at Ferry Road) of about 450 l/s.
- A lower catchment flow (near the Waitaki River) of 1121 – 1381 l/s.

A major bywash point for the Lower Waitaki Irrigation Scheme contributes flow to Welcome Creek between the upper and lower sites at all times of the year, and may range in flow from 250 l/s in the non-irrigation season to over 500 l/s during irrigation months.

Flow gauging of Welcome Creek has been undertaken by ORC between May 2008 and May 2009 at two mid catchment sites: Ferry Road (upstream) and Steward Road (downstream), although equipment failure resulted in the loss of some winter data at Steward Road. The results of this gauging are shown in the table below.



Given these gaugings, a minimum flow of 700 l/s is reasonably achievable at Steward Road across the irrigation season, allowing for consented takes, and provides for instream values.

Ferry Road is not an appropriate minimum flow monitoring site because it is upstream of four of the five consented takes.

Proposed supplementary minimum flow for Welcome Creek:

The supplementary allocation block for Welcome Creek has been determined using Method 15.8.1A.1 and the supplementary minimum flow for Welcome Creek has been determined using Method 15.8.1A.2 (see section 3.3).

3.5.3 Recommendation

Adopt Rule 12.1.4.4A, Schedule 2A and Schedule 2B (relating to Welcome Creek), and new Map B3, as proposed.

Reasons

- The minimum flow of 700 l/s for Welcome Creek is considered to adequately protect instream values, is already a condition of all existing consents, and given flow gaugings of the creek will likely be able to be met across the year.
- The figures listed for the supplementary allocation block have been determined using Method 15.8.1A.1 and the figures listed for the supplementary minimum flow have been determined using Method 15.8.1A.2).

D) OTHER SURFACE WATER MATTERS

3.6 Policy 6.4.19 – Term of consent

Table of Proposed Changes; Reference 30: page 30

Summary of Decisions Requested (Submitters and Further Submitters): page 115-117

3.6.1 Overview

The plan change deletes Policy 6.4.19, which states that permits subject to a minimum flow may have terms of up to 35 years.

- Five submitters oppose deletion of this policy, as the Water Plan should provide for maximum consent terms, and ensure certainty and security of investments.
- One submitter did not specify their position, but comments that the term the consent would be issued for should be stated.
- Nine further submitters requested decisions regarding this policy.

3.6.2 Evaluation

A policy stating that consent terms of 35 years may be considered is not necessary as this is the maximum consent term provided for by Section 123(d) of the RMA. Further, Policy 6.4.19 limits consideration of such a term only to those consents subject to minimum flows, however it is not mandatory that such a term be imposed on those consents. Each consent application must be considered on its own merits.

In practice, recent consents granted in catchments subject to minimum flows have varied terms of between 10 to 25 years, given “*to reflect the changeable nature of the climate, environment, and farming industry*”, and are “*considered long enough to provide long-term*

security of access to water resources and assist in minimising costs associated with implementing consent requirements". Consents to take and use water that have been granted for 35 years are not necessarily subject to minimum flows, and include community water supplies, takes from large water bodies (e.g. the Clutha River) and large irrigation schemes.

Policy 6.4.19 is considered superfluous and unhelpful. It is important to note that its deletion will not stop consents being considered for a term of 35 years.

3.6.3 Recommendation

Delete Policy 6.4.19 as proposed.

Reasons

- Section 123(d) of the RMA provides for terms of consent for permits to take and use water.
- The policy is not needed to provide security for consents as consent applications are considered on its own merits and terms applied accordingly.

3.7 Policy 6.4.20 - Permits affected by mining privileges

Policy 6.4.21 – Restrictions on the exercise of water permits

Table of Proposed Changes; References 31 and 32: pages 30-33

Summary of Decisions Requested (Submitters and Further Submitters): pages 118-119

3.7.1 Overview

The plan change deletes Policy 6.4.20, which provides for expiry or review of consents to take water in catchments affected by deemed permits (mining privileges). It also deletes Policy 6.4.21, which provides for restricting exercise of certain consents.

- Three submitters and one further submitter oppose deletion of Policy 6.4.20.
- Four submitters and one further submitter oppose deletion of Policy 6.4.21.

They oppose the deletion of these policies as they assist in the transition of deemed permits to water permits and provide incentives toward early transition to water permits.

3.7.2 Evaluation

Both policies were included in the Water Plan as the result of appeals, to address concerns of deemed permit holders to provide for possibility of continuation of a priority system once these permits expire in 2021.

The RMA provides for the priority system between deemed permit holders to prevail until their expiry in 2021. It does not provide for these priorities to influence holders of resource consents to take water, or for those priorities to be enforced on anyone other than a deemed permit holder (or holder of a right in substitution).

In many catchments the issue of deemed permits has resulted in significant over-allocation of the water resource, and only through holding high priority deemed permits do some of those holders manage to access water during normal or dry flow conditions. The deemed permit and priority system does not promote the sustainable management of water, as instream water needs are frequently not met and development opportunities may be constrained because of issues accessing water.

Policies 6.4.19 and 6.4.20 provide for perpetuation of a system of allocation based upon first-in-first-served (using the date the original mining privilege was granted, many dating back to the mid-late 1800s). They favour one consent holder over another and guarantee certain consent holders access to water in a manner not otherwise supported by the Water Plan. Policy 6.4.21 could be applied to water permits that were never deemed permits, although there is no presumption that new priorities will be applied to any replacement consents.

Should the holder of an expiring deemed permit wish to continue to take and use water beyond this date, they must apply for a replacement water permit under the RMA and the Water Plan. All relevant policies and rules apply, as currently occurs for any application to take water, in particular:

- Deemed permits are be afforded protection as primary allocation (Policy 6.4.2), although Policy 6.4.2A (see section 2.10) ensures that the quantity granted reflects actual access to water.
- Policy 6.4.0A ensures that only the quantity of water required for its intended purpose of use is granted.
- Policy 6.4.0C considers if the water is to be exported from the area from which it is sourced, when more appropriate alternative water sources are available.

3.7.3 Recommendation

Delete Policies 6.4.20 and 6.4.21 as proposed.

Reasons

- Retaining the priority system is not sustainable management of the water resource.
- The policies do not provide any incentive for deemed permits to be replaced with water permits prior to 2021.
- The Water Plan contains clear policies for the taking and use of water that will provide for the transition of deemed permits to water permits.

CHAPTER 4: GROUNDWATER

Introduction

Chapter 4 evaluates submissions regarding proposed amendments to the Water Plan that affect groundwater takes only. Submissions relating to how groundwater is managed where there is a measurable effect on surface water are discussed in Chapter 2 of this report.

A) GROUNDWATER MANAGEMENT

4.1 Policies 6.4.10A, 9.4.4, 9.4.5, 9.4.6 – Groundwater allocation system

*Table of Proposed Changes; References 18, 43, 44 and 49: pages 21-23, 39-40 and 43
Summary of Decisions Requested (Submitters and Further Submitters): pages 120-123*

4.1.1 Overview

Policy 6.4.10A merges four existing policies from Chapter 9 (9.4.2, 9.4.4, 9.4.5 and 9.4.10), and expands on those policies. Three of these four policies will be deleted from Chapter 9, while one partially remains (Policy 9.4.2, see section 4.15).

Amendments allow management of groundwater allocation in a manner similar to surface water, by setting a maximum allowable volume able to be taken. The maximum allowable volume may be specified for any aquifer in Schedule 4A, or where unspecified defaults to 50% of mean annual recharge. Aquifer restriction levels apply as listed in Schedule 4B.

Eight submitters and seven further submitters request decisions on this policy:

- Five submitters support its inclusion.
- Three submitters seek amendments to address matters including:
 - Land surface recharge.
 - Default allocation of 35% mean annual recharge, instead of 50%.
 - Protection of existing groundwater users.

4.1.2 Evaluation

Land surface recharge vs mean annual recharge

Land surface recharge is not used to limit allocation, as while it may be meaningful for aquifers in Southland or Canterbury, it is inappropriate in Otago due to the region's unique hydrogeology. In basins where the water balance is well understood, the land surface recharge portion of total annual recharge is minor compared to other sources, such as mountain-front infiltration or river losses to ground. It is too conservative and unnecessarily limits groundwater allocation.

Default allocation of 35% or 50% mean annual recharge

If 100% of mean annual recharge was allocated, the beneficial effects of aquifer through-flow would be lost. Aquifer through-flow results in groundwater discharge to natural systems such as wetlands, springs, and provides baseflow contribution to streams and rivers. A degree of aquifer through-flow must be maintained to protect those values and the groundwater resource from adverse effects of reversed groundwater gradients (e.g. a coastal aquifer which discharges naturally into the sea through submarine springs, that when 100% of recharge is taken over a sustained period the gradients reverse and seawater begins to intrude landward into the aquifer).

The National Environmental Standard (NES) on Ecological Flows and Water Levels has been proposed, and unless otherwise provided for in a regional plan, proposes a conservative interim allocation limit as the greater of:

- For shallow coastal aquifers: the total of existing consents when the NES becomes operative or 15% of the average annual recharge.
- For all other aquifers: the total of existing consents when the NES becomes operative or 35% of the average annual recharge.

The proposed NES interim limits seek to protect the sustainability of groundwater systems by preserving a large proportion of outflows, and the technical background papers provide insight that the 35% limit was arbitrarily chosen and without a technical basis. This plan change provides for the imposition of volumetric limits within Schedule 4A which override those interim limits. While no specific aquifer is yet included in Schedule 4A, this will occur through future plan changes, and will be developed through a combination of scientific deduction and community consultation specific to the aquifer concerned.

In Otago, the 50% limit is considered to provide an acceptable degree of sharing the water resource between takers and natural systems, in a similar way to surface water allocation. Systems with high complexity or particular values will be prioritised for intensive investigation, with a view to a tailored allocation cap being applied through Schedule 4A. There are approximately 22 groundwater areas in Otago. A rapid assessment approach to determine mean annual recharge for all of those areas will be undertaken as an initial management strategy, then a number will proceed to a priority list for transient groundwater modelling if the 50% default raised any concerns. Prior to proposed inclusion in Schedule 4A community consultation will be undertaken.

Protection of existing groundwater users

With regard to surface water, existing takers (as at 28 February 1998, when the Water Plan was notified) were protected to a significant degree as primary allocation (under Policy 6.4.2). Policy 6.4.10A and subsequent rules, do not provide an equivalent level of protection to existing groundwater takers, and should if such Plan protections are to be consistent.

If an existing consented groundwater taker seeks renewal of their consent, and the source aquifer exceeds either 50% mean annual recharge, or the volume specified in Schedule 4A, then the policy provides no guidance as to how the application should be assessed. Under the current rule framework, a take outside of this volume becomes a full discretionary activity. Consent renewals should be afforded some protection as are surface water takes, by amending Policy 6.4.10A, and including two new groundwater policies that reflect surface water Policies 6.4.2A and 6.4.2B:

- 1) To outline where the maximum allocation volume of either the 50% default or that listed in Schedule 4A is exceeded, to allocate only that water historically accessed; and
- 2) To only grant new consents once allocation is less than the maximum allocation volume of either the 50% default or that listed in Schedule 4A.

Subsequent amendments are also required to Rule 12.2.3.2A, to ensure it is consistent with Policy 6.4.10A.

4.1.3 Recommendations

(a) Amend Policy 6.4.10A as follows:

6.4.10A To manage the taking of groundwater by:

- (a) **Limiting allocation through the identification of a quantity, known as the *maximum allocation volume*, which is the greater of:**
 - (i) **That specified in Schedule 4A; or**
 - (ii) **50% of the calculated mean annual recharge for those aquifers not specified in Schedule 4A; or**
 - (iii) **The consented maximum daily take at 20 December 2008, less any consents surrendered, lapsed, cancelled or not replaced on expiry, after this date;**

except as provided for in Policy 6.4.1A (a) and (b); and
- (b) **Applying aquifer restriction levels where specified in Schedule 4B, except as provided for in Policy 6.4.1A (a) and (b); and**
- (c) **Avoiding contamination of groundwater or surface water; and**
- (d) **Avoiding permanent aquifer compression.**

Explanation

All water allocated as groundwater in terms of Policy 6.4.1A (c) or (d) needs to be managed for the protection of aquifers and the maintenance of any long term outflows. The outflows from any aquifer need to be maintained to prevent long term depletion of base flow to surface water bodies and prevent seawater intrusion.

Sustainable allocation of groundwater will be achieved by considering as restricted discretionary activities, those applications where:

- (i) The individual take would not cause the cumulative take from the aquifer to exceed 50% of the mean annual recharge of the aquifer, or the maximum allocation volume listed in Schedule 4A, unless that take was the subject of a resource consent granted before 20 December 2008; and
- (ii) Relevant aquifer restriction levels are met; and
- (iii) Aquifer contamination or compression will be avoided.

For some aquifers identified in Maps C1–C17, maximum allocation volumes are specified in Schedule 4A, where there is sufficient information to set them. Maximum allocation volumes are appropriate for managing the cumulative effects of groundwater takes on long term storage of an aquifer and on outflows to surface water bodies. Significant drawdown effects are addressed under section (b) of this policy.

When the aquifer levels specified in Schedule 4B are reached, the actual taking of water will be restricted as provided for in the Schedule. Restrictions will apply to all consents to take groundwater under Policy 6.4.1A (c) or (d), including those for community water supply specified in Schedule 3B, as well as permitted taking in accordance with Rule 12.2.2.2. Maps D1–D4 show the Schedule 4B aquifers to which the restrictions apply.

If existing consented maximum daily take at the date of notification of Plan Change 1C (20 December 2008) exceeded the relevant maximum allocation limit, then those takes will be recognised to provide for the existing needs of Otago's communities. Where a consent to replace an existing consent is not applied for within the time frames set in Section 124 of the Resource Management Act, that water take will lose its status under this policy.

When considering the taking of any groundwater, the adverse effects identified in (c) and (d) of the policy must be avoided.

Principal reasons for adopting

This policy is adopted to ensure that potentially long term or irreversible adverse effects on aquifer properties resulting from taking groundwater are avoided. It is important to achieve this outcome in order to provide for the needs of Otago's present and future generations.

This policy also maintains levels and pressures within identified aquifers. This will assist in achieving the environmental results detailed in Schedule 4B, by avoiding significant reductions.

This policy allows for sustainable taking of groundwater from aquifers, where the take will not have a direct effect on any surface water body, while avoiding adverse effects, including in particular the matters listed in Policy 5.4.2 and 5.4.3. Allocating 50% of mean annual recharge ensures the remaining 50% provides for adequate levels of system outflow.

(b) Delete Policies 9.4.4, 9.4.5 and 9.4.10 as proposed.

(c) Adopt new policies as follows (to be located directly after Policy 6.4.10A – resulting in the renumbering of notified proposed Policies 6.4.10B to 6.4.10E (for reference in this document, they are referred to as 6.4.10AA, and 6.4.10AB):

6.4.10AA In considering any application for a replacement resource consent to take groundwater as specified in Policy 6.4.10A(a)(iii), to grant consent only for a rate and volume of water no more than that which has been historically accessed under the previous consent.

Explanation

This policy ensures that only the water physically taken under the previously existing resource consent will be considered for granting when an application to replace that consent is made.

The right to access water given by a consent is not always fully exercised, for example, because:

(i) The consent holder does not need that amount of water, given their intended purpose of use of that water; or

(ii) Water is unable to be physically accessed because the source does not sustain such taking.

If groundwater is physically unable to be accessed, then reallocating such amounts is not sustainable management. Evidence of the rate and volume of water historically accessed will be required when such replacement consents are sought.

Principal reasons for adopting

This policy is adopted to assist in the reduction of maximum allocation volume under Policy 6.4.10(a)(iii). This policy also ensures allocation is not constrained by resource

consent holders who are not using all or part of their allocated water. It is unfair to potential users of the water resource if available allocation is tied up in underutilised consents.

6.4.10AB In considering any new resource consent to take groundwater in terms of Policy 6.4.10(a)(iii), to grant consent only when actual allocation is less than the quantities specified in Policy 6.4.10(a)(i) or (a)(ii).

Explanation

This policy recognises that the quantity in Policy 6.4.2(a)(i) or (a)(ii) will decrease with time. No new resource consent to take groundwater shall be issued unless it is within the maximum allocation volume.

Principal reasons for adopting

This policy is adopted to avoid any continuation or increase in the maximum allocation volume as a result of any new consent application, and its effects on lawful users, where allocation exceeds the limits under Policy 6.4.10(a)(i) or (a)(ii).

- (d) Amend Rule 12.2.3.2A to be consistent with Policy 6.4.10A and 6.4.10AA (see section 4.4).
- (e) Amend Rule 12.2.3.4 to be consistent with Policy 6.4.10AA (see section 4.5).
- (f) Amend the information requirements in section 16.3.1 of the Water Plan to ensure evidence of the rate and volume of groundwater historically accessed under Policy 6.4.10AA is provided (see section 2.24).

Reasons

- Land surface recharge is too conservative as it disregards overall replenishment of the aquifer and unnecessarily limits groundwater allocation.
- Using mean annual recharge is appropriate based on the climate and groundwater resources of Otago, and a 50% default threshold is considered appropriate to provide for both takers and natural systems.
- The proposed NES interim limits preliminary and subservient to policies and rules within regional plans.
- Amendments are required to ensure those with resource consents to take and use groundwater (granted prior to the notification of this plan change) are recognised and provided for.
- Amendments are required to Rule 12.2.3.2A to ensure it remains consistent with Policy 6.4.10A.

4.2 Prohibited and permitted activity rules to take groundwater (Rules 12.2.1.1 and 12.2.1.2, and 12.2.2.1 to 12.2.2.6)

Table of Proposed Changes; References 86 – 92: pages 60 to 63

Summary of Decisions Requested (Submitters and Further Submitters): pages 124-128

4.2.1 Overview

The plan change amends prohibited activity Rule 12.2.1.1 and existing permitted activity Rules 12.2.2.1 and 12.2.2.2 from the “taking” of groundwater, to the “taking and use” of

groundwater. Amendments to Rule 12.2.2.2 also reflect proposed integrated management with surface water. Prohibited activity Rule 12.2.1.2 and permitted activity Rules 12.2.2.4 to 12.2.2.6 result from integrating groundwater management with surface water, and reflect the requirements of surface water prohibited activity Rule 12.1.1.1 and permitted activity Rules 12.1.2.2, 12.1.2.4 and 12.1.2.5.

- One submitter and one further submitter were in support of Rules 12.2.1.1 and 12.2.1.2 (subject to any consequential amendments from other submission points).
- Two submitters and one further submitter seek deletion of reference within the rules to “*within 100 metres of*”.
- One submitter seeks amendment to Rule 12.1.2.5(ii)(c) and 12.2.2.6(ii)(b) relating to adverse effects on other takers. One further submitter supports this amendment.

4.2.2 Evaluation

Under Section 14 of the RMA “*No person may...use...any water...unless the...use...is allowed by subsection (3)*”. The taking of water, and the effects of that take, are inherently linked to the proposed use of that water. If the Water Plan is silent on the use of water, unless permitted by the RMA, use becomes a discretionary activity under Section 77C of the RMA.

Groundwater within 100 metres of a perennial surface water body

The management of groundwater takes within 100 metres of a perennial surface water body as surface water is discussed in section 2.7 (in relation to proposed Policy 6.4.1A).

Drafting error

An error was made in the drafting of proposed Rule 12.2.2.4 as notified, which was intended to reflect the requirements of surface water permitted activity Rule 12.1.2.2. Rule 12.2.2.4 failed to acknowledge the take must not be within 100 metres of any other surface water body. Permitted takes that are within 100 metres of any other surface water body are addressed by proposed Rule 12.2.2.5.

Adverse effects on other takers

Groundwater Rules 12.2.2.5 and 12.2.2.6 directly reflect surface water Rules 12.1.2.4 and 12.1.2.5, where certain groundwater takes (considered surface water under Policy 6.4.1A (a) and (b)) are permitted, subject to a number of conditions, including that “*no lawful take of water is adversely affected as a result of the taking*”. While not explicit, it is reasonable to interpret the adverse effect on another lawful taker due to a permitted take would be their access to that water. However, there could be other adverse effects, such as on water quality (due to decreased water quantity). This condition on Rules 12.1.2.4 or 12.1.2.5 was not proposed to be altered in this plan change, therefore, the condition should not be altered on Rules 12.2.2.5 and 12.2.2.6.

4.2.3 Recommendations

(a) Amend Rule 12.2.2.4 as follows:

- 12.2.2.4** Except as provided for by Rule 12.2.1.1, the taking of groundwater from within 100 metres of the main stem of the Clutha or Kawarau Rivers, or from Lakes Wanaka, Hawea, Wakatipu, Dunstan and Roxburgh, is a *permitted* activity, providing:
- (a) The take does not exceed 100 litres per second, nor 1,000,000 litres per day; and
 - (b) No more than one such take occurs per landholding; and
 - (c) No back-flow of any contaminated water occurs to the water body.; and
 - (d) The take is not within 100 metres of any wetland or other lake or river.

(a) Adopt Rules 12.2.2.1, 12.2.2.2, 12.2.2.5 and 12.2.2.6 as proposed.

Reasons

- To ensure Rule 12.2.2.4 is consistent with Policy 6.4.1A and Rule 12.2.2.5.
- The take and use of water are inherently linked, and unless provided for by the Water Plan, become discretionary activities under the RMA.
- The effects of taking groundwater within 100 metres of a perennial surface water body generally has a direct effect on surface water. The accuracy and proportion of total take to surface water effects substantially increases at distances of less than 100 metres from a perennial surface water body, when using the equations given in Schedule 5A.
- The 100 metre default simplifies plan interpretation and administration
- Any adverse effects on other lawful takers should continue to be considered when permitting groundwater takes effectively considered surface water under Policy 6.4.1A (a) and (b).

4.3 Taking and use of groundwater for community supply (section 12.2.2A and Rule 12.2.2A.1)

Table of Proposed Changes; References 93 and 94: page 63

Summary of Decisions Requested (Submitters and Further Submitters): page 128

4.3.1 Overview

Rule 12.2.2A.1 is a controlled activity for groundwater takes that are community supplies, and mirrors the controlled activity rule for surface water takes listed as community supplies in Schedule 1B (Rule 12.1.3.1, see section 2.13).

Three submitters and one further submitter request decisions on this rule:

- One submitter supports its inclusion (subject to any consequential amendments from other submission points).
- Two submitters support inclusion of “*and use*” in the rule, and seek amendments to the rule, including:
 - Replacement of “*Schedule 1B*” with “*Schedule 3B*”.
 - Deletion of the phrase “*up to any volume or rate authorised as at 28 February 1998*”.

4.3.2 Evaluation

Policy 6.4.1A provides certain groundwater takes be managed as surface water, subject to the surface water allocation framework and minimum flows. Therefore, relevant surface water policies apply to those groundwater takes.

Not all users of the Water Plan read policies, and may go directly to the rule framework which affects them. To ensure that the correct rule is located, groundwater and surface water rules have been amended to be complimentary, so if a taker from within 100 metres of a water body looks up either groundwater or surface water rules (depending on their knowledge of how the Water Plan operates), the conditions of taking are not inconsistent. As such, the conditions of Rule 12.1.3.1 and 12.2.2A.1 should be the same (although fish intake is irrelevant for groundwater and is deleted from Rule 12.2.2A.1).

Taking and use

Rule 12.1.3.1 is for “*the taking and use of surface water for community water supply...*”. Rule 12.2.2A.1 is for “*the taking of groundwater for community water supply*”. This should be corrected to “*the taking and use*” to mirror Rule 12.1.3.1.

The second part of the rule states “*In granting any resource consent for the taking of surface water, the Otago Regional Council will restrict the exercise of its control to the following:...*”. The term “*and use*” was inadvertently omitted from this part of the rule, and should be included, particularly as item (b) of the list relates to use of water. While the consent that is issued will be to “take surface water”, to avoid confusion between surface water and groundwater within this rule, it is recommended “*surface*” be deleted from the rule.

Schedule 1B and surface water community supplies

Schedule 1B (water supply values) identifies “*existing water takes from lakes and rivers, where the water taken is used for public water supply purposes*”. The water supplies within Schedule 1B are recognised in policies within Chapter 5, Chapter 6 and by Rule 12.1.3.1. Most importantly, consents for water takes listed in Schedule 1B are controlled activities and are not subject to minimum flows.

Prior to this proposed plan change, surface water and groundwater were considered separately under the Water Plan, yet Schedule 1B includes a number of takes in close proximity to surface water bodies that are actually groundwater. With the integrated management of surface water and groundwater in this plan change, all of these groundwater takes will be managed as if they are surface water, as they are all within 100 metres of surface water bodies,. However, if they are not direct takes from a surface water body, the equivalent groundwater Rule 12.2.2A.1 applies.

Schedule 3B and groundwater community supplies

Schedule 3B identifies the location of eleven groundwater takes for the purpose of community water supply. The Water Plan only provides for Schedule 3B takes in a single policy (9.4.1), which ensures the suitability of aquifers to support those recognised uses of groundwater are maintained. Prior to this plan change there was no equivalent controlled activity rule for groundwater takes for community supply listed in Schedule 3B. The intent was that community groundwater takes should be subject to restriction levels (the groundwater minimum flow equivalent), due to risk to the aquifer if those restriction levels were breached.

Under the new framework for integrated management of surface water and groundwater, ten of the eleven groundwater will be managed as surface water under Policy 6.4.1A, as they are

within 100 metres of perennial surface water bodies. To avoid confusion, this should be highlighted in Schedule 3B.

Because Rule 12.2.2A.1 seeks to mirror Rule 12.1.3.1, as discussed above, reference to Schedule 1B, rather than 3B, is correct. In future, consideration should be given to including the ten groundwater takes from Schedule 3B in Schedule 1B, however, to do so at this stage is beyond the scope of the plan change, and would require a new plan change to ensure persons potentially affected by this matter are consulted and heard.

28 February 1998

The Water Plan was notified on 28 February 1998. Most consented water takes in existence before that date were afforded some protection, and those consents to take water sought after that date were subject to all relevant policies and rules in the Water Plan. District and City Councils provided ORC with lists of their community water supplies that were then included in Schedule 1B. Because Rule 12.2.2A.1 seeks to mirror Rule 12.1.3.1, reference to this date should remain.

4.3.3 Recommendations

(a) Amend Rule 12.2.2A.1 as follows:

12.2.2A.1 The taking and use of groundwater for community water supply, up to any volume or rate authorised as at 28 February 1998, by any take identified in Schedule 1B is a *controlled* activity.

In granting any resource consent for the taking and use of ~~surface~~ water in terms of this rule, the Otago Regional Council will restrict the exercise of its control to the following:

- (a) The means and timing of the take, and the rate of take; and
- (b) The quantity of water required to meet the needs of the community; and
- (c) The duration of the resource consent; and
- (d) The information and monitoring requirements; and
- (e) Any bond; and
- (f) The review of conditions of the resource consent.

Applications may be considered without notification under Section 93 and without service under Section 94(1) of the Resource Management Act on persons who, in the opinion of the consent authority, may be adversely affected by the activity.

(b) Asterisk* all aquifers listed in Schedule 3B, excluding Warrington (site 9), to note that the point of take is located within 100 metres of a surface water body (see section 5.6).

Reasons

- Policy 6.4.1A provides for certain groundwater takes to be managed as surface water. To ensure that the correct rule is located by users of the Water Plan, groundwater and surface water rules must be complimentary.
- The amendments to Rule 12.2.2A.1 and Schedule 3B better mirror Rule 12.1.3.1, and help avoid confusion between groundwater and surface water.

4.4 Restricted discretionary, discretionary and non-complying activity rules to take groundwater (Rules 12.2.3.1 to 12.2.3.3, 12.2.4.1 and 12.2.5.1)

Table of Proposed Changes; References 93 – 99, 102-103: pages 63-67, 71

Summary of Decisions Requested (Submitters and Further Submitters): pages 128-129, 132

4.4.1 Overview

The plan change proposes to delete existing restricted discretionary activity Rules 12.2.3.1 and 12.2.3.2, and replace them with new rules. Rule 12.2.3.1A relates to the taking of connected groundwater managed as surface water. Rule 12.2.3.2A applies to groundwater takes that do not affect surface water and meet certain other criteria.

Discretionary Rule 12.2.4.1 and non-complying Rule 12.2.5.1 are widened from the “taking” of groundwater, to the “taking and use” of groundwater.

No submissions were received regarding the deletion of Rules 12.2.3.1 and 12.2.3.2.

One submitter requested a decision on Rule 12.2.3.1A, and two submitters and five further submitters requested decisions on Rule 12.2.3.2A. Each submitter seeks amendment, including:

- For both rules, deletion of all reference to “within 100 metres of”.
- For Rule 12.2.3.2A, the default proportion of mean annual recharge used to restrict groundwater takes.

One submission was made in support of Rules 12.2.4.1 and 12.2.5.1 (subject to any consequential amendments from other submission points).

4.4.2 Evaluation

Under Section 14 of the RMA “No person may...use...any water...unless the...use...is allowed by subsection (3)”. The taking of water, and the effects of that take are inherently linked to the proposed use of that water. If the Water Plan is silent on the use of water, unless permitted by the RMA, use becomes a discretionary activity under Section 77C of the RMA.

Groundwater within 100 metres of a perennial surface water body

The management of groundwater takes within 100 metres of a perennial surface water body as surface water is discussed in section 2.7 (in relation to Policy 6.4.1A).

Default proportion of mean annual recharge

Whether 50% or 35% of the mean annual recharge should be used to restrict groundwater takes is discussed in section 4.1 (in relation to Policy 6.4.10A).

Protection of existing groundwater users

To be consistent with the recommended amendments to Policy 6.4.10A (see section 4.1), an additional provision is required in Rule 12.2.3.2A. .

4.4.3 Recommendations

(a) Adopt Rules 12.2.3.1A, 12.2.4.1 and 12.2.5.1, and delete Rules 12.2.3.1 and 12.2.3.2, as proposed.

(b) Amend Rule 12.2.3.2A as follows:

12.2.3.2A Except as provided for by 12.2.3.1A, the taking of groundwater from any point 100 metres or more from any perennial surface water body, and the use of that groundwater, is a *restricted discretionary* activity, if:

- (a) The volume sought is within:
 - (i) The available allocation volume identified in Schedule 4A; or
 - (ii) 50% of the calculated mean annual recharge for any aquifer not specified in Schedule 4A; or and
 - (iii) That specified on a resource consent granted before 20 December 2008, and the application seeks a replacement consent; and
- (b) Aquifer restriction levels identified in Schedule 4B are met; and
- (c) Where the rate of surface water depletion is greater than 5 l/s, as calculated using Schedule 5A:
 - (i) Primary allocation is available; and
 - (ii) For the Waitaki catchment, allocation to activities set out in Table 12.1.4.4A is available.

The matters to which the Otago Regional Council has restricted the exercise of its discretion are set out in Rule 12.2.3.4.

Reasons

- The take and use of water are inherently linked, and unless provided for by the Water Plan, become discretionary activities under the RMA.
- Amendments are required to Rule 12.2.3.2A to ensure it remains consistent with Policy 6.4.10A.
- The effect of taking connected groundwater within 100 metres of a perennial surface water body generally has a direct effect on surface water. The accuracy and proportion of total take to surface water effects substantially increase at distances of less than 100 metres from a perennial surface water body, when using the equations given in Schedule 5A.
- The 100 metre default simplifies plan interpretation and administration
- Using mean annual recharge is appropriate based on the climate and groundwater resources of Otago, and a 50% default threshold is considered appropriate to provide for both takers and natural systems.
- Amendments are required to ensure those with resource consents to take and use groundwater (granted prior to the notification of this plan change) are recognised and provided for.

4.5 Restricted discretionary considerations Rule 12.2.3.4

Table of Proposed Changes; Reference 100: pages 67-69

Summary of Decisions Requested (Submitters and Further Submitters): pages 129-132

4.5.1 Overview

Rule 12.2.3.4 lists the matters to which discretion is restricted for Rule 12.2.3.2A, as well as stating when notification and written approvals are required. The list is amended as a consequence of proposed inclusion of a number of new and amended policies within Chapter 6 of the Water Plan.

Nine submitters and seven further submitters request decisions on the rule (which may also be subject to any consequential amendments from other submission points on policies within

Chapter 6 of the Water Plan), primarily requesting amendments to the list of matters to which discretion is restricted.

4.5.2 Evaluation

The list of matters to which discretion has been restricted has been changed to give effect to new and amended policies within Chapter 6 of the Water Plan. The table below makes reference to the relevant policy discussion and report section.

Item	Discretion	Related Policy	Evaluation of Request(s)
(i)	Amount of water to be taken and used.		Addition of “ <i>and the stated use</i> ” is unhelpful, and potentially confusing. The water to be used will be assessed against the use stated by the applicant.
(iii)	The quantity of water required for the intended purpose of use.	6.4.0A	Refer to section 2.16.
(iv)	The proposed method(s) of delivery and application of the water taken (including efficiency).	6.4.0A	Refer to section 2.16. As Policy 6.4.0A is clear regarding delivery and application efficiencies, to avoid confusion the bracketed section of the item should be deleted.*
(vii)	Any arrangement for cooperation with other takers, with the ability to respond flexibly to local circumstances, that has been entered into.	6.4.0B	While consents are typically granted to “take and use water”, two separate consents for the take and use would be considered at an applicant’s request. To ensure this is reflected “ <i>and users</i> ” should be included. Refer to section 1.1 regarding voluntary cooperation.
(viii)	Any water storage facility available for the water taken, and its capacity.	6.6.2 6.4.0A	The plan change supports storage. It is a relevant concern when assessing intended purpose of use, particularly as some supplementary takes may only be of use if storage is available, or is proposed. It is unnecessary to add “ <i>proposed water storage facility</i> ”.
(x)	Any adverse effect on any lawful take of water, if consent is granted, including potential bore interference.	6.4.10B	Amendment to ensure it is only effects that would result in another consent holder being able to access the resource that are relevant to the “adverse effects” mentioned is not appropriate. Lawful takes include those that are permitted by the RMA or Water Plan.
(xi)	Any actual or potential effects on any surface water body	6.4.0	The RMA requires that both actual and potential effects on the environment are considered.
(xii)	Whether any part of the take would constitute primary allocation from any connected surface water body.	6.4.1A	An amendment to ensure it is clear these only need to be considered part of the surface water regime is not required, as any of the matters to which discretion is restricted only apply when relevant.
(xiii)	The availability of primary allocation for the connected surface water body		
(xxii)	The duration of the resource consent.		No amendment was proposed to this discretion. Under Section 123 of the RMA the default term is 5 years.

* One submitter requested that (iv) be deleted and that for (v), the word “technical” be included in front of “efficiency”. Because near-identical submissions were made on Rule 12.1.4.8 and 12.2.3.4 by this submitter, it is considered that reference to (iv) in relation to Rule 12.2.3.4 is an error. Rule 12.1.4.8(iv) relates to a surface water policy, and Rule 12.1.4.8(v) uses the word “efficiency”. Rule 12.2.3.4(v) does not use the word “efficiency”.

Additional matters

Inclusion of additional matters was sought:

- “*Any adverse effect on Kai Tahu values identified in Schedule 1D*”
- “*Any impact on ecological and/or recreational and/or cultural values*”

- “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”

By the time the Water Plan was made operative in 2004, it had been determined that the matters in Chapter 5 of the Water Plan (Natural and Human Use Values) did not need to be considered for takes that were restricted discretionary (i.e. within the allocation and minimum flow framework), because that framework protected the natural and human use values (including iwi cultural values). This approach forms a fundamental basis to the Water Plan and no change to this framework is proposed. A new plan change would be required to ensure persons potentially affected by this matter are consulted and heard.

Consideration of the value of an existing investment is provided for by Section 104(2A) of the RMA, which states *“When considering an application affected by section 124, the consent authority must have regard to the value of the investment of the existing consent holder”*. Therefore, it is not necessary to include this matter as an additional item in Rule 12.2.3.4. It should be included in section 16.3.1 of the Water Plan “Information Requirements” (see section 2.24).

The potential to respond to a change in land use is discussed in section 2.10.

As the result of a recommendation to provide for resource consents to take and use groundwater, granted prior to the notification of this plan change, an additional item is required to reflect inclusion of Policies 6.4.10AA and 6.4.10AB (see section 4.1).

4.5.3 Recommendation

Amend Rule 12.2.3.4 as follows:

<p>12.2.3.4 Restricted discretionary activity considerations</p> <p>In considering any resource consent for the taking and use of groundwater in terms of Rule 12.2.3.2A, the Otago Regional Council will restrict the exercise of its discretion to the following:</p> <ul style="list-style-type: none"> (i) The amount of water to be taken and used; and (ii) The means and timing of the take, and the rate of take; and (iii) The quantity of water required for the intended purpose of use; and <u>(iiia) In the case of a replacement primary allocation consent, the rate and volume of water historically accessed under the previous consent; and</u> (iv) The proposed method(s) of delivery and application of the water taken (including efficiency); and (v) The source(s) of water available to be taken; and (vi) The location(s) of the use of the water, when it will be taken out of a local catchment; and (vii) Any arrangement for cooperation with other takers <u>and/or users</u>, with the ability to respond flexibly to local circumstances, that has been entered into; and (viii) Any water storage facility available for the water taken, and its capacity; and
--

- (ix) In the case of takes from an aquifer identified in Schedule 4B, the restriction levels for the aquifer, as identified in that schedule, to be applied to the take of groundwater, if consent is granted; and
- (x) Any adverse effect on any lawful take of water, if consent is granted, including potential bore interference; and
- (xi) Any actual or potential effects on any surface water body; and
- (xii) Whether any part of the take would constitute primary allocation from any connected surface water body; and
- (xiii) The availability of primary allocation for the connected surface water body; and
- (xiv) The consent being exercised or suspended in accordance with any Council recognised rationing regime in that catchment or, in its absence, the Council; and
- (xv) Any adverse effect on the existing quality of groundwater in the aquifer; and
- (xvi) Any adverse effect on a significant wetland value identified in Schedule 9 or any wetland higher than 800 metres above sea level; and
- (xvii) Any financial contribution for Type B wetland values that are adversely affected; and
- (xviii) The duration of the resource consent; and
- (xix) The information, monitoring and metering requirements; and
- (xx) Any bond; and
- (xxi) The review of conditions of the resource consent; and
- (xxii) For resource consents in the Waitaki catchment the matters in (i) to (xix) above, as well as matters in Policies 6.6A.1 to 6.6A.6.

Notification and written approvals

Applications may be considered without notification under Section 93 and without service under Section 94(1) of the Resource Management Act on persons who, in the opinion of the consent authority, may be adversely affected by the activity.

Reason

- Amendments to the list of matters to which discretion is restricted in Rule 12.2.3.4 is a reflection of amendments to policies within Chapter 6 of the Water Plan, and should also reflect any amendments made as a result of submissions on Rule 12.1.4.8 to ensure they are consistent.

4.6 Principal reasons for adopting section 12.2

Table of Proposed Changes; Reference 104: pages 70-72

Summary of Decisions Requested (Submitters and Further Submitters): page 133

4.6.1 Overview

The plan change amends the fourth paragraph of the principal reasons for adopting section 12.2 of the Water Plan, to include “*and use*”; corrects reference to rule numbers; describes why new Rules 12.2.1.2, 12.2.2A.1, 12.2.3.1A and 12.2.3.2A have been included in this

section of the Water Plan; and replaces “*connected surface water body*” with “*wetland, lake or river*”.

One submitter and five further submitters request amendment to this section.

4.6.2 Evaluation

Amending the fourth paragraph to recognise the ecological, recreational and cultural values of surface water bodies protected by the groundwater rules in section 12.2 of the Water Plan is not appropriate, as the values that will be protected are likely wider than the three examples given.

Consequential amendment to the principal reasons for adopting section 12.2 of the Water Plan is required to reflect the recommended inclusion of a new permitted activity rule (see section 2.11).

4.6.3 Recommendations

(a) Add the following text to the principal reasons for adopting section 12.2 of the Water Plan:

Principal reasons for adopting

The taking and use of water can only occur if they are expressly allowed by a rule in a regional plan, or in any relevant proposed regional plan, or by a resource consent (Section 14(3) of the Resource Management Act).

Rule 12.2.2.0 is adopted to provide for resource consents to take water granted prior to 20 December 2008, where there is no associated resource consent to use water but the purpose of use is specified on the take consent.

...

(b) That except as provided for above, adopt the principal reasons for adopting section 12.2 of the Water Plan as proposed.

Reasons

- It is not appropriate to list all the values that will be protected within a surface water body by the groundwater rules.
- Clarification is required to avoid the consenting of numerous use consents, where the take is already consented, where there will be no environmental benefit.

4.7 Section 12.2 – The taking and use of groundwater, and Note above Rule 12.2.1 regarding construction and alteration of any bore

Table of Proposed Changes; Reference 84 and 85: page 60

Summary of Decisions Requested (Submitters and Further Submitters): N/A

4.7.1 Overview

Amendments include “*and use*” in the title of section 12.2 of the Water Plan, and recognition in the Note regarding bore construction regarding connected groundwater managed as surface water. No submissions were received regarding these amendments.

4.7.2 Recommendation

Adopt the title of section 12.2 of the Water Plan and the Note above Rule 12.2.1 as proposed.

Reasons

- There were no submissions regarding the title of section 12.2 of the Water Plan and the Note above Rule 12.2.1.

4.8 Schedule 2C – Groundwater takes considered primary allocation and subject to minimum flows

Table of Proposed Changes; Reference 114: page 83

Summary of Decisions Requested (Submitters and Further Submitters): N/A

4.8.1 Overview

Schedule 2C lists five aquifers where groundwater takes are managed as surface water, subject to the allocation framework and minimum flows (in accordance with Policy 6.4.1A).

No submissions were received regarding this schedule.

4.8.2 Evaluation

An error within Schedule 2C was notified and requires a minor and inconsequential correction. The names of three of the listed aquifers are inconsistent with those given on the maps themselves, and the references to the map numbers on the list are also incorrect.

4.8.3 Recommendation

Amend Schedule 2C as follows:

2C Schedule of aquifers where groundwater takes are to be considered as primary allocation, and subject to minimum flows of specified catchments in accordance with Policy 6.4.1A

Aquifer Name	Map Reference	Catchment to which primary or supplementary allocation limits apply, and minimum flows may apply*
Kakanui-Kauru Alluvium Aquifer	C10	Kakanui catchment*
Shag Alluvium Aquifer	C11	Shag catchment*
Lindis <u>Alluvial Ribbon</u> Aquifer	C A C1b	Lindis catchment**
Cardrona <u>Alluvial Ribbon</u> Aquifer	C B C1a	Cardrona catchment upstream of the Mount Barker recorder site**
Lowburn <u>Alluvial Ribbon</u> Aquifer	C C C3	Lowburn Stream*

* as given in Schedules 2A and 2B

** as provided for by Policies 6.4.2, 6.4.3 and 6.4.9

Reasons

- The aquifer names require amendment to match those given on the maps, and the map numbers require correction.

4.9 Schedule 4 – Restrictions on the exercise of groundwater permits

Schedule 4A – Maximum allocation volumes

Schedule 4B – Restriction levels

Table of Proposed Changes; References 116, 117, 118: pages 84-85

Summary of Decisions Requested (Submitters and Further Submitters): N/A

4.9.1 Overview

The plan change reformats Schedule 4 and renumbers it 4B; deletes restriction levels for the Papakaio Aquifer due to failure of the reference bore; and creates new Schedule 4A to list maximum allocation volumes for aquifers in accordance with Policy 6.4.10A (although no aquifers have yet been included in this Schedule).

No submissions were received regarding amendments to Schedule 4 (including new Schedules 4A and 4B).

4.9.2 Evaluation

An error was made in the drafting of amendments to Schedule 4B as notified. While the Papakaio Aquifer was deleted from the first table (as the bore has failed), it was not deleted from the second table. Its amendment is minor and inconsequential.

4.9.3 Recommendations

- (a) Amend the second table in Schedule 4B to delete reference to the Papakaio Aquifer as follows:

Aquifer	Management Objectives	Environmental Result
Papakaio	Mean quarterly static pressure maintained to within 3.0 metres of Aquifer Maximum	<ul style="list-style-type: none">▪ Surface water flows (Kakanui particularly) are not adversely affected;▪ Existing free flowing artesian conditions are retained over the greater part of the aquifer;▪ Aquifer yield is maintained;▪ Any risk of land subsidence and/or irreversible compression of the aquifer is avoided.

- (b) Except as provided for above, adopt Schedule 4 (including new Schedules 4A and 4B) as proposed.

Reasons

- The Papakaio reference bore has failed and is no longer used.
- There were no submissions received regarding amendments to Schedule 4.

4.10 Schedule 5A – Equations to determine stream depletion effects

Table of Proposed Changes; Reference 119: pages 85-89

Summary of Decisions Requested (Submitters and Further Submitters): page 134

4.10.1 Overview

Schedule 5A replaces former Schedule 5, and provides guidance on stream depletion effects. It is linked to Policy 6.4.1A(c), which sets a threshold of significance of 5 l/s for groundwater to be considered against surface water allocation.

One submitter requests that Schedule 5A be reviewed. One further submitter opposes this request in part.

4.10.2 Evaluation

Schedule 5A does not provide for the use of equivalent alternatives or more sophisticated approaches to determining stream depletion. In complicated groundwater–surface water systems, the use of numerical groundwater flow models is considered superior to the individual use of the Jenkins or other analytical equations, particularly when determining cumulative effects. If a more sophisticated model is used, the take should remain a restricted discretionary activity, as matters to which discretion is restricted include adverse effects on other lawful takes and surface water bodies.

While an Environment Canterbury report outlines a number of analytical equations, no single one should be considered a “national standard”. The Hunt methodologies are more popular among groundwater professionals since they can be made site specific and are less conservative overall. The Hunt methodologies are based on the Jenkins Equation, but are more sophisticated, making them impractical for setting out in Schedule 5A. Schedule 5A is simple enough for many people to use the equation to provide a result of relevance to their proposed groundwater take, without the need for calculation by groundwater professionals.

4.10.3 Recommendations

(a) Amend Schedule 5A as by adding the following text as final paragraphs (prior to the reference list):

...

Use of analytical equations other than the Jenkins Equation:

The use of analytical equations will be accepted over the equations given above, when an applicant can clearly demonstrate:

- 1) That the analytical equation is derived from, or otherwise comparable to, the Jenkins Equation; and
- 2) That the alternative equation is in common use for the purpose, and shares a degree of acceptance in such use amongst groundwater professionals.

Use of numerical groundwater flow models:

The use of numerical groundwater flow models will be accepted over the equations given above, when an applicant can clearly demonstrate:

- 1) That the numerical method is validated or potentially validated at a generic level against either the Theis Equation or the Jenkins Equation; and

2) That the model is in common use for the purpose, and shares a degree of acceptance in such use among groundwater professionals.

...

(b) Except as provided for above, adopt Schedule 5A, and delete Schedule 5 as proposed.

Reasons

- Schedule 5A provides simple and straightforward calculations for many people to determine potential effects on surface water as the result of a groundwater take.
- Amendment is required to ensure consent applicants are not prevented from using more sophisticated numerical groundwater flow models should they chose.
- The complexity of applying the Hunt methodologies makes it impractical for inclusion in Schedule 5A.

4.11 Schedule 5B – Method for identifying groundwater takes potentially affected by bore interference

Table of Proposed Changes; Reference 120: pages 89-91

Summary of Decisions Requested (Submitters and Further Submitters): N/A

4.11.1 Overview

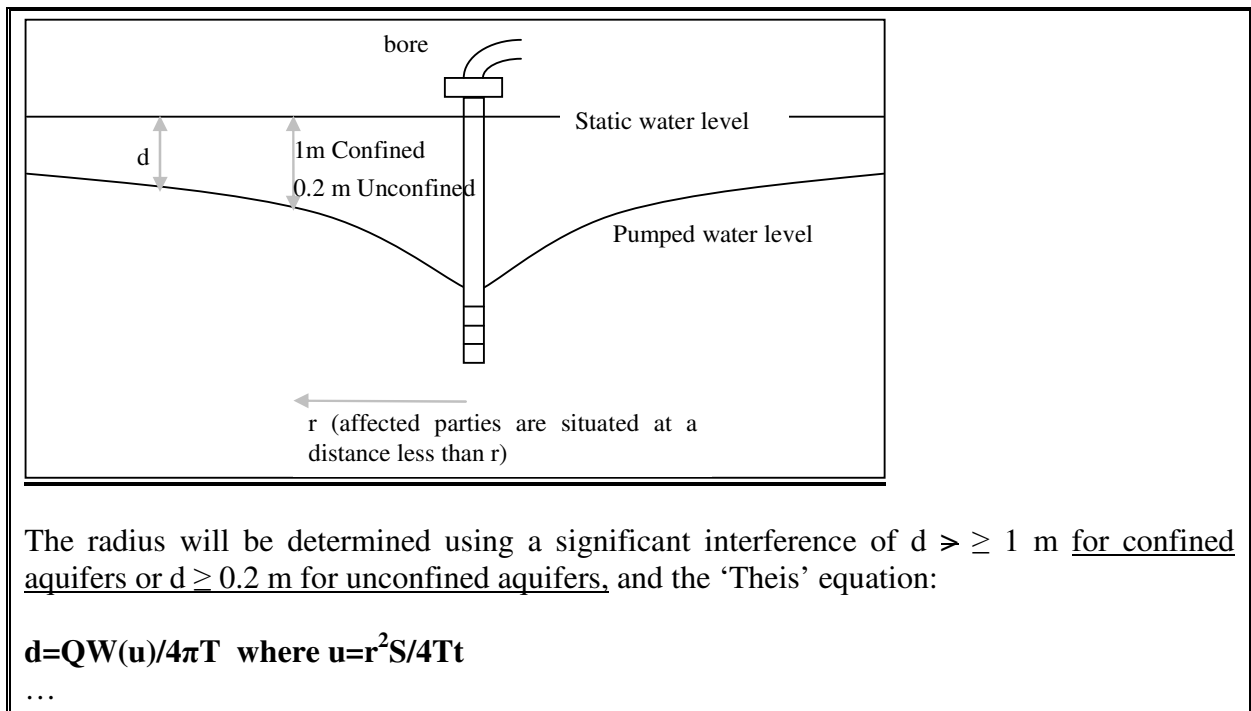
Schedule 5B provides a method to identify groundwater takes potentially affected by bore interference. No submissions were received Schedule 5B.

4.11.2 Evaluation

An error was made in the drafting of amendments to Schedule 5B as notified. A figure in the schedule shows that “d” is 1 metre for a confined aquifer, and 0.2 m for an unconfined aquifer. However, the sentence introducing the equation given below the figure gives only reference to 1 metre and should be corrected. This drafting error is a minor and inconsequential change.

4.11.3 Recommendations

(b) Amend the sentence introducing the equation given below the figure in Schedule 5B as follows:



(c) Except as provided for above, adopt Schedule 5B as proposed.

Reasons

- The sentence introducing the equation given below the figure in Schedule 5B, and the values given in the figure in Schedule 5B do not correspond.
- There were no submissions received regarding amendments to Schedule 5B.

B) MERGING OF CHAPTER 6 (WATER QUANTITY) AND CHAPTER 9 (GROUNDWATER)

4.12 Issues 6.2.1A and 9.2.1 – Taking of water from Otago’s aquifers

Table of Proposed Changes; References 2 and 37: pages 5 and 34-36

Summary of Decisions Requested (Submitters and Further Submitters): page 120

4.12.1 Overview

Issue 9.2.1 moves to Chapter 6, with amendments to widen the issue from the effects of over-abstraction on groundwater volume to the effects of any taking on groundwater levels, and to recognise the connection between groundwater and surface water.

One submitter requests amendment to include a new condition. One further submitter opposes this request.

4.12.2 Evaluation

Recognising “*insufficient water quantity and in some cases water quality to support its use for human consumption*” is unnecessary and already encompassed by the issue, as both condition (a) “*long term depletion of groundwater levels and water storage volume*”, and (d) “*contamination of groundwater or surface water resources*”.

Certain drinking water supplies must meet the requirements of the Resource Management (National Environmental Standards (NES) for Sources of Human Drinking Water) Regulations 2007. Work is being undertaken to determine if a plan change is needed to meet the requirements of this NES with regard to water quality. Such concerns regarding drinking water quality would be further addressed at this time.

4.12.3 Recommendation

Adopt Issue 6.2.1A and delete Issue 9.2.1 as proposed.

Reasons

- The concerns raised by the submitter are already encompassed by the issue.

4.13 Policy 6.4.10C – Wastage and loss of artesian pressure

Table of Proposed Changes; Reference 20: pages 23-24

Summary of Decisions Requested (Submitters and Further Submitters): page 123

4.13.1 Overview

This policy results from the splitting of Policy 9.4.14 regarding the siting, construction and operation of groundwater bores, into two policies. Proposed Policy 6.4.10C addresses loss of pressure or water wastage in confined artesian conditions, while the remainder of Policy 9.4.14 addresses contamination of the aquifer (see section 4.16 below).

Seven submitters request decisions on Policy 6.4.10C.

- Five submitters support its inclusion.
- Two submitters seek amendments, including:
 - Preventing the lowering of artesian pressure.
 - The sealing of bores.

4.13.2 Evaluation

Preventing the lowering of artesian pressure

The policy seeks “*to prevent the loss of pressure or water wastage in confined artesian conditions*”. Given this wording, its strict application would be to constrain ORC from issuing new bores in confined artesian aquifers if those bores were to be used for taking groundwater. However, the explanation goes on to state “*new bores must be adequately sealed to maintain artesian pressure*”.

Bores constructed to take groundwater from confined artesian aquifers are designed to induce a localised loss of aquifer pressure in order to induce groundwater to discharge from the bore. The confined artesian pressure loss is real and necessary to the operation of the bore when it is lawfully operating. This loss of pressure is an automatic consequence of the exercise of consent, but as it is currently written, in contravention of Policy 6.4.10C.

The intent of the policy is to require bores to be free of flaws that would lead to a significant unintended loss of artesian pressure within the confined aquifer, especially if the pressure loss occurred outside the period that the bore was being run. To remove ambiguity amendments are required to the wording of the policy, its explanation, and the principal reasons for adopting.

The sealing of bores

This policy was not proposed to be altered, so recognition of adequate sealing of bores when assessing interference is beyond the scope of this plan change. Groundwater/bore issues are being addressed through future plan changes.

4.13.3 Recommendation

Amend Policy 6.4.10C as follows:

6.4.10C To require appropriate siting, construction and operation of new groundwater bores, to prevent the unauthorised loss of pressure or water wastage in confined artesian conditions, and to promote such management for existing bores.

Explanation

Bores may be located, constructed or operated in a manner that allows unauthorised loss of pressure in confined artesian conditions. Confined artesian aquifer conditions occur where the pressure of water in an aquifer, beneath an impermeable or semi-permeable layer, results in water level rise above the bottom of that confining layer. Therefore, new bores—must be adequately sealed to maintain artesian pressure.

The opportunity to upgrade existing bores that allow loss of artesian pressure will be taken through promotion programmes.

Principal reasons for adopting

This policy is adopted to ensure that bores are sited, constructed and operated in a manner that generally maintains pressures within an aquifer so that the aquifer can support present and future uses. It is also adopted to avoid localised adverse effects on other groundwater users.

Reasons

- The wording of Policy 6.4.10C as notified is ambiguous, and requires clarification.
- Interference from existing poorly constructed bores is beyond the scope of this plan change.

4.14 Issues 6.2.4A and 9.2.2 - Taking of water from bore can lower water level in neighbouring bores

Policies 6.4.10B and 9.4.7 - Managing bore interference

Policies 6.4.10D and 9.4.15 - Papakaio/Lower Taieri bore construction

Policies 6.4.10E and 9.4.16 - Papakaio/Lower Taieri bore certification

Objective 9.3.4 – Minimise conflict among users of groundwater bores

Table of Proposed Changes; References 4, 19, 21, 22, 38, 40, 46, 54 and 55: pages 6, 23-25, 33-37, 41 and 47

Summary of Decisions Requested (Submitters and Further Submitters): N/A

4.14.1 Overview

Issue 9.2.2, Policies 9.4.7, 9.4.15 and 9.4.16 move into Chapter 6 without change. Objective 9.3.4, “*to minimise conflict among existing users of groundwater bores*”, is adequately addressed by existing Objective 6.3.3 “*to minimise conflict among those taking water*” and is deleted.

No submissions were received regarding the movement of the issue or policies into Chapter 6, or the deletion of Objective 9.3.4.

4.14.2 Recommendation

Adopt Issue 6.4.2A, Policies 6.4.10B, 6.4.10C, 6.4.10D and 6.4.10E, and delete Issue 9.2.2, Objective 9.3.4, Policies 9.4.7, 9.4.15 and 9.4.16 as proposed.

Reasons

- There were no submissions regarding moving Issue 9.2.2 or Policies 9.4.7, 9.4.15 and 9.4.16 into Chapter 6, or regarding deletion of Objective 9.3.4.

C) CHAPTER 9 (GROUNDWATER)

4.15 Policy 9.4.2 – Managing taking of groundwater

Table of Proposed Changes; Reference 41: pages 37-38

Summary of Decisions Requested (Submitters and Further Submitters): page 124

4.15.1 Overview

Most of Policy 9.4.2, relating to effects of groundwater take on the aquifer and water quantity, is incorporated into Policy 6.4.10A (see section 4.1). The remainder of Policy 9.4.2 relates to degradation of soil resulting from using the groundwater for irrigation.

Two submitters seek amendments, including:

- Deletion.
- Recognition of positive effects.

4.15.2 Evaluation

Deletion

Policy 9.4.2 is not deleted from the Water Plan, but incorporated into Policy 6.4.10A. The effect of removal of part of this policy to Chapter 6 does not materially affect the remainder of the policy.

While the majority of Chapter 9 is incorporated into Chapter 6, policy regarding soil degradation could not reasonably be incorporated into this Chapter, or any other within the Water Plan.

Recognition of positive effects

A policy is a description of how a particular objective is to be achieved. With respect to remaining Policy 9.4.2, it seeks to address Objective 9.3.5, which is “*To avoid degradation of soils arising from the inappropriate application of poor quality groundwater*”. Recognising positive effects of groundwater application to soil quality is not necessary within a policy.

4.15.3 Recommendation

Adopt Policy 9.4.2 as proposed.

Reasons

- Most of original Policy 9.4.2 is incorporated into Policy 6.4.10A.
- The effect of removal of part of this policy to Chapter 6 does not materially affect the remainder of the policy.
- Recognising positive effects of groundwater application to soil quality is not necessary.

4.16 Policy 9.4.14 - Siting, construction and operation of new bores

Table of Proposed Changes; Reference 53: page 46

Summary of Decisions Requested (Submitters and Further Submitters): page 124

4.16.1 Overview

Policy 9.4.14, regarding the siting, construction and operation of groundwater bores, is split into two policies. Policy 6.4.10C addresses loss of pressure or water wastage in confined artesian conditions (see section 4.13), while the remainder of Policy 9.4.14 addresses contamination of the aquifer.

One submitter supports its inclusion.

4.16.2 Recommendation

Adopt Policy 9.4.14 as proposed.

Reasons

- There were no submissions in opposition to Policy 9.4.14.

4.17 Policy 9.4.22 – Groundwater quality to be monitored

Table of Proposed Changes; Reference 56: pages 47-48

Summary of Decisions Requested (Submitters and Further Submitters): page 124

4.17.1 Overview

Policy 9.4.22 requires the rate and volume of a consented take to be measured, and where appropriate, groundwater quality to be monitored. Policy 6.4.16 already requires the rate and volume of a consented take to be measured, so the plan change deletes this portion of Policy 9.4.22 to avoid duplication.

Two submitters seek amendments to Policy 9.4.22 relating to monitoring.

4.17.2 Evaluation

The policy is not altered with regard to groundwater monitoring, the explanation of which states “*it may be appropriate to require that the quality of groundwater taken from bores be monitored to provide data to determine changes in water quality in an aquifer*”.

Monitoring requirements are within the matters to which ORC has already restricted discretion to under Rule 12.2.3.4 (and any relevant matter may be considered for discretionary

or non-complying groundwater takes). Groundwater quality monitoring has not been required under most consents to take groundwater, but would be considered if seawater intrusion or other contamination of the aquifer was likely, as a result of the take.

Both the policy and explanation are clear any monitoring relates to the effects of the groundwater take on water quality in the aquifer, rather than water quality monitoring relating to the use of that water. It is noted that equivalent water quality monitoring is not required by the policies or rules relating to the take or use of surface water.

4.17.3 Recommendation

Adopt Policy 9.4.22 as proposed.

Reasons

- Policy 6.4.16 already requires the rate and volume of a consented take to be measured.
- The effect of removal of part of Policy 9.4.22 does not materially affect the remainder of the policy.
- The policy is clear any monitoring relates to the effects of the groundwater take on water quality in the aquifer, rather than water quality monitoring relating to the use of that water.

D) GENERAL COMMENTS ON GROUNDWATER

4.18 General comments on groundwater

Table of Proposed Changes: N/A

Summary of Decisions Requested (Submitters and Further Submitters): page 134

4.18.1 Overview

One submitter opposes the proposed plan change noted as item 6 (in the public information brochure) on the basis that item 6 is already covered by Rule 12.1.2.5.

4.18.2 Evaluation

The public information brochure refers to Item 6 as follows:

“There are six main aspects to the proposed plan change: ...

6. New provisions for groundwater, including:

(a) Managing takes that have a significant effect on surface water, subject to surface water allocation limits and minimum flows (i.e. takes within 100 metres of a lake, river or wetland, or as listed in Schedule 2C);

(b) Managing takes that have some effect on surface water as part surface water allocation, and otherwise as groundwater;

(c) Allocating groundwater takes against maximum allocation volumes that reflect recharge for that aquifer.”

How the submitter relates this to Rule 12.1.2.5 is unclear, as the rule relates to the permitted taking of surface water.

4.18.3 Recommendation

Reject the submission.

Reason

- It is unclear what the submitter is referring to, as the submission lacks clarity.

CHAPTER 5: OTHER PLAN CHANGE MATTERS

Introduction

Chapter 5 evaluates submissions regarding amendments to the plan change generally considered minor and consequential, submissions that were generally in support of, or opposition to, the proposed plan change, the consultation and communication process, and the report prepared prior to notification of the proposed plan change under Section 32 of the RMA.

A) MINOR AND CONSEQUENTIAL CHANGES

5.1 Introduction 6.1

Table of Proposed Changes; Reference 1: pages 4-5

Summary of Decisions Requested (Submitters and Further Submitters): page 138

5.1.1 Overview

The plan change proposes minor amendments to the introduction to Chapter 6 (Water Quantity). Opportunities for shared management are highlighted, and the transition from deemed permits to full resource consents under the RMA are expanded upon. Some amendments are grammatical or provide greater clarity to existing meaning. Recognition is given to aquifers to reflect the proposal to merge Chapter 9 (Groundwater) with Chapter 6.

Three submitters and one further submitter request decisions on the introduction:

- One submitter supports the amendments.
- Two submitters seek amendment to address matters including:
 - Deemed permits.
 - Social and economic considerations regarding water infrastructure.

5.1.2 Evaluation

Deemed permits

The transition from deemed permits to resource consents is discussed in section 3.7. Applications to replace deemed permits are considered as replacement consents under the Water Plan (and RMA). All relevant policies and rules will be applied, as currently occurs for any application to take and use water. Wider recognition of this transition in the introduction is unnecessary.

Amending the text relating to deemed permits to read “*The transition to resource consents under the RMA will acknowledge and recognise the current access to water, but will also consider the current ~~intended~~ purpose of use for the water...*” is not helpful. “Acknowledging” and “recognising” share the same meaning. The “*intended purpose of use*” relates to Policy 6.4.0A. Policy 6.4.2A refers to use of water when a replacement consent is sought (see section 2.10), and provides for the continued taking of water that has been historically taken.

Social and economic considerations

Section 6.1 of the Water Plan is a brief introduction to the content of Chapter 6, so it is not an appropriate place for a discussion on the importance of investment on security of supply, and inclusion of social and economic considerations of existing and future investment in water infrastructure.

5.1.3 Recommendation

Adopt 6.1 Introduction as proposed.

Reasons

- The introduction must reflect the overall changes to proposed to Chapter 6, including that groundwater is now addressed within the chapter, and that community cooperation in water management is important.
- The other minor amendments (including for deemed permits) add clarity to the introduction.
- Wider recognition of the transition from deemed permits to water permits in the introduction to Chapter 6 is unnecessary.
- “Acknowledge” and “recognise” have the same meaning.
- Intended purpose of use relates to a specific policy within the chapter.

5.2 Index to Policies in 6.4 applying to management of taking water

Table of Proposed Changes; Reference 7: pages 7-9

Summary of Decisions Requested (Submitters and Further Submitters): page 135

5.2.1 Overview

The plan change proposes to include an index to the policies within section 6.4 of the Water Plan. One submitter seeks amendment to a sub-heading in the index.

5.2.2 Evaluation

Amending the sub-heading to read “*Surface Water Takes and Connected Groundwater Takes*” provides clarity.

5.2.3 Recommendation

Adopt the index to policies in 6.4, subject to amendment of the following subheading (and subject to any consequential changes to the policies or their ordering):

<u>Surface Water Takes and Connected Groundwater Takes</u>

Reasons

- The index to policies assists users in navigation of section 6.4 of the Water Plan.
- The amendment to the sub-heading provides clarity.

5.3 Policy 6.4.16 - measurement of takes

Table of Proposed Changes; Reference 28: pages 28-29

Summary of Decisions Requested (Submitters and Further Submitters): page 136

5.3.1 Overview

Policy 6.4.16 relates to the measurement of water takes. The plan change proposes minor amendments to the rule numbers referenced. One submitter supports the amendments.

5.3.2 Recommendation

Adopt Policy 6.4.16 as proposed.

Reason

- The submitter supports the proposed amendment to Policy 6.4.16.

5.4 Definition of “Resource consent” - note for “new resource consent” and “replacement resource consent”

Table of Proposed Changes; Reference 121: page 91

Summary of Decisions Requested (Submitters and Further Submitters): page 138

5.4.1 Overview

The plan change amends the existing Glossary definition of “*resource consent*”, stating what is meant by a “new” or “replacement” resource consent. This allows use of those simple terms within the policies and rules of the Water Plan, and clarifies when the provisions of Section 124 of the RMA apply.

Two submitters and one further submitter seek amendment to address matters including:

- Separate glossary entries.
- Consistency with Section 124 of the RMA.
- Adverse effects on replacement consents.

5.4.2 Evaluation

Separate glossary entries

“Resource consent” is both the formal term and that most commonly known, so it is appropriate that the corresponding distinction between replacement or new resource consents is placed here. Should users look up “new resource consent” or “replacement resource consent” and not find these phrases, it is reasonable to expect that “resource consent” will be the next phrase searched for.

Section 124 of the RMA

It is not clear as to how the definitions are inconsistent with the RMA, as they are considered to reflect the requirements of Section 124 of the RMA. The glossary does not attempt to repeat the RMA, which should be referenced directly.

Adverse effects on replacement consents

Replacement consents sought by water management groups in substitution of existing water permits or deemed permits, are not adversely affected by either Policy 6.4.2B, or the glossary definition of “*new resource consent*”. In a situation where a number of individual consent holders seek to merge their consent into a single take (e.g. under a water management group), or transfer those consents to another person, those consents (including deemed permits) retain their replacement, and therefore their allocation, status.

5.4.3 Recommendation

Adopt the glossary definition of “resource consent”, as proposed.

Reasons

- “Resource consent” is both the formal term and that most sought after, so it is appropriate that the corresponding distinction between replacement or new resource consents is placed here, in its context.
- Clarifying what is meant by a “new” and “replacement” resource consent allows these terms to be succinctly used in the policies and rules of the Water Plan.
- The definitions are consistent with the RMA.
- Replacement consents sought in substitution of existing water permits or deemed permits are not adversely affected by this definition.

5.5 Policy 6.4.2 - Primary allocation

Anticipated Environmental Results 6.7.2 and 9.5.1 - Access to suitable supplies of water

Anticipated Environmental Results 6.7.8 and 9.5.3 - Conflict among those taking water is minimised

Introduction 9.1 - Introduction Chapter 9: Groundwater

Title Chapter 12 - Rules: Water Take, Use and Management

Header section 15.8 - Methods for calculating allocation and applying minimum flows

Table of Proposed Changes; References 14, 34 & 57, 35 & 58, 36, 59, 107: pages 17, 33, 34, 48, 49.

Summary of Decisions Requested (Submitters and Further Submitters): N/A

5.5.1 Overview

The plan change proposes minor and consequential amendments to these parts of the Water Plan. No submissions were received regarding these amendments.

5.5.2 Recommendation

Adopt amendments to Policy 6.4.2, Introduction 9.1, Title Chapter 12, Header section 15.8 and Schedule 3, and deletion of anticipated environmental results 9.5.1 and 9.5.3, as proposed.

Reasons

- The amendments are minor and necessary.
- There were no submissions received regarding these minor and consequential amendments.

5.6 Schedule 3 - Human use values of Otago’s aquifers

Table of Proposed Changes; Reference 115: page 83

Summary of Decisions Requested (Submitters and Further Submitters): N/A

5.6.1 Overview

The plan change proposes minor and consequential amendments to Schedule 3 (including 3B) of the Water Plan. No submissions were received regarding these proposed amendments.

5.6.2 Evaluation

It should be highlighted that a number of “groundwater” takes listed in Schedule 3B are now managed as surface water under Policy 6.4.1A (see sections 2.7 and 4.1), as the point of take is within 100 metres of connected surface water.

5.6.3 Recommendations

(a) Adopt Schedule 3 as proposed.

(b) Amend Schedule 3B as follows:

3B Groundwater takes for the purpose of community water supply	
Site No.	Community Water Supply Takes (at NZMS 260 Series Map Grid Reference)
1*	Glenorchy Water Supply at E41:459_841.
2*	Arthurs Point Water Supply at E41:686_713.
3*	Dalefield Water Supply at F41:739_724.
4*	Arrowtown Water Supply at F41:806_773.
5*	Cromwell Water Supply at G41:119_671.
6*	Alexandra Water Supplies at: G42:253_444; G42:263_454; and G42:271_442
7*	Roxburgh Water Supply at G43:210_132.
8*	Dunedin and Outram Water Supplies at: I44:956_803; I44:956_805; and I44:956_804.
9	Warrington Water Supplies at: I44:221_982; and I44:224_980
10*	East Taieri Water Supply at I44:007_763.
11*	Owaka Water Supply at H46:533_124.

*Point of take located within 100 metres of a surface water body.

Reasons

- The amendments are minor and necessary.
- There were no submissions received regarding these amendments.
- To avoid confusion it should be highlighted that under the proposed new framework for integrated management of surface water and groundwater, ten of the eleven “groundwater” takes are managed as surface water under proposed Policy 6.4.1A, as each is within 100 metres of a surface water body.

5.7 Other minor and consequential changes

Table of Proposed Changes; Reference 128: page 98

Summary of Decisions Requested (Submitters and Further Submitters): page 138

5.7.1 Overview

Four submitters seek whatever consequential changes are necessary to give effect to their submissions.

One submitter sought a correction to a take identified in Schedule 1B as follows: “*Kauru Hill Water Supply*”.

5.7.2 Evaluation

The decision of ORC may include any consequential alterations arising out of submissions and any other relevant matters it considered relating to matters raised in submissions as provided for in clause 10(2) in the First Schedule of the RMA.

Amendment of the name to Kauru Hill water supply in Schedule 1B is a minor change.

5.7.3 Recommendations

(a) Make such further amendments required to give effect to the final decision.

(b) Amend Schedule 1B as follows:

Water body or Catchment	Site No.	Water Supply Values
Kauru River	5	Kauru <u>Hill</u> Water Supply at J41:314637

Reasons

- Consequential amendments are provided for in the RMA.
- Kauru Hill is the correct name of the water supply.

B) GENERAL SUPPORT FOR, OR OPPOSITION AGAINST, THE PROPOSED PLAN CHANGE

5.8 General support for, or opposition against, the proposed plan change

Table of Proposed Changes: N/A

Summary of Decisions Requested (Submitters and Further Submitters): pages 139-142

5.8.1 Overview

Twelve submitters are generally in support of the plan change, although some express reservation regarding specific matters. Those reservations are discussed in relation to specific provisions throughout this report.

Seven submitters and two further submitters generally oppose the plan change, and prefer the status quo. One opposes the plan change should their specific requests not be met. One lists outcomes they wish to see, some of which support matters included in the plan change, while other outcomes are not addressed by this plan change (and are therefore beyond the scope of the plan change).

5.8.2 Evaluation

All issues raised as reasons for support of, or opposition to, the proposed plan change have already been discussed in the preceding chapters. Evidence presented at the hearing may lead to staff altering, or adding to, the recommendations in this report.

5.8.3 Recommendations

- (a) Adopt Plan Change 1C (Water Allocation and Use) subject to the recommended amendments in this report and any consequential changes required to give it effect.
- (b) Adopt the recommendations on individual submissions as detailed in the Appendix to this report.

Reason

- The proposed plan change encourages collaborative approaches to water management by water users, achieves integrated management of surface water and groundwater resources, limits groundwater allocation in a manner similar to surface water, gives preference to local sources and local uses, limits water wastage, and identifies primary and supplementary allocation blocks and minimum flows for Welcome Creek.

C) CONSULTATION AND COMMUNICATION

5.9 Comment on communication and consultation for the proposed plan change

Table of Proposed Changes: N/A

Summary of Decisions Requested (Submitters and Further Submitters): page 143

5.9.1 Overview

Two submitters comment on the consultation process:

- One notes it would have been courteous for the ORC to have informed the affected users of water from Welcome Creek of the proposal by registered mail.
- One asks that any proposal which is different to the view of the community should be given careful consideration as the community are in a position to determine what is best for them.

5.9.2 Evaluation

The requirements relating to notification of any proposed plan change are set out in clause 5 of the First Schedule of the RMA. The proposed plan change was notified on Saturday 20 December 2008, and submissions closed on Monday 9 March 2009. A public notice was placed in newspapers across the region, Otago Daily Times, the Southland Times, the Central Otago News, the Taieri Herald, the Clutha Leader and the Oamaru Mail, and a public information brochure was distributed to households and ratepayers across Otago.

Input from the community is an essential part of the decision making process. A public notice stating the Summary of Decisions Requested was available and an invitation for further submissions was published on Saturday 4 April 2009. Further submissions closed on Tuesday 5 May 2009.

5.9.3 Recommendation

Note these submissions.

Reason

- The proposed plan change was notified in accordance with the First Schedule of the RMA.

D) SECTION 32 REPORT

5.10 Comment on the report prepared under Section 32 of the RMA for the proposed plan change

Table of Proposed Changes: N/A

Summary of Decisions Requested (Submitters and Further Submitters): page 143

5.10.1 Overview

Two submitters comment on the supporting *Section 32 Report - consideration of alternatives, costs and benefits*.

- One submitter considers the report fails to adequately assess the economic impact of some of the objectives, policies, methods and rules.
- One submitter prefers “Option 2: Status Quo”, and considers most of the benefits proposed under “Option 1: Water Allocation and Use” could be incorporated into Option 2.

5.10.2 Evaluation

The ORC is obliged under Section 32 of the RMA to prepare a report summarising its evaluation of the costs and benefits of the proposal and to make that report available for public scrutiny. In *Foodstuffs (Otago Southland) Properties v Dunedin City Council WO53/93*, it was noted that the evaluation required need not be disproportionate to the circumstances, and that the decision-maker judges whether there is sufficient information to make the evaluation in the circumstances.

5.10.3 Recommendation

Note these submissions.

Reason

- The submitters did not request any decision of the Hearing Panel regarding the Section 32 report.

CHAPTER 6: MATTERS BEYOND THE SCOPE OF THE PROPOSED PLAN CHANGE

Introduction

Chapter 6 evaluates other submissions received in response to Proposed Plan Change 1C, that the hearing panel determined on 31 March 2009 (prior to notification of the summary of submissions) to be beyond the scope of the proposed plan change.

6.1 Matters beyond the scope of the proposed plan change

Summary of Decisions Requested (Submitters and Further Submitters): pages 144-164

6.1.1 Overview

Twenty-nine submitters and nine further submitters request decisions or make comments relating to matters beyond the scope of that proposed plan change.

6.1.2 Staff evaluation

The nature of these submissions means that the comments made and decisions requested are matters beyond the scope of proposed Plan Change 1C. Giving consideration to any of these matters would require a variation to the plan change, or a new plan change, to ensure persons potentially affected by these matters are consulted and heard.

Decisions requested relating to the same matters included within Plan Change 1C

Minor amendments only were proposed to some items in the Water Plan as part of Plan Change 1C. Decisions requested on these same items include:

- Recognition that some effects on neighbouring bores is acceptable (Issue 6.2.4 and Policy 6.4.10B);
- Amendment and support of metering provisions (Policy 6.4.16);
- That proof of impact of abstraction should be on those taking that water;
- Amendment of Method 15.8.1 to be consistent with a proposed National Environmental Standard on Environmental Flows and Methods; and
- Elimination of mining privileges (in relation to Method 15.8.1) that have not been used.

These requests change the basic intent of the items listed and are therefore beyond the scope of the plan change.

Decisions requested that do not relate to Plan Change 1C

A number of decisions requested related to matters that were not proposed by Plan Change 1C, including:

- Retention of the priority system (beyond 2021);
- Allowance for the ongoing unrestricted rights of existing consent holders, and favour given as the right conveys value to a property;
- New rules for the transfers of consents;
- Inclusion of the North Otago Volcanic aquifer in Schedule 4A;
- A new glossary definition for what amount of water constitutes “reasonable needs” for an animal’s drinking water;
- Inclusion of a number of new community supplies on Schedule 1B;
- Catching rainwater in tanks;
- Obtain water from the oceans;

- Reconsider the allocation and minimum flow framework and the identification of the values to be protected by it (including amendments to section 6.1 of the Water Plan and other Chapter 6 objectives and policies not otherwise proposed to be amended);
- Rules and objectives linking quantity and quality to protect and enhance waterways and amendment to section 6.1 of the Water Plan to highlight this;
- Prevention of pollution;
- Restricting land use developments;
- Controlling land use in drinking water supply catchments (including amendments to sections 6.1 and 9.1 of the Water Plan, and anticipated environmental results and methods not otherwise proposed to be amended);
- Research into plants and animals that do well in dry conditions;
- Restrictions on goats;
- Recognition of the value of vegetation in enhancing water quantity and quality;
- Amendments to permitted activity rules relating to wetlands; and
- Charging for water that is used to make money.

The purpose of Plan Change 1C is to encourage collaborative approaches to water management, manage surface and ground water as a connected resource, give preference to local sources and local uses of water, limit water wastage, acknowledge allocation and minimum flows in Welcome Creek, and provide for maximum allocation volumes for groundwater. These requests raise matters that substantially extend the purpose of this plan change.

Future plan changes

Wetland, water quality and groundwater/bore issues are being addressed through future plan changes. The list of community water supplies could be extended in Schedule 1B through a plan change, although there is no current proposal to do this.

Hydroelectric generation

Any change to provisions relating to hydroelectric generation would be significant, and the Water Plan has been written so that no industry or activity is favoured over another. The proposed plan change did not seek to change this approach.

Review of the Regional Policy Statement for Otago will consider regional energy issues and responses. This review is intended to commence within two years.

Consent matters

The cost of consents is an individual's concern that should be addressed directly with the ORC, or should be addressed as an annual plan matter. Who may be an affected party to a consent application is provided for under the RMA, and is assessed on receipt of a consent application.

General comments

General comment on the plan change was made by one submitter who did not request a decision from the ORC, but sought to give details at the hearing. Such a submission is invalid because it did not request a decision on the plan change, thereby denying potential further submitters opportunity to comment.

6.1.3 Staff recommendation

That the submissions be noted.

Reasons

These requests relate to matters which are outside of the scope of this proposed plan change.

**Proposed Plan Change 1C
(Water Allocation and Use)
to the
Regional Plan: Water for Otago**

**Report on Decisions Requested
APPENDIX**

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1 Alan Grant MacGregor

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
137	Matters Beyond the Scope of the Plan Change	not applicable	Please be sensible with your decisions. Please do your best - it is the responsibility of us all.	Noted.

2 Ali Kingan

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
133	General Support	did not specify	Please take every step possible, to retain something that we are only guardians of.	Accept.

3 L Turvey

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
134	General Opposition	oppose	Apart from any grossly anomalous differences at present or intended, maintain the status quo. Any proposal to substantially alter present shares, from especially outsider(s) to be disallowed.	Reject.
135	Consultation and Communication	did not specify	Any differences from near-enough unanimous decisions should be given sensible consideration and even tolerance where possible / for time being.	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	Temporary excesses of water from atmospheric precipitation desirably to be captured in part in tanks or other devices, especially domestic.	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	Research (further?) xerophytic alternative flora/fauna possibilities for smaller/larger areas - this even antagonistic to irrigation (evaporation and salination).	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	No goats in any large numbers (mulch only?).	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	Present or future cause(s) of pollution removed or prevented, beyond boiled water and/or filtered drinking or washing standard (taste also critical).	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	Preserve pastoral and agricultural land use of present unless better is clear - any housing/tourist development to be restricted as to space and effects, especially water-wise (bring their own).	Noted.

4 Lesley Warwood

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
137	Matters Beyond the Scope of the Plan Change	not applicable	Get water from the ocean, generate power - distill water etc.	Noted.

5 Clyde Watson

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
137	Matters Beyond the Scope of the Plan Change	not applicable	Rivers cleaned with no pollution, and water with no chemicals. I would like water clean when we're cooking and washing etc.	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	I would like to see that we have plenty of water to last us, and not waste water at all.	Noted.

6 Alan Mark

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
137	Matters Beyond the Scope of the Plan Change	not applicable	That a new objective be introduced into the Water Plan: "To ensure the important water supply catchments in Otago have adequate protection of vegetation cover to optimise the quantity, quality and sustained low flows of the water they produce."	Noted.

7 Ruhuia Clark

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
133	General Support	support	I follow decision from the local authority.	Accept.

8 Otago Canoe and Kayak Club

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
133	General Support	support	Make the proposed changes.	Accept in part.

9 Forest Hill Service Company Limited

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
13.48	Policies 6.4.1A and 9.4.9 - Groundwater connected to surface water	did not specify	No decision requested.	Noted.

10 Michael Ramsay

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
132	Groundwater - General	oppose	Oppose the proposed plan change noted as item 6.	Reject.

11 Professor PDR Lindsay-Salmon

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
134	General Opposition	did not specify	Would like to see far more caution exercised, more testing and computer simulations done. Asks that the ORC does exercise common sense and say no to further irrigation.	Reject.

12 Lyn Evan Richards

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
133	General Support	amend	More catchment areas needed.	Noted.

13 Noel George Trevathan

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
10	Policy 6.4.0B - Promotion of shared use and management of water	did not specify	That the priority system is managed by local communities.	Reject.

14 Alastair A Rutherford

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
11	Policy 6.4.0C - Local source and local use	amend	Would like the paragraph starting: "Sections 124A, 124B and 124C of the Resource Management Act recognise the priority for processing that replacement consents have over every new application", to include " <u>if an existing user is forced to an alternative source of water by a new or existing user with no alternative then all the additional costs of the displaced user should be met by the new applicant</u> ".	Reject.

15 William Joseph Arthur

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
9	Policy 6.4.0A General - Allocation for intended purpose of use	amend	Add words "to provide" after the word "required" at the end of the second line. Under "Principal reasons for adopting" first line replace the word "avoided" with the word "minimised".	Reject.
24.51	Policies 6.4.12 and 9.4.12 - Water allocation committees	amend	You need to have another go at this! They (Policy 6.4.12, 6.4.12A, Method 15.2.2 and Appendix 2A) are all interrelated, and warrant being treated in a chapter of their own, in a straightforward way that Water Management Committees (yes, they deserve capitals, and one name is sufficient) can read, understand and act upon.	Reject.
25	Policy 6.4.12A - Water management groups	amend	You need to have another go at this! They (Policy 6.4.12, 6.4.12A, Method 15.2.2 and Appendix 2A) are all interrelated, and warrant being treated in a chapter of their own, in a straightforward way that Water Management Committees (yes, they deserve capitals, and one name is sufficient) can read, understand and act upon.	Accept in part.
105	Method 15.2.2 - Water allocation committees and water management groups	amend	You need to have another go at this! They (Policy 6.4.12, 6.4.12A, Method 15.2.2 and Appendix 2A) are all interrelated, and warrant being treated in a chapter of their own, in a straightforward way that Water Management Committees (yes, they deserve capitals, and one name is sufficient) can read, understand and act upon.	Accept in part.
106	Method 15.3.1 - Provision of information about effective water utilisation	amend	Include an additional item: " <u>(e) Economically priced water measuring devices/systems</u> ".	Reject.
123	Appendix 2A - Water management groups	amend	You need to have another go at this! They (Policy 6.4.12, 6.4.12A, Method 15.2.2 and Appendix 2A) are all interrelated, and warrant being treated in a chapter of their own, in a straightforward way that Water Management Committees (yes, they deserve capitals, and one name is sufficient) can read, understand and act upon.	Accept in part.

16 Queenstown Lakes District Council

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
9	Policy 6.4.0A General - Allocation for intended purpose of use	amend	That ORC 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 in the area.	Accept in part.
133	General Support	amend	That, subject to the interpretation of intended purpose of use, proposed Plan Change 1C be approved.	Accept in part.

17 Environment Southland

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
13.48	Policies 6.4.1A and 9.4.9 - Groundwater connected to surface water	did not specify	For groundwater and surface water resources that cross the Otago/Southland boundary, Environment Southland requests that ORC give consideration to the effect of the different management regimes and how the Water Conservation (Mataura River) Order 1997 will be given effect to. The ORC may wish to acknowledge the Water Conservation (Mataura River) Order 1997 within the Regional Plan: Water	Accept.
18	Policy 6.4.10A General - Groundwater allocation system	amend	That ORC reviews Policy 6.4.10A.	Accept.
20	Policy 6.4.10C - Wastage/loss of artesian pressure	amend	That ORC reviews Policy 6.4.10C.	Accept.
119	Schedule 5A - Equations to determine stream depletion effects	amend	That ORC reviews Schedule 5A.	Accept.

18 HW Richardson Group Ltd

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
15	Policy 6.4.2A - Historically accessed water	amend	Amend Policy 6.4.2A to provide further clarification as to whether existing consent holders retain priority on supplementary consents in circumstances where their allocated volume cannot be achieved because of physical constraints or if supplementary consents will be considered on a first-in, first-served basis.	Reject.
24.51	Policies 6.4.12 and 9.4.12 - Water allocation committees	amend	Amend Policy 6.4.12 to include provision for more direct input and independent approval of a water allocation committee's proposed actions by the ORC to minimise conflicts of interest and vested interests that may arise from an allocation committee being made up of consent holders.	Reject.
25	Policy 6.4.12A - Water management groups	amend	Amend Policy 6.4.12A and the accompanying explanation to provide better clarification of the differences between water allocation committees and water management groups [which] is required to assess how they operate, what their powers are and what the implications of this are.	Accept in part.
105	Method 15.2.2 - Water allocation committees and water management groups	amend	Amend Method 15.2.2 to allow for the creation of water management groups but with some independent approval provided by the ORC in a group's decision making process.	Reject.
109	Method 15.8.1A - Method for determining supplementary allocation	amend	Amend Method 15.8.1A (Methodology for determining supplementary allocation) to include the methodology or reasoning for how the supplementary allocation blocks for the various catchments have been calculated/determined.	Accept.
110	Information Requirements 16.3.1 - The taking of surface water or groundwater	amend	Amend Information Requirements 16.3.1.4A to incorporate (an) appropriate trigger level(s) for the provision of an assessment describing all possible sources of water, with an assessment of the economic, social, environmental and cultural costs and benefits of taking from each source.	Accept in part.

122	Definition of "Use" - Definition of "use"	amend	Amend the definition of "Use" to better reflect the consumptive and non-consumptive manners in which water may be utilised.	Reject.
123	Appendix 2A - Water management groups	amend	Amend Appendix 2A to provide greater detail and transparency regarding water management group's criteria for appointment, their functions and their reporting requirements.	Accept in part.

19 Hamish Winter

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
15	Policy 6.4.2A - Historically accessed water	oppose	That Council abandon this foolish idea [where if you don't use all your consent, some can be taken off the consent holder] and leave consent holders with their current consents as they are, or be held accountable for the decrease in land value suffered by us the consent holders caused by decreases in allocated takes.	Reject.
72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	oppose	That Council not place a minimum flow on Welcome Creek.	Reject.
74	Rule 12.1.4.4A - Taking and use from Welcome Creek	oppose	That Council not place a minimum flow on Welcome Creek.	Reject.
112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	oppose	That Council not place a minimum flow on Welcome Creek.	Reject.
113	Schedule 2B - Supplementary allocation blocks and minimum flows	oppose	That Council not place a minimum flow on Welcome Creek.	Reject.

20 Waitensea Ltd

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
15	Policy 6.4.2A - Historically accessed water	oppose	That consent conditions are not altered unless agreed to by the consent holder.	Accept in part.
72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	oppose	That no minimum flow is put on Welcome Creek.	Reject.
74	Rule 12.1.4.4A - Taking and use from Welcome Creek	oppose	That no minimum flow is put on Welcome Creek.	Reject.
112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	oppose	That no minimum flow is put on Welcome Creek.	Reject.
113	Schedule 2B - Supplementary allocation blocks and minimum flows	oppose	That no minimum flow is put on Welcome Creek.	Reject.

21 Otago Fish and Game Council

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
6.39	Objectives 6.3.2A and 9.3.2 - Maintain levels and storage in Otago's aquifers	support	Support this objective to maintain long term groundwater levels and water storage in Otago's aquifers.	Accept.
8.42	Policies 6.4.0 and 9.4.3 - Understanding the water system	support	Support the inclusion of the Integrated Catchment Management section.	Accept.
106	Method 15.3.1 - Provision of information about effective water utilisation	amend	An additional row (e) needs to be added in the information provided that outlines instream values.	Reject.

137	Matters Beyond the Scope of the Plan Change	not applicable	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.	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	Request the sentence "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" to be removed from the Introduction [section 6.1].	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	The amended 12.1.2.4 and 12.1.2.5 could have the identified wetland conditions amended to read: "The water is not taken from any wetland identified in Schedule 9, or any wetland higher than 800 metres above sea level, or any wetland greater than 1000m ² in area."	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	The amended 12.1.2.6 could have the wetland conditions (a) amended to read: "The water is not taken from, nor is there any alteration of the water level of, any wetland identified in Schedule 9, or any wetland higher than 800 metres above sea level, or any wetland greater than 1000m ² in area", and/or (b) to read: "The taking does not result in the lowering of the level of water in any lake, river or wetland; and".	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	Believe the Council should eliminate all mining rights that have not been exercised.	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	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."	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	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.	Noted.

22 Norman David Matheson

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
134	General Opposition	oppose	Wish the existing consent holder to retain his water right in its present form.	Noted.

23 Henry Robert Barry Zwies

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
15	Policy 6.4.2A - Historically accessed water	oppose	Oppose Section 6.4.2A where if you don't use all your consent some of the consent can be taken off the consent holder.	Reject.
72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	oppose	That no minimum flow is put on Welcome Creek.	Reject.
74	Rule 12.1.4.4A - Taking and use from Welcome Creek	oppose	That no minimum flow is put on Welcome Creek.	Reject.
112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	oppose	That no minimum flow is put on Welcome Creek.	Reject.
113	Schedule 2B - Supplementary allocation blocks and minimum flows	oppose	That no minimum flow is put on Welcome Creek.	Reject.

24 Robin Henry Maguire Dicey

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
9	Policy 6.4.0A General - Allocation for intended purpose of use	did not specify	Water take consents must reflect ultimate use requirements.	Accept.
10	Policy 6.4.0B - Promotion of shared use and management of water	amend	This [appeal process if an individual or group feels it has been granted too little water in a consent process] needs to be addressed.	Reject.
11	Policy 6.4.0C - Local source and local use	did not specify	Consideration has to be given to the fact that there will be costs involved [to a water taker utilising another source] - who pays for pump installation, and will the original consent holder be compensated for his investment in the race?	Noted.

25 Rodney David Elder

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
133	General Support	support	Support the Proposed Plan Change 1C Water Allocation and Use.	Accept in part.

26 Carrick Irrigation Co

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
9	Policy 6.4.0A General - Allocation for intended purpose of use	amend	Change to 6.4.0A I would [like] made is under Principal Reasons for Adopting, replace the word "avoided" with "minimised"	Reject.

27 Waitaki District Council (Water and Wastewater)

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	amend	<p>That Issue 6.2.3 and its Explanation is rewritten as follows:</p> <p>“Issue 6.2.3: Opportunities for the wider use of available water resources are constrained by: ... (b) Consent holders retaining authorisation for more water than is actually required for their activities, <u>with the exception of consents that provide for the needs of growing communities.</u></p> <p>Explanation: A range of domestic, agricultural, industrial and commercial uses rely on sufficient quantities of water in Otago. <u>However, wider use of the water is constrained by water shortages.</u> The effects of water shortages can be exacerbated by inefficient or inappropriate practices, for example:</p> <p>(a) Water being lost through <u>greater than normal operational</u> leakage or evaporation from distribution systems;...</p> <p>(h) Securing water in consents which is more than that which is needed for existing activities <u>or the growth of communities.</u></p> <p><u>All water distribution systems have a certain amount of leakage or evaporation of water (nationally acceptable loss models or methodologies generally give a value for leakage in the range of 10 – 15%). There are however measures that can be implemented to minimise this and these should be employed as a matter of course to ensure that water is available to as many users as possible.</u></p> <p>...Potential users might also find less allocation is available as a result of water being secured by existing consents. <u>Where the volume of water allocated is greater than is needed for existing activities or the growth of communities this is a matter that should be considered at the time of assessing applications for replacement consents.</u>”</p>	Accept in part.
9	Policy 6.4.0A General - Allocation for intended purpose of use	amend	That the following amendments are made to Policy 6.4.0A: part (c) of the policy is amended to refer to "the use of water", rather than "the application system".	Reject.
9	Policy 6.4.0A General - Allocation for intended purpose of use	amend	<p>That the following amendments are made to the Principal reasons for adopting Policy 6.4.0A: the first sentence of the Principal reasons for adopting is amended to read:</p> <p>"This policy is adopted to ensure that wastage is avoided <u>wherever practicable</u> when water is granted to any use under a resource consent".</p>	Reject.
10	Policy 6.4.0B - Promotion of shared use and management of water	support	That Policy 6.4.0B be included in the Regional Plan: Water for Otago as proposed.	Accept in part.
11.1	Preferred Water Uses	amend	That Policy 6.4.0C be amended to give priority to community water supplies, to more clearly define what is meant by "local uses" of water (acknowledging that community water supplies can cross catchment boundaries), and to require consideration of whether local water supply schemes have any capacity to accept new connections.	Accept in part.

11.1	Preferred Water Uses	amend	That the following new objective and explanation be included in the Regional Plan: Water for Otago: " <u>Objective 6.3.2A: To manage water allocation and use in a way that ensures protection of existing community water supplies and the availability of water to meet the reasonably foreseeable requirements of community water supplies.</u> <u>Explanation: The purpose of this objective is to protect the ability of communities to grow and still have certainty that they will be able to provide adequately for their reasonable and efficient community supply needs. This matter is a priority for the Otago Regional Council.</u> "	Accept in part.
15	Policy 6.4.2A - Historically accessed water	amend	That Policy 6.4.2A is amended to exempt community water supplies from the requirements of the policy, provided that agreed demand management and water conservation measures have been	Accept in part.
25	Policy 6.4.12A - Water management groups	support	That Policy 6.4.12A be included in the Regional Plan: Water for Otago as proposed.	Accept in part.
33	Policy 6.6.0 - Development of shared water infrastructure	support	That Policy 6.6.0 is included in the Regional Plan: Water for Otago as proposed.	Accept.
68	Rule 12.1.3.1 - Taking and use for community water supply	support	That the words "and use" be included in Rule 12.1.3.1 as proposed.	Accept.
68	Rule 12.1.3.1 - Taking and use for community water supply	amend	That the phrase "up to any volume or rate authorised as at 28 February 1998" be deleted from Rule 12.1.3.1.	Reject.
94	Rule 12.2.2A1 - Taking for community water supply	support	That the words "and use" be included in Rule 12.2.2A.1.	Accept.
94	Rule 12.2.2A1 - Taking for community water supply	amend	That the phrase "up to any volume or rate authorised as at 28 February 1998" be deleted.	Reject.
94	Rule 12.2.2A1 - Taking for community water supply	amend	That reference to "Schedule 1B" in Rule 12.2.2A.1 be amended to "Schedule 3B".	Reject.
110	Information Requirements 16.3.1 - The taking of surface water or groundwater	amend	That Section 16.3.1 4(B) is amended to read as follows: "A statement about how, or if, the applicant proposes to work with other water users to meet day-to-day requirements; and whether there is a water supply scheme <u>with capacity to accept new customers</u> in the area."	Reject.
128	Minor and Consequential Changes	amend	That the following corrections be made to the Waitaki District Council takes identified in Schedule 1B - Reference to "Kauru Water Supply" is changed to "Kauru Hill Water Supply".	Accept.
137	Matters Beyond the Scope of the Plan Change	not applicable	That the following corrections be made to the Waitaki District Council takes identified in Schedule 1B - Reference to "Palmerston Water Supply" is changed to "Palmerston (<u>including Blue Mountain</u>) Water Supply".	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	That rules relating to transfers of water permits be included in Section 12 of the Regional Plan: Water for Otago.	Noted.

28 Mount Cardrona Station Limited

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
9	Policy 6.4.0A General - Allocation for intended purpose of use	support	Retain the policy.	Accept in part.
10	Policy 6.4.0B - Promotion of shared use and management of water	support	Retain the policy.	Accept in part.
11	Policy 6.4.0C - Local source and local use	support	Retain the policy.	Accept in part.
15	Policy 6.4.2A - Historically accessed water	amend	Delete the requirement to have regard to whether the previous rate and volume of take has been used in the assessment of replacement consents and replace this with a requirement to assess whether the replacement rate and volume of take should be reduced if it cannot be demonstrated that the volume will be used efficiently in future.	Reject.
23.45	Policies 6.4.11 and 9.4.6 - Suspension of takes - by allocation type or aquifer level	amend	Amend Policy 6.4.11 to read as follows: "To provide for the suspension of the taking of water <u>or in the case of water takes for community or public water supply purposes, the imposition of water use restrictions</u> at the minimum flows and aquifer restriction levels set under this Plan." [and make a similar amendment to Rule 12.1.4.9 so that takes are not suspended but significant restrictions are placed on community water supply users when minimum flow levels are reached.]	Reject.
25	Policy 6.4.12A - Water management groups	support	Retain the policy.	Accept in part.
68	Rule 12.1.3.1 - Taking and use for community water supply	support	Retain the change to Rule 12.1.3.1.	Accept.
78	Rule 12.1.4.8 - Restricted discretionary activity considerations	amend	Delete the requirement [in list item (iv)] to have regard to whether the previous rate and volume of take has been used in the assessment of replacement consents and replace this with a requirement to assess whether the replacement rate and volume of take should be reduced if it cannot be demonstrated that the volume will be used efficiently in future.	Reject.
78	Rule 12.1.4.8 - Restricted discretionary activity considerations	support	Support insertion of (i).	Accept.
79	Rule 12.1.4.9 - Suspension of takes	amend	[Amend Policy 6.4.11 to read as follows: "To provide for the suspension of the taking of water <u>or in the case of water takes for community or public water supply purposes, the imposition of water use restrictions</u> at the minimum flows and aquifer restriction levels set under this Plan."] A similar amendment should be made to Rule 12.1.4.9 so that takes are not suspended but significant restrictions are placed on community water supply users when minimum flow levels are reached.	Reject.
137	Matters Beyond the Scope of the Plan Change	not applicable	Amend Schedule 1B to include Mt Cardrona Station Community water supply scheme permitted under consent 97216 and most recently varied under consent RC 2006.375 to support change Council has proposed to 12.1.3.1.	Noted.

29 Locharburn Grazing Company

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	amend	The rulings be simple easily understood and sustainable.	Accept.
5	Objective 6.3.1 - Retain flows to maintain life-supporting capacity and natural character	amend	The rulings be simple easily understood and sustainable.	Accept.
12	Policy 6.4.1 - Surface water allocation system	amend	The rulings be simple easily understood and sustainable.	Accept.
105	Method 15.2.2 - Water allocation committees and water management groups	support	The rulings be simple easily understood and sustainable.	Accept.
137	Matters Beyond the Scope of the Plan Change	not applicable	The rulings be simple easily understood and sustainable.	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	The rulings be simple easily understood and sustainable.	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	That the cost structure for consents be reviewed and streamlined.	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	When a water right has been with a property for a long period of time it will have a value to that property and favourable consideration should be given to its retention.	Noted.

30 Kakanui Riverwatch Society Inc

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
10	Policy 6.4.0B - Promotion of shared use and management of water	amend	Implement the comment [rather than freeing up the movement of consents, we think they should become more restrictive].	Reject.
11	Policy 6.4.0C - Local source and local use	support	Implement the comment [that exporting water to users elsewhere could lead to over exploitation of an already limited resource].	Noted.
24.51	Policies 6.4.12 and 9.4.12 - Water allocation committees	amend	Implement the comment [that we consider it undemocratic and self-serving to have the whole water system monitored by committees comprised entirely of water extractors].	Reject.
137	Matters Beyond the Scope of the Plan Change	not applicable	This information [relating to Schedule 4A entry for North Otago Volcanic Aquifer] should have been provided in the proposed Plan Change.	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	Implement the comment regarding Policy 6.4.9 [that supplementary allocations should only be assessed under 6.4.9(a) and not under 6.4.9(b)].	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	Implement the comment [Consideration should be given to charging a fee for any water used to make money].	Noted.

31 Otago Conservation Board

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
10	Policy 6.4.0B - Promotion of shared use and management of water	did not specify	No decision requested.	Noted.
24.51	Policies 6.4.12 and 9.4.12 - Water allocation committees	did not specify	No decision requested.	Noted.
25	Policy 6.4.12A - Water management groups	did not specify	No decision requested.	Noted.
26.52	Policies 6.4.13 and 9.4.13 - Suspension of takes by Council recognised rationing regime	did not specify	No decision requested.	Noted.
105	Method 15.2.2 - Water allocation committees and water management groups	did not specify	No decision requested.	Noted.
123	Appendix 2A - Water management groups	did not specify	No decision requested.	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	No decision requested.	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	No decision requested.	Noted.

137	Matters Beyond the Scope of the Plan Change	not applicable	Rivers should be managed by way of a maximum allocation for abstraction, as well as a minimum flow, because of the potential to "flat line" rivers when using a minimum flow only.	Noted.
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32 Andrew John Brown

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
9	Policy 6.4.0A General - Allocation for intended purpose of use	oppose	Remove Section 6.4.0A.	Reject.
15	Policy 6.4.2A - Historically accessed water	oppose	That consent conditions are not altered unless agreed to by the consent holder.	Accept in part.

33 MC Holland Farming Limited

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
15	Policy 6.4.2A - Historically accessed water	amend	That Policy 6.4.2A is amended to more closely match its explanation, that is that it is only water that could not physically be provided by the source water body, or for which there was not a demonstrated need for which consent will not be granted in future.	Reject.
109	Method 15.8.1A - Method for determining supplementary allocation	oppose	That a quadruple bottom line (social, economic, cultural and environmental) assessment of any proposed minimum flow and the method of establishing supplementary allocation blocks be undertaken before they are included in Schedule 2B of the Regional Plan: Water for Otago, and that this then be referenced in the discussion of Method 15.8.1A.1.	Accept in part.
113	Schedule 2B - Supplementary allocation blocks and minimum flows	oppose	That the supplementary minimum flow and supplementary allocation block for the Waianakarua River be removed from Schedule 2B of the Regional Plan: Water for Otago.	Reject.

34 William John Pile

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
15	Policy 6.4.2A - Historically accessed water	oppose	Oppose Section 6.4.2A where if you don't use all of your consent water some of the consent can be taken off the holder.	Reject.
72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	oppose	Oppose sec 12.1.4.7 [intent implies Rule 12.1.4.3 meant]. There should be no minimum flow put on Welcome Creek. [Monitoring] should be done at Ferry Road.	Reject.
74	Rule 12.1.4.4A - Taking and use from Welcome Creek	oppose	Oppose 12.1.4.4A. There should be no minimum flow put on Welcome Creek.	Reject.
112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	oppose	There should be no minimum flow put on Welcome Creek.	Reject.
113	Schedule 2B - Supplementary allocation blocks and minimum flows	oppose	There should be no minimum flow put on Welcome Creek. [Monitoring] should be done at Ferry Road.	Reject.
135	Consultation and Communication	not applicable	No decision requested.	Noted.

35 Dunedin City Council (Water and Waste Services)

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	amend	<p>That Issue 6.2.3 and its Explanation is rewritten as follows:</p> <p>“Issue 6.2.3: Opportunities for the wider use of available water resources are constrained by: ... (b) Consent holders retaining authorisation for more water than is actually required for their activities, <u>with the exception of consents that provide for the needs of growing communities.</u>”</p> <p>Explanation: A range of domestic, agricultural, industrial and commercial uses rely on sufficient quantities of water in Otago. <u>However, wider use of the water is constrained by water shortages.</u> The effects of water shortages can be exacerbated by inefficient or inappropriate practices, for example:</p> <p>(a) Water being lost through <u>greater than normal operational</u> leakage or evaporation from distribution systems;...</p> <p>(h) Securing water in consents which is more than that which is needed for existing activities <u>or the growth of communities.</u>”</p> <p><u>All water distribution systems have a certain amount of leakage or evaporation of water (nationally acceptable loss models or methodologies generally give a value for leakage in the range of 10 – 15%). There are however measures that can be implemented to minimise this and these should be employed as a matter of course to ensure that water is available to as many users as possible.</u>”</p> <p>...Potential users might also find less allocation is available as a result of water being secured by existing consents. <u>Where the volume of water allocated is greater than is needed for existing activities or the growth of communities this is a matter that should be considered at the time of assessing applications for replacement consents.</u>”</p>	Accept in part.
9	Policy 6.4.0A General - Allocation for intended purpose of use	amend	That the following amendments are made to Policy 6.4.0A: part (c) of the policy is amended to refer to "the use of water", rather than "the application system".	Reject.
9	Policy 6.4.0A General - Allocation for intended purpose of use	amend	That the following amendments are made to the Principal reasons for adopting Policy 6.4.0A: the first sentence of the Principal reasons for adopting is amended to read	Reject.
			"This policy is adopted to ensure that wastage is avoided <u>wherever practicable</u> when water is granted to any use under a resource consent".	
11.1	Preferred Water Uses	amend	That Policy 6.4.0C be amended to give priority to community water supplies, to more clearly define what is meant by "local uses" of water (acknowledging that community water supplies can cross catchment boundaries), and to require consideration of whether local water supply schemes have any capacity to accept new connections.	Accept in part.
11.1	Preferred Water Uses	amend	<p>That the following new objective and explanation be included in the Regional Plan: Water for Otago:</p> <p><u>"Objective 6.3.2A: To manage water allocation and use in a way that ensures protection of existing community water supplies and the availability of water to meet the reasonably foreseeable requirements of community water supplies.</u></p> <p>Explanation: <u>The purpose of this objective is to protect the ability of communities to grow and still have certainty that they will be able to provide adequately for their reasonable and efficient community supply needs. This matter is a priority for the Otago Regional Council.</u>"</p>	Accept in part.

15	Policy 6.4.2A - Historically accessed water	amend	That Policy 6.4.2A is amended to exempt community water supplies from the requirements of the policy, provided that agreed demand management and water conservation measures have been	Accept in part.
33	Policy 6.6.0 - Development of shared water infrastructure	support	That Policy 6.6.0 is included in the Regional Plan: Water for Otago as proposed.	Accept.
68	Rule 12.1.3.1 - Taking and use for community water supply	support	That the words "and use" be included in Rule 12.1.3.1 as proposed.	Accept.
68	Rule 12.1.3.1 - Taking and use for community water supply	amend	That the phrase "up to any volume or rate authorised as at 28 February 1998" be deleted.	Reject.
94	Rule 12.2.2A1 - Taking for community water supply	support	That the words "and use" be included in Rule 12.2.2A.1.	Accept.
94	Rule 12.2.2A1 - Taking for community water supply	amend	That the phrase "up to any volume or rate authorised as at 28 February 1998" be deleted.	Reject.
94	Rule 12.2.2A1 - Taking for community water supply	amend	That reference to "Schedule 1B" in Rule 12.2.2A.1 be amended to "Schedule <u>3B</u> ".	Reject.
110	Information Requirements 16.3.1 - The taking of surface water or groundwater	amend	That Section 16.3.1 4(B) is amended to read as follows: "A statement about how, or if, the applicant proposes to work with other water users to meet day-to-day requirements; and whether there is a water supply scheme <u>with capacity to accept new customers in the area.</u> "	Reject.
137	Matters Beyond the Scope of the Plan Change	not applicable	That the following community water supply takes be added to Schedule 3B: Dunedin City Council Mosgiel water supply bores at: NZMS260 I44:048-789, NZMS260 I44:042-779, NZMS260 I44:036-776, NZMS260 I44:048-789, NZMS260 I44:036-788, NZMS260 I44:051-787, NZMS260 I44:032-782, NZMS260 I44:051-789, NZMS260 I44:042-784.	Noted.

36 Isabella Anderson

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
78	Rule 12.1.4.8 - Restricted discretionary activity considerations	amend	Economic effects need to be included in consent considerations as well as environmental and social effects, and historical infrastructure investment should have some weighting also.	Accept in part.
100	Rule 12.2.3.4 - Restricted discretionary considerations	amend	Economic effects need to be included in consent considerations as well as environmental and social effects, and historical infrastructure investment should have some weighting also.	Accept in part.
110	Information Requirements 16.3.1 - The taking of surface water or groundwater	amend	Economic effects need to be included in consent considerations as well as environmental and social effects, and historical infrastructure investment should have some weighting also.	Accept in part.
130	Integrated Catchment Management - General	amend	[Would like to see the proposed plan change implemented] but with the stated goal of individual solutions to individual catchments, and flexibility in deciding how or what is the best use of water within each catchment.	Accept in part.
133	General Support	support	Would like to see the proposed plan change implemented [but with the stated goal of individual solutions to individual catchments, and flexibility in deciding how or what is the best use of water within each catchment].	Accept in part.

37 Dugald MacTavish

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
137	Matters Beyond the Scope of the Plan Change	not applicable	No decision requested.	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	No decision requested.	Noted.

38 Pioneer Generation Ltd

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
9	Policy 6.4.0A General - Allocation for intended purpose of use	amend	Add a further clause to the last sentence of the Principal Reasons for Adopting [to read] as follows: <u>"This will enable more people to benefit from water available for consumptive use, and water retained for hydro-electric power generation."</u>	Reject.
11	Policy 6.4.0C - Local source and local use	amend	Delete the last sentence from the first paragraph of the Explanation [to read] as follows: "...require adequate water supply." Add a fourth paragraph to the Explanation as follows or to like effect (additional text shown underlined): " <u>In considering an application to take water and competing lawful local demands the Council will consider the need to avoid adverse impact on the availability of water for hydro-electric generation.</u> "	Reject.
30	Policy 6.4.19 - Term of permit	oppose	Reinstate Policy 6.4.19.	Reject.
31	Policy 6.4.20 - Permits affected by mining privileges	oppose	Reinstate Policy 6.4.20.	Reject.
32	Policy 6.4.21 - Restrict exercise of water permit	oppose	Reinstate Policy 6.4.21.	Reject.
128	Minor and Consequential Changes	amend	Seeks whatever consequential changes as are necessary to give effect to the relief sought above [the whole submission].	Accept.
137	Matters Beyond the Scope of the Plan Change	not applicable	Add an acknowledgement as a last sentence to the Explanation [to Policy 6.6.0] as follows: <u>"Pioneer Generation Limited is an affected party for all applications for takes from Fraser River, the Roaring Meg Creek, Teviot River, Wye Creek, Oxburn Stream and Manuherikia Rivers and the Kawarau and Shotover Rivers".</u>	Noted.

137	Matters Beyond the Scope of the Plan Change	not applicable	<p>Retain the reference to hydro-electric power generation in the first sentence of the Introduction [Section 6.1].</p> <p>Add to the second to last sentence of the third paragraph of the introduction [Section 6.1, to read] as follows or to like effect:</p> <p><u>"...will recognise current access to water, but will also consider the intended purpose of use for the water, and protection of aquatic ecosystems, natural character of the affected water bodies and protection of water for existing hydro-electric generation and potential development of further hydro-electric generation in the region."</u></p> <p>Amend the first sentence of the sixth paragraph [of Section 6.1] as follows or to like effect:</p> <p><u>"The water allocation provisions of this chapter are intended to provide for the maintenance of water availability for existing hydro-electric generation and maintenance of aquatic ecosystem and natural character values of water bodies..."</u></p>	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	<p>Suggests the addition of the following Issues:</p> <p><u>"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."</u></p> <p><u>"The cumulative effects of the taking of water may:</u></p> <ul style="list-style-type: none"> i) <u>result in reductions of water quality and aquatic habitat</u> ii) <u>limit the availability of water for other actual and potential uses</u> iii) <u>compromise the generation of renewable energy."</u> 	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	<p>Seeks the inclusion of two new Objectives as follows:</p> <p><u>"The continued availability of water currently (at the date of notification of this change) used for renewable energy generation."</u></p> <p><u>"Enable people and communities to provide for their social, economic and cultural wellbeing by providing water for hydro-electricity generation."</u></p> <p>Seeks that the Explanation for these Objectives be provided as follows:</p> <p><u>"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]."</u></p>	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	<p>Seeks the addition of a policy as follows or to like effect:</p> <p><u>"The benefits to be derived from the use of water for the generation of renewable energy" when establishing allocation.</u></p>	Noted.

39 Public Health South

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
2.37	Issues 6.2.1A and 9.2.1 - Taking of water from Otago's aquifers	amend	Suggested wording [of a new condition (f)]: " <u>In</u> sufficient water quantity and in some cases water quality to support its use for <u>human consumption</u> ".	Reject.
3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	support	Is supportive of the inclusion of these matters [(e) and (f)] in this section.	Accept.
6.39	Objectives 6.3.2A and 9.3.2 - Maintain levels and storage in Otago's aquifers	support	In agreement with the addition in the explanation.	Accept.
9	Policy 6.4.0A General - Allocation for intended purpose of use	support	Are in agreement that applications should refer to the actual use or quantity of the water they intend to take and that this must be reflected in the consent granted.	Accept.
10	Policy 6.4.0B - Promotion of shared use and management of water	support	Agree that applicants should consider the shared use of the resources with a view to ensuring that there is every opportunity of combining individual schemes/takes to make a more community-based scheme with centralised water treatment.	Accept in part.
11.1	Preferred Water Uses	amend	That human drinking water supply sources (including rural agricultural drinking water where used for drinking), should have precedence over other sources.	Accept in part.
13.48	Policies 6.4.1A and 9.4.9 - Groundwater connected to surface water	support	In agreement that groundwater in close proximity to surface water could be regarded as being influenced by, and/or directly connected to a surface water body.	Accept.
33	Policy 6.6.0 - Development of shared water infrastructure	amend	No decision requested.	Noted.
53	Policy 9.4.14 - Siting, construction and operation of new bores	support	In agreement with the requirements listed, to avoid adverse effects from the siting of new bores.	Accept.
133	General Support	support	No decision requested.	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	That there should be further controls over land use in the area of drinking water supply catchments (community drinking water supplies).	Noted.

40 Criffel Irrigation Scheme

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
134	General Opposition	oppose	Oppose these plan changes in their entirety.	Reject.
137	Matters Beyond the Scope of the Plan Change	not applicable	That the current water rights that have constantly been used over the last 20 years and longer, along with their structures and races, are fully respected with no restriction being placed on those rights.	Noted.

41 Otago Water Resource Users Group ("OWRUG")

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	amend	The following amended wording [in the Explanation]: "The effects of water shortages can be exacerbated by inefficient or inappropriate practices. <u>Such practices may include:</u> (a) water being lost through leakage from distribution systems; ..."	Accept in part.
9	Policy 6.4.0A General - Allocation for intended purpose of use	amend	Amend the Policy and Explanation so that the level of efficiency sought for water delivery and application systems is practically and reasonably achievable and so that the policy addresses the option of leaving available for replacement consent holders the additional water created by increasing efficiencies.	Accept in part.

10	Policy 6.4.0B - Promotion of shared use and management of water	amend	Suggest that it would be better located within Section 6.6 and request this relocation.	Reject.
11	Policy 6.4.0C - Local source and local use	amend	Paragraph (c) of the policy - the deletion of the word "possible", so that the paragraph reads: "Whether another source of water, including a water supply scheme, is available".	Accept.
11	Policy 6.4.0C - Local source and local use	amend	Paragraph (d) of the policy - the paragraph should be amended to read: "(d) The economic, social, environmental and cultural costs and benefits that <u>would</u> result from the proposed take and use of water <u>from one source compared to taking the water from the other source</u> ".	Reject.
11	Policy 6.4.0C - Local source and local use	amend	Explanation: second paragraph - That the paragraph be amended to read: "The Council may decline a consent application if taking from another source of water <u>is</u> achievable and is a more <u>appropriate</u> allocation of the water resource".	Reject.
11	Policy 6.4.0C - Local source and local use	amend	Explanation: replacement consents - That the paragraph be deleted and replaced with wording that is fair to existing users in terms of replacement consent applications and which will address our concerns [outlined in "reasons"].	Reject.
11	Policy 6.4.0C - Local source and local use	amend	That the paragraph should be amended to read: "To <u>favour</u> the use of water within the area it is taken from, over its use elsewhere, taking into account matters including...".	Accept in part.
15	Policy 6.4.2A - Historically accessed water	amend	That the third paragraph of the Explanation be deleted.	Reject.
16	Policy 6.4.2B - New consents from primary allocation	amend	That Policy 6.4.2B or the definition of a "new resource consent" be amended so that a water permit sought by a water management group in substitution of its members water permits, or a deemed new permit because of a transfer, are not caught by this policy.	Accept in part.
16	Policy 6.4.2B - New consents from primary allocation	amend	With respect to the Principal reasons for adopting, we request that the statement be reworded as follows: "This policy is adopted to avoid any continuation or increase in the catchment <u>primary allocation because of new resource consents,....</u> "	Accept in part.
24.51	Policies 6.4.12 and 9.4.12 - Water allocation committees	amend	Policy 6.4.12 should be relocated to Section 6.6.	Reject.
24.51	Policies 6.4.12 and 9.4.12 - Water allocation committees	amend	Support this amended policy subject to the first sentence of the second paragraph be amended as follows: "The committees <u>may</u> be a body corporate or body of persons and in either case will be made up of local representatives of people taking water from within the catchment affected by the rationing regime...".	Reject.
25	Policy 6.4.12A - Water management groups	amend	That this policy be relocated to Section 6.6.	Reject.
25	Policy 6.4.12A - Water management groups	amend	Water Management Groups would want to be treated as "affected persons" under Section 94(1) for non-notified applications relating to water affecting the catchment and we request a policy that provides for this [to be included in Section 6.6].	Reject.
25	Policy 6.4.12A - Water management groups	amend	Request a policy that provides for a 35 year term for Water Management Groups provided provision has been made for instream flows [to be included in Section 6.6].	Reject.
26.52	Policies 6.4.13 and 9.4.13 - Suspension of takes by Council recognised rationing regime	amend	That this policy be relocated to Section 6.6.	Reject.
29.50	Policies 6.4.17 and 9.4.11 - Transfer of consent	support	No decision requested.	Noted.
30	Policy 6.4.19 - Term of permit	oppose	That this policy be reinstated.	Reject.

31	Policy 6.4.20 - Permits affected by mining privileges	oppose	That this policy be reinstated.	Reject.
32	Policy 6.4.21 - Restrict exercise of water permit	oppose	That this policy be reinstated.	Reject.
33	Policy 6.6.0 - Development of shared water infrastructure	support	No decision requested.	Noted.
78	Rule 12.1.4.8 - Restricted discretionary activity considerations	amend	The proposed deleted paragraphs (g) and (h) not be deleted.	Reject.
105	Method 15.2.2 - Water allocation committees and water management groups	support	No decision requested.	Noted.
110	Information Requirements 16.3.1 - The taking of surface water or groundwater	amend	(a) The requirement to provide the information [in 4A] should not be obligatory for all applications but should only be required when the circumstances of the case warrant it; and (b) When considering whether the information [in 4A] should be provided, the matters the Council shall take into account shall include those identified [by the submitter in Section 17.1 of their submission, and summarised in the first sentence of "reasons"].	Accept in part.
121	Note for Definition of "Resource Consent" - Note for "new resource consent" and "replacement resource consent"	amend	That Policy 6.4.2B or the definition of a "new resource consent" be amended so that a water permit sought by a water management group in substitution of its members water permits, or a deemed new permit because of a transfer, are not caught by this policy.	Accept in part.
121	Note for Definition of "Resource Consent" - Note for "new resource consent" and "replacement resource consent"	amend	The interpretation of the phrases "replacement resource consent" and "new resource consent" be dealt with by a standalone provision for each of these phrases, with the Note under the interpretation of "resource consent" to then cross-reference to those interpretation provisions.	Reject.
123	Appendix 2A - Water management groups	amend	This paragraph needs to be amended to read as follows and request this amendment: "...the Council must be satisfied that: (a) a schedule <u>has been provided</u> that specifies the resource consents..."	Reject.

42 Federated Farmers of New Zealand (Inc)

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
1	Introduction 6.1 - Introduction Chapter 6: Water Quantity	support	Support encouraging the most effective and efficient use of water.	Accept.
1	Introduction 6.1 - Introduction Chapter 6: Water Quantity	amend	Introduction should include wider considerations where deemed permits transition to resource consents and the importance of investment on security of supply.	Reject.
1	Introduction 6.1 - Introduction Chapter 6: Water Quantity	amend	Include social and economic considerations of existing and future investment in water infrastructure (delivery and applications).	Reject.
3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	amend	Delete reference to inappropriate throughout issue and throughout plan change.	Reject.
3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	amend	Delete [condition (b) of issue] and reword to the effect that: " <u>Allocation has in some cases allocated more water to each consent holder than what is actually available</u> ".	Reject.
3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	amend	[Amend (a) of Explanation as follows:] Water being lost through leakage or from distribution systems.	Reject.
3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	amend	[Delete (h) of Explanation.]	Reject.

5	Objective 6.3.1 - Retain flows to maintain life-supporting capacity and natural character	amend	[Amend second paragraph of Explanation as follows:] "Surface water <u>can have</u> a dynamic hydrological connection with groundwater, which needs to be adequately understood <u>in order to determine a sustainable allocation regime for these resources</u> ".	Reject.
6.39	Objectives 6.3.2A and 9.3.2 - Maintain levels and storage in Otago's aquifers	amend	[Amend second paragraph of Explanation as follows:] "Groundwater <u>can have</u> a dynamic connection with surface water. This connection needs to be adequately understood <u>in order to determine a sustainable allocation regime for these water resources</u> ".	Reject.
8.42	Policies 6.4.0 and 9.4.3 - Understanding the water system	support	Adopt as written with subsequent Federated Farmers proposed amendments to objectives policies and methods throughout the plan change.	Accept in part.
9	Policy 6.4.0A General - Allocation for intended purpose of use	amend	Add additional matters for consideration such as the following or wording to that effect consistent with the plan change and make subsequent amendments to the plan: "(d) <u>the economic efficiency of the system</u> (e) <u>the extent to which existing investment relies on the reliability and volume of the current allocation</u> (f) <u>the potential to respond to a change in land use</u> (g) <u>the potential for the use of water for storage.</u> "	Accept in part.
10	Policy 6.4.0B - Promotion of shared use and management of water	amend	Add bullet points [to existing bullet point list in Explanation as follows:] <ul style="list-style-type: none"> ▪ <u>Voluntary approach initiated by consent holders</u> ▪ <u>Opportunities for shared investment in and optimal use of water storage infrastructure.</u> 	Accept in part.
11	Policy 6.4.0C - Local source and local use	amend	[Amend policy to read:] "To <u>encourage</u> the use of water within the area...", and "(d) The economic, social, environmental and cultural costs and benefits that result from the <u>existing and</u> proposed take and use of that water." [Amend the second paragraph of the explanation as follows:] "The Council may decline a consent application if it considers taking from another <u>viable</u> source of water is more efficient allocation of the water resource."	Accept in part.
12	Policy 6.4.1 - Surface water allocation system	support	No decision requested.	Noted.
12	Policy 6.4.1 - Surface water allocation system	support	Retain restricted discretionary status for water allocation.	Accept.
12	Policy 6.4.1 - Surface water allocation system	did not specify	Ensure plan change provides for Section 14 takes.	Accept.
13.48	Policies 6.4.1A and 9.4.9 - Groundwater connected to surface water	amend	Delete all reference to 100 metres throughout policy. [Delete condition (b) entirely, and amend condition (c) to read:] "Groundwater and part surface water if the take is connected [to a] perennial surface water body". Amend [first paragraph of] Explanation " <u>Some</u> aquifers .. <u>Three</u> ways of managing...". Amend Schedule 2C as necessary to reflect degree of connectivity between surface and groundwater. [Delete (b) of Explanation, and "100 metres" from (c)].	Reject.

15	Policy 6.4.2A - Historically accessed water	amend	<p>Delete entire policy, or add wording to the effect that provides for the following matters:</p> <p><u>"(a) the economic efficiency of the system</u> <u>(b) the extent to which existing investment relies on the reliability and volume of the current allocation</u> <u>(c) the potential to respond to a change in land use</u> <u>(d) the potential for the use of water for storage."</u></p> <p>Delete reference to "historically accessed" throughout policy and subsequent amendments to plan change.</p> <p>Delete reference to allocating existing primary takes as supplementary takes.</p>	Reject.
16	Policy 6.4.2B - New consents from primary allocation	amend	<p>If the "decrease with time" is providing for reducing the amount of water available for allocation, then Federated Farmers seeks the deletion of this policy.</p> <p>As an added incentive to the formation of water management groups, that replacement consents under this policy will be considered under primary allocation if they are primary consents, and that deemed permits be treated as replacement consents.</p> <p>Amend principal reasons for adopting by inserting "This policy is adopted to avoid any continuation or increase in the catchment primary allocation <u>as a result of new consent applications.</u>"</p>	Accept in part.
17	Policy 6.4.9 - Supplementary allocation and supplementary minimum flows	support	Retain policy.	Accept.
18	Policy 6.4.10A General - Groundwater allocation system	amend	Supports the allocation of groundwater and specifying maximum annual volumes that can be taken from a groundwater resource. Policy must ensure that where possible limits are set for specific groundwater resources and where they are set, that existing users are considered as part of the annual allocation.	Accept.
20	Policy 6.4.10C - Wastage/loss of artesian pressure	support	Retain.	Accept in part.
23.45	Policies 6.4.11 and 9.4.6 - Suspension of takes - by allocation type or aquifer level	support	Supports the ability of Council to suspend takes where a minimum flow is reached - however permitted Section 14 takes should be able to continue in such a suspension period.	Accept.
24.51	Policies 6.4.12 and 9.4.12 - Water allocation committees	support	Retain.	Accept.
25	Policy 6.4.12A - Water management groups	amend	<p>Wording should be consistent with allocation committees [Policy 6.4.12, so] amend "To promote, establish and support".</p> <p>Add bullet "<u>Where necessary appoint members of a water management group by delegating authority and to ensure that the objectives policies and methods of the Otago Regional Plan: Water are met</u>".</p>	Reject.
26.52	Policies 6.4.13 and 9.4.13 - Suspension of takes by Council recognised rationing regime	amend	<p>Council must make clear that this policy relates to allocation committees and water management group and their functions or delegated functions.</p> <p>Opposes the suspension of permitted takes as provided for by RMA section 14.</p>	Accept in part.
29.50	Policies 6.4.17 and 9.4.11 - Transfer of consent	support	Retain.	Accept in part.

30	Policy 6.4.19 - Term of permit	oppose	Reinstate policy as stated in plan. Retain specific policy providing for maximum term consents.	Reject.
31	Policy 6.4.20 - Permits affected by mining privileges	oppose	Consideration should be given to providing a policy that encourages the transition of deemed permits to resource consents. Rewrite policy and reinstate.	Reject.
32	Policy 6.4.21 - Restrict exercise of water permit	oppose	Consideration should be given to providing a policy that encourages the transition of deemed permits to resource consents. Rewrite policy and reinstate.	Reject.
33	Policy 6.6.0 - Development of shared water infrastructure	support	Retain.	Accept.
41	Policy 9.4.2 - Managing taking of groundwater	amend	Policy should recognise that the application of groundwater to soil can also maintain or enhance the quality of the soil.	Reject.
56	Policy 9.4.22 - Groundwater quality to be monitored	amend	Groundwater quality monitoring should not fall on an individual consent holder. Support only requiring monitoring where it is appropriate to do so.	Reject.
61	Rule 12.1.1.1 - Taking and use from Lake Tuakitoto	support	Retain.	Accept.
62	Rule 12.1.1.2 - Taking and use for nuclear power generation	support	Retain.	Accept.
63	Rule 12.1.2.1 - Taking and use for domestic needs and animals drinking water	support	Retain.	Accept.
64	Rule 12.1.2.2 - Taking and use from Clutha and Kawarau Rivers and Lakes Wanaka, Hawea, Wakatipu, Dunstan and Roxburgh	support	Retain.	Accept.
65	Rule 12.1.2.3 - Taking and use from artificial lake	support	Retain.	Accept.
66	Rule 12.1.2.4 - Taking and use for no more than 3 days	support	Retain.	Accept.
67	Rule 12.1.2.5 - Taking and use general	support	Retain.	Accept.
68	Rule 12.1.3.1 - Taking and use for community water supply	support	Retain.	Accept.
69	Rule 12.1.4.1 - Taking and use from any lake or river	support	Retain.	Accept.
70	Note above Rule 12.1.4.2 - Note above rule: taking and use as primary allocation	support	Retain.	Accept.
71	Rule 12.1.4.2 - Taking and use as primary allocation in Schedule 2A catchments	support	Retain.	Accept.
72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	support	Retain.	Accept in part.
73	Rule 12.1.4.4 - Taking and use as primary allocation in Schedule 2A catchments before 28 February 1998	support	Retain.	Accept.
74	Rule 12.1.4.4A - Taking and use from Welcome Creek	support	Retain.	Accept.
75	Rule 12.1.4.5 - Taking and use as primary allocation not in Schedule 2A catchments before 28 February 1998	support	Retain.	Accept.
76	Rule 12.1.4.6 - Taking and use as new primary allocation not in Schedule 2A catchments	support	Retain.	Accept.
77	Rule 12.1.4.7 - Taking and use as supplementary allocation other than in Schedule 2B catchment	support	Retain.	Accept.

78	Rule 12.1.4.8 - Restricted discretionary activity considerations	amend	Amend [to] "(xvi) any actual effects on any water body". Add additional matters for consideration including the following or wording to that effect: <u>"the economic efficiency of the system</u> <u>the extent to which existing investment relies on the reliability and volume of the current allocation</u> <u>the potential to respond to a change in land use</u> <u>the potential for the use of water for storage."</u> Supports the notification and written approval clause.	Accept in part.
79	Rule 12.1.4.9 - Suspension of takes	support	Retain.	Accept.
80	Rule 12.1.5.1 - Taking and use discretionary activity	support	Retain.	Accept.
81	Rule 12.1.6.1 - Taking and use Waitaki catchment	support	Retain.	Accept.
82	Rule 12.1.6.2 - Taking and use from Welcome Creek	support	Retain.	Accept.
87	Rule 12.2.1.2 - Taking and use from Lake Tuakitoto	amend	On all groundwater rules delete all reference to "within 100 metres of XXX" and replace with " <u>the rate of surface water depletion should be no more than 5 l/s as calculated using schedule 5A</u> ".	Reject.
88	Rule 12.2.2.1 - Taking and use for domestic needs and animals drinking water	amend	On all groundwater rules delete all reference to "within 100 metres of XXX" and replace with " <u>the rate of surface water depletion should be no more than 5 l/s as calculated using schedule 5A</u> ".	Reject.
89	Rule 12.2.2.2 - Taking and use general	amend	On all groundwater rules delete all reference to "within 100 metres of XXX" and replace with " <u>the rate of surface water depletion should be no more than 5 l/s as calculated using schedule 5A</u> ".	Reject.
90	Rule 12.2.2.4 - Taking and use within 100 metres of Clutha and Kawarau Rivers and Lakes Wanaka, Hawea, Wakatipu, Dunstan and Roxburgh	amend	On all groundwater rules delete all reference to "within 100 metres of XXX" and replace with " <u>the rate of surface water depletion should be no more than 5 l/s as calculated using schedule 5A</u> ".	Reject.
91	Rule 12.2.2.5 - Taking and use from Schedule 2C aquifer or within 100 metres of wetland/lake/river for 3 days	amend	On all groundwater rules delete all reference to "within 100 metres of XXX" and replace with " <u>the rate of surface water depletion should be no more than 5 l/s as calculated using schedule 5A</u> ".	Reject.
92	Rule 12.2.2.6 - Taking and use from Schedule 2C aquifer or within 100 metres of wetland/lake/river general	amend	On all groundwater rules delete all reference to "within 100 metres of XXX" and replace with " <u>the rate of surface water depletion should be no more than 5 l/s as calculated using schedule 5A</u> ".	Reject.
100	Rule 12.2.3.4 - Restricted discretionary considerations	amend	[Amend] "(xi) any actual effects on any water body". Add additional matters for consideration including the following or wording to that effect: <u>"the economic efficiency of the system</u> <u>the extent to which existing investment relies on the reliability and volume of the current allocation</u> <u>the potential to respond to a change in land use</u> <u>the potential for the use of water for storage."</u> Supports the notification and written approval clause.	Accept in part.
106	Method 15.3.1 - Provision of information about effective water utilisation	support	Retain.	Accept.

109	Method 15.8.1A - Method for determining supplementary allocation	amend	Calculation must be consistent with NES Environmental Flows and Methods methodology.	Reject.
110	Information Requirements 16.3.1 - The taking of surface water or groundwater	amend	4A delete, and replace with or similar " <u>An assessment of the viable (feasible) alternative water sources, including where necessary economic and environmental reasons why the alternative source is not viable (feasible).</u> "	Accept in part.
111	Schedule 2 - Specified restrictions on exercise of permits	amend	Reword [last paragraph] to reflect that only connected groundwater should be treated as surface water "In accordance with Policy 6.4.1A, <u>connected groundwater...</u> ".	Accept in part.
113	Schedule 2B - Supplementary allocation blocks and minimum flows	amend	Amend Waianakaru [supplementary] minimum flow.	Reject.
121	Note for Definition of "Resource Consent" - Note for "new resource consent" and "replacement resource consent"	amend	Amend to provide as separate definitions and consistency with RMA.	Reject.
123	Appendix 2A - Water management groups	support	Retain.	Accept in part.
136	Section 32 Report	not applicable	No decision requested.	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	[Method 15.8.1.[1]] Calculation must be consistent with NES Environmental Flows and Methods methodology.	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	[With regard to Policy 6.4.16] Any requirement to measure must be efficient, cost effective, relative and appropriate to the effect on other users and the water resource. Amend wording to include bullet points to this effect in the policy. Oppose measuring requirements on all permitted takes.	Noted.

43 Maheno Farms Limited

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	amend	Sufficient recognition must be given the likely future needs of the consent holder and the intended long term uses of the water.	Accept in part.
3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	amend	An additional provision should be added to this issue.	Reject.
6.39	Objectives 6.3.2A and 9.3.2 - Maintain levels and storage in Otago's aquifers	amend	The Explanation to Objective 6.3.4A [means 6.3.2A] should be clear that some effect on neighbouring bores such as a minor lowering in water levels is acceptable - but no activity should prevent a neighbouring bore from accessing water in its entirety.	Reject.
10	Policy 6.4.0B - Promotion of shared use and management of water	amend	Policy and Explanation should provide for groundwater consents otherwise considered on a surface water allocation basis to revert to being straight surface water takes through the various mechanisms described in the Policy.	Accept in part.
10	Policy 6.4.0B - Promotion of shared use and management of water	amend	Policy and Explanation could be improved through the more explicit use of "Water Users Groups" which would allow for consent holders of equivalent reliability to agree to share water during times of restriction between themselves without going through the difficulties of a formal transfer or variation under the Act.	Accept in part.
11	Policy 6.4.0C - Local source and local use	amend	Policy and Explanation must be explicit that the consent authority cannot make a comparative assessment between applications or other potential users of water.	Reject.
11	Policy 6.4.0C - Local source and local use	amend	Policy and Explanation should not be used as a reason to fetter or prevent an individual accessing its preferred point of supply (provided it meets the general concept of sustainable management under the	Reject.
13.48	Policies 6.4.1A and 9.4.9 - Groundwater connected to surface water	amend	Policy and Explanation need to be amended to make it clear that a groundwater take otherwise treated as surface water in the context of allocation can be freely transferred to being straight surface water.	Accept in part.

15	Policy 6.4.2A - Historically accessed water	amend	Policy and Explanation need to be made clear that a consent holder/applicant may still wish to seek an increase in its allocation or rate for a variety of reasons upon renewal of the consent and that this may, in some instances, be able to be accommodated in the existing allocation regime (even if the increase itself is not covered under Section 124 to 124C).	Reject.
15	Policy 6.4.2A - Historically accessed water	amend	The renewal of a consent should allow an applicant to, for example, alter its intake structure or to increase the size of or move the location of an infiltration gallery to better access water upon renewal of the consent provided it does not adversely and unacceptably affect other users, the environment, or overall allocation; and equally, Where appropriate (and where a groundwater take is treated as surface water for allocation purposes), nothing should prevent an applicant moving from groundwater to surface water supply, or surface water to connected groundwater.	Accept.
16	Policy 6.4.2B - New consents from primary allocation	amend	Policy and Explanation should be made clear that it is still possible to grant further consents in a fully allocated primary allocation block where the applicant is able to operate under a concurrency condition so that the peak rate and volume already consented will not increase.	Reject.
33	Policy 6.6.0 - Development of shared water infrastructure	amend	Should be amended to ensure consent holders are encouraged to also take [for] any Section 14(3) activities (e.g. stock water or domestic supply water) through the same shared infrastructure provided that they can demonstrate to the consent authority that: the water taken under any consented entitlements has been metered separately (with no penalty or metering requirements being imposed on the Section 14(3) matters); and that the Section 14(3) component taken from the shared infrastructure will be used on a single/individual property on the basis set out in that Section.	Reject.
33	Policy 6.6.0 - Development of shared water infrastructure	amend	The Policy should be extended to allow and encourage consent holders who hold more than one resource consent to take their consented entitlements (along with any Section 14(3) entitlements) through the same infrastructure - particularly where these are from the same surface water and/or connected groundwater resource.	Reject.
78	Rule 12.1.4.8 - Restricted discretionary activity considerations	oppose	[Inferred: delete Rule 12.1.4.8 item (vii) and provide] any consequential or related relief which might be necessary.	Reject.
78	Rule 12.1.4.8 - Restricted discretionary activity considerations	amend	Rule 12.1.4.8 (xi) should be amended to ensure that consideration is given to consent holders who hold more than one consent and may wish to effectively and more efficiently manage the resource and their take and use between their separate consents.	Accept.
78	Rule 12.1.4.8 - Restricted discretionary activity considerations	amend	Rule 12.1.4.8 (xii) should be amended to read: "Any water storage facility <u>or proposed water storage facility</u> available..."	Accept in part.
91	Rule 12.2.2.5 - Taking and use from Schedule 2C aquifer or within 100 metres of wetland/lake/river for 3 days	amend	Rule 12.2.2.5(ii)(c) needs to be amended to ensure that it is only effects that would result in another consent holder being unable to access the resource that are relevant to the adverse effects mentioned in the rule.	Reject.
92	Rule 12.2.2.6 - Taking and use from Schedule 2C aquifer or within 100 metres of wetland/lake/river general	amend	Rule 12.2.2.6(ii)(b) needs to be amended to ensure that it is only effects that would result in another consent holder being unable to access the resource that are relevant to the adverse effects mentioned in the rule.	Reject.
100	Rule 12.2.3.4 - Restricted discretionary considerations	amend	Rule 12.2.3.4(x) needs to be amended to ensure that it is only effects that would result in another consent holder being unable to access the resource that are relevant to the adverse effects mentioned in the	Reject.

100	Rule 12.2.3.4 - Restricted discretionary considerations	amend	Rule 12.2.3.4(vii) should be amended to ensure that consideration is given to consent holders who hold more than one consent and may wish to effectively and more efficiently manage the resource and their take and use between their separate consents.	Accept.
100	Rule 12.2.3.4 - Restricted discretionary considerations	amend	Rule 12.2.3.4(viii) should be amended to read: "Any water storage facility <u>or proposed water storage facility</u> available..."	Reject.
100	Rule 12.2.3.4 - Restricted discretionary considerations	amend	Rule 12.2.3.4(xii) needs to be amended to ensure it is clear that this only needs to be considered where the groundwater take is not either already, or will be through Plan Change 1C, considered part of the surface water allocation regime.	Reject.
100	Rule 12.2.3.4 - Restricted discretionary considerations	amend	Rule 12.2.3.4(xiii) needs to be amended to ensure it is clear that this only needs to be considered where the groundwater take is not either already, or will be through Plan Change 1C, considered part of the surface water allocation regime.	Reject.
109	Method 15.8.1A - Method for determining supplementary allocation	amend	Method needs to be consistent with existing allocation practices with supplementary flows on the Kakanui and other rivers.	Accept in part.
110	Information Requirements 16.3.1 - The taking of surface water or groundwater	amend	Information Requirement 16.3.1 4B should be amended to ensure that it reads: "...whether there is a water supply scheme in the area <u>and whether the applicant could access water from that scheme</u> ".	Reject.
110	Information Requirements 16.3.1 - The taking of surface water or groundwater	amend	Information Requirement 16.3.1 5A should be amended to ensure that it reads: "groundwater, <u>potentially</u> affected parties who...".	Reject.
113	Schedule 2B - Supplementary allocation blocks and minimum flows	amend	Schedule 2B should be amended to better reflect the recent grant of a supplementary flow consent to Maheno Farms Ltd which, in conjunction with the Council, has better developed the flow blocks set out in the Plan.	Accept in part.
128	Minor and Consequential Changes	amend	Any other consequential provisions (and amendments) related to [submitters other submission points].	Accept.
137	Matters Beyond the Scope of the Plan Change	not applicable	Objective [Issue] 6.2.4A should be clear that some effect on neighbouring bores such as a minor lowering in water levels is acceptable - but no activity should prevent a neighbouring bore from accessing water in its entirety.	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	If Policy 6.4.10B is moved, it needs to be made clear that some effect may occur and that not necessarily all effects are adverse.	Noted.

44 Horticulture New Zealand

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	amend	Amend Issue 6.2.3 Explanation as follows: (b) Delete "or using" (e) Delete (e) (g) Amend to read "Poorly sited and constructed bores (<u>such as bores not fully penetrating the aquifer</u>) and <u>inadequately maintained bores</u> " (h) Amend to read "Securing water in consent which is more than needed for reasonably anticipated activities on the land".	Reject.
9	Policy 6.4.0A General - Allocation for intended purpose of use	amend	Add an additional point Policy 6.4.0A: "(d) <u>seasonal crop rotation.</u> "	Accept in part.
9	Policy 6.4.0A General - Allocation for intended purpose of use	amend	Add to the Explanation details as to how the efficiency of the application system and transport system will be assessed.	Accept.
10	Policy 6.4.0B - Promotion of shared use and management of water	support	Retain Policy 6.4.0B.	Accept in part.

11	Policy 6.4.0C - Local source and local use	support	Retain Policy 6.4.0C.	Accept in part.
12	Policy 6.4.1 - Surface water allocation system	amend	Amend 6.4.1(a) by adding " <u>as set out in Schedule 2</u> ".	Reject.
12	Policy 6.4.1 - Surface water allocation system	amend	Amend the last sentence of the third paragraph of the Explanation to be "restricted discretionary", not "discretionary".	Reject.
13.48	Policies 6.4.1A and 9.4.9 - Groundwater connected to surface water	amend	Delete Policy 6.4.1A(b).	Reject.
15	Policy 6.4.2A - Historically accessed water	amend	Amend the last paragraph of the Explanation as follows: " <u>Evidence of the rate and volume of water taken over the last 5 years, with further provision for crop changes and rotations, will be used as a basis for determining water historically accessed.</u> "	Reject.
20	Policy 6.4.10C - Wastage/loss of artesian pressure	amend	Amend Policy 6.4.10C as follows: " <u>All bores will be taken as being adequately sealed when assessing the potential interference to existing bores as part of resource consent applications for new bores.</u> "	Reject.
24.51	Policies 6.4.12 and 9.4.12 - Water allocation committees	support	Retain Policy 6.4.12.	Accept.
25	Policy 6.4.12A - Water management groups	support	Retain Policy 6.4.12A.	Accept in part.
30	Policy 6.4.19 - Term of permit	oppose	Retain Policy 6.4.19.	Reject.
33	Policy 6.6.0 - Development of shared water infrastructure	support	Retain Policy 6.6.0.	Accept.
41	Policy 9.4.2 - Managing taking of groundwater	amend	Delete Policy 9.4.2.	Reject.
56	Policy 9.4.22 - Groundwater quality to be monitored	amend	Amend Policy 9.4.22 to provide clarity as to the extent and nature of water quality monitoring that may be required.	Reject.
61	Rule 12.1.1.1 - Taking and use from Lake Tuakitoto	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.1 through to 12.1.4.7.	Accept.
62	Rule 12.1.1.2 - Taking and use for nuclear power generation	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.1 through to 12.1.4.7.	Accept.
63	Rule 12.1.2.1 - Taking and use for domestic needs and animals drinking water	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.1 through to 12.1.4.7.	Accept.
64	Rule 12.1.2.2 - Taking and use from Clutha and Kawarau Rivers and Lakes Wanaka, Hawea, Wakatipu, Dunstan and Roxburgh	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.1 through to 12.1.4.7.	Accept.
65	Rule 12.1.2.3 - Taking and use from artificial lake	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.1 through to 12.1.4.7.	Accept.
66	Rule 12.1.2.4 - Taking and use for no more than 3 days	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.1 through to 12.1.4.7.	Accept.
67	Rule 12.1.2.5 - Taking and use general	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.1 through to 12.1.4.7.	Accept.
68	Rule 12.1.3.1 - Taking and use for community water supply	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.1 through to 12.1.4.7.	Accept.
69	Rule 12.1.4.1 - Taking and use from any lake or river	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.1 through to 12.1.4.7.	Accept.
70	Note above Rule 12.1.4.2 - Note above rule: taking and use as primary allocation	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.1 through to 12.1.4.7.	Accept.
71	Rule 12.1.4.2 - Taking and use as primary allocation in Schedule 2A catchments	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.1 through to 12.1.4.7.	Accept in part.
72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.1 through to 12.1.4.7.	Accept in part.

73	Rule 12.1.4.4 - Taking and use as primary allocation in Schedule 2A catchments before 28 February 1998	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.1 through to 12.1.4.7.	Accept in part.
74	Rule 12.1.4.4A - Taking and use from Welcome Creek	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.1 through to 12.1.4.7.	Accept.
75	Rule 12.1.4.5 - Taking and use as primary allocation not in Schedule 2A catchments before 28 February 1998	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.1 through to 12.1.4.7.	Accept in part.
76	Rule 12.1.4.6 - Taking and use as new primary allocation not in Schedule 2A catchments	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.1 through to 12.1.4.7.	Accept in part.
77	Rule 12.1.4.7 - Taking and use as supplementary allocation other than in Schedule 2B catchment	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.1 through to 12.1.4.7.	Accept in part.
78	Rule 12.1.4.8 - Restricted discretionary activity considerations	amend	Delete condition 12.1.4.8 (iii).	Reject.
78	Rule 12.1.4.8 - Restricted discretionary activity considerations	amend	Delete condition 12.1.4.8 (iv).	Reject.
78	Rule 12.1.4.8 - Restricted discretionary activity considerations	amend	Delete condition 12.1.4.8 (xxii).	Reject.
78	Rule 12.1.4.8 - Restricted discretionary activity considerations	amend	Amend condition (v) by adding "technical" in front of efficiency. Include a definition of technical efficiency in the rule.	Reject.
79	Rule 12.1.4.9 - Suspension of takes	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.4.9 through to 12.2.2A.1.	Accept.
80	Rule 12.1.5.1 - Taking and use discretionary activity	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.4.9 through to 12.2.2A.1.	Accept.
81	Rule 12.1.6.1 - Taking and use Waitaki catchment	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.4.9 through to 12.2.2A.1.	Accept.
82	Rule 12.1.6.2 - Taking and use from Welcome Creek	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.4.9 through to 12.2.2A.1.	Accept.
86	Rule 12.2.1.1 - Taking and use for nuclear power generation	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.4.9 through to 12.2.2A.1.	Accept.
87	Rule 12.2.1.2 - Taking and use from Lake Tuakitoto	amend	Delete all references to the proposed 100 metre setback for groundwater rules to apply; and replace with controls that indicate the rate of surface water depletion should be no more than 5l/s as calculated using Schedule 5A.	Reject.
88	Rule 12.2.2.1 - Taking and use for domestic needs and animals drinking water	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.4.9 through to 12.2.2A.1.	Accept.
89	Rule 12.2.2.2 - Taking and use general	amend	Delete all references to the proposed 100 metre setback for groundwater rules to apply; and replace with controls that indicate the rate of surface water depletion should be no more than 5l/s as calculated using Schedule 5A.	Reject.
90	Rule 12.2.2.4 - Taking and use within 100 metres of Clutha and Kawarau Rivers and Lakes Wanaka, Hawea, Wakatipu, Dunstan and Roxburgh	amend	Delete all references to the proposed 100 metre setback for groundwater rules to apply; and replace with controls that indicate the rate of surface water depletion should be no more than 5l/s as calculated using Schedule 5A.	Reject.
91	Rule 12.2.2.5 - Taking and use from Schedule 2C aquifer or within 100 metres of wetland/lake/river for 3 days	amend	Delete all references to the proposed 100 metre setback for groundwater rules to apply; and replace with controls that indicate the rate of surface water depletion should be no more than 5l/s as calculated using Schedule 5A.	Reject.
92	Rule 12.2.2.6 - Taking and use from Schedule 2C aquifer or within 100 metres of wetland/lake/river general	amend	Delete all references to the proposed 100 metre setback for groundwater rules to apply; and replace with controls that indicate the rate of surface water depletion should be no more than 5l/s as calculated using Schedule 5A.	Reject.
94	Rule 12.2.2A1 - Taking for community water supply	support	Retain (with consequential amendments sought by Horticulture NZ) Rules 12.1.4.9 through to 12.2.2A.1.	Accept in part.

96	Rule 12.2.3.1A - Taking and use from Schedule 2C aquifer or within 100 metres of perennial surface water body	amend	Delete all references to the proposed 100 metre setback for groundwater rules to apply; and replace with controls that indicate the rate of surface water depletion should be no more than 5l/s as calculated using Schedule 5A.	Reject.
98	Rule 12.2.3.2A - Taking and use from 100 metres or more from perennial surface water body	amend	Delete all references to the proposed 100 metre setback for groundwater rules to apply; and replace with controls that indicate the rate of surface water depletion should be no more than 5l/s as calculated using Schedule 5A.	Reject.
100	Rule 12.2.3.4 - Restricted discretionary considerations	amend	Delete condition 12.2.3.4(iii).	Reject.
100	Rule 12.2.3.4 - Restricted discretionary considerations	amend	Delete condition 12.2.3.4(iv).	Reject.
100	Rule 12.2.3.4 - Restricted discretionary considerations	amend	Delete condition 12.2.3.4(xviii).	Reject.
100	Rule 12.2.3.4 - Restricted discretionary considerations	amend	Amend condition (v) by adding "technical" in front of efficiency. Include a definition of technical efficiency in the rule.	Reject.
101	Rule 12.2.3.5 - Suspension of takes	support	Retain (with consequential amendments sought by Horticulture NZ) 12.2.3.5 through to 12.2.5.1.	Accept.
102	Rule 12.2.4.1 - Taking and use discretionary activity	support	Retain (with consequential amendments sought by Horticulture NZ) 12.2.3.5 through to 12.2.5.1.	Accept in part.
103	Rule 12.2.5.1 - Taking and use Waitaki catchment	support	Retain (with consequential amendments sought by Horticulture NZ) 12.2.3.5 through to 12.2.5.1.	Accept in part.
137	Matters Beyond the Scope of the Plan Change	not applicable	Amend Policy 6.4.10B as follows: "In managing the taking of groundwater, to have regard to avoiding adverse effects on existing groundwater <u>takes where the existing bore is adequately penetrating the aquifer and is adequately maintained.</u> "	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	Amend Policy 6.4.17 to provide for transfers as a restricted discretionary activity.	Noted.

45 Luggate Creek Community and Guardians

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
15	Policy 6.4.2A - Historically accessed water	did not specify	The ORC allowing or reinstating additional water takes from Luggate Creek, which we were informed were to be deleted, and would not therefore come into this calculated figure.	Noted.

46 Pisa Irrigation Company

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	amend	The rulings be simple, easily understood and sustainable.	Accept.
5	Objective 6.3.1 - Retain flows to maintain life-supporting capacity and natural character	amend	The rulings be simple easily understood and sustainable.	Accept.
10	Policy 6.4.0B - Promotion of shared use and management of water	support	The rulings be simple easily understood and sustainable.	Accept.
11	Policy 6.4.0C - Local source and local use	support	The rulings be simple easily understood and sustainable.	Accept.
12	Policy 6.4.1 - Surface water allocation system	amend	The rulings be simple easily understood and sustainable.	Accept.
15	Policy 6.4.2A - Historically accessed water	amend	The rulings be simple easily understood and sustainable.	Accept.
29.50	Policies 6.4.17 and 9.4.11 - Transfer of consent	support	The rulings be simple easily understood and sustainable.	Accept.
30	Policy 6.4.19 - Term of permit	did not specify	State the term the consent would be issued for, we suggest 35 years.	Reject.
33	Policy 6.6.0 - Development of shared water infrastructure	support	The rulings be simple easily understood and sustainable.	Accept.

105	Method 15.2.2 - Water allocation committees and water management groups	support	The rulings be simple easily understood and sustainable.	Accept.
137	Matters Beyond the Scope of the Plan Change	not applicable	The rulings be simple easily understood and sustainable.	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	The rulings be simple easily understood and sustainable.	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	That the cost structure for consents be reviewed and streamlined.	Noted.

47 Kawarau Station Ltd

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
1	Introduction 6.1 - Introduction Chapter 6: Water Quantity	amend	That the proposed change to Introduction 6.1 by addition of words "will recognise current access to water, but will also consider the intended purpose of use of the water" needs to be amended to " <u>acknowledge and</u> recognise <u>the</u> current access" and "will also consider the <u>current</u> purpose for the use of the water" not "intended".	Reject.
3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	amend	In relation to (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.	Reject.
3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	amend	The ORC must include [the economic cost of change] as a consideration in decision making processes.	Accept in part.
3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	amend	In relation to (a), addition of the word "inappropriate" is opposed.	Reject.
8.42	Policies 6.4.0 and 9.4.3 - Understanding the water system	amend	The understanding of the hydrological characteristics should include the effect of deemed permits that have been operating for more than 100 years so their effect is not a separate consideration.	Reject.
9	Policy 6.4.0A General - Allocation for intended purpose of use	amend	A fourth matter to add as a consideration is the " <u>most economically viable efficient transport and application system</u> ".	Reject.
10	Policy 6.4.0B - Promotion of shared use and management of water	did not specify	No decision requested.	Noted.
11	Policy 6.4.0C - Local source and local use	amend	The alternatives must be economically and physically feasible and this should be stated as a consideration.	Accept in part.
12	Policy 6.4.1 - Surface water allocation system	did not specify	Clarification is required on ORC intent.	Accept in part.
15	Policy 6.4.2A - Historically accessed water	amend	The Policy should be amended to include words that the take to be at the greatest volume that consent holders are deemed to have historically accessed.	Accept in part.
15	Policy 6.4.2A - Historically accessed water	amend	The process to ascertain the measure of historically accessed water needs to be clear and transparent, if there are no detailed records.	Reject.
15	Policy 6.4.2A - Historically accessed water	amend	Within the wording of the Principal reason for adopting this Policy, there should be included a statement as to the fairness to water users based on historical rights.	Reject.
32	Policy 6.4.21 - Restrict exercise of water permit	oppose	It is not appropriate to delete this clause.	Reject.
78	Rule 12.1.4.8 - Restricted discretionary activity considerations	amend	Proposed clause (viii) relating to competing lawful demand should not be a consideration of the ORC and should be deleted.	Reject.
78	Rule 12.1.4.8 - Restricted discretionary activity considerations	amend	Under the proposed clause (xi), a change to the wording of this discretion to reflect voluntary or to be removed.	Reject.
78	Rule 12.1.4.8 - Restricted discretionary activity considerations	amend	Under clause (iv) a change words should be: "the rate and volume of water historically accessed <u>if able to be ascertained</u> ".	Reject.
78	Rule 12.1.4.8 - Restricted discretionary activity considerations	amend	Under the proposed clause (vi) the word "feasible" should be included before the word "sources".	Reject.
79	Rule 12.1.4.9 - Suspension of takes	amend	The words "subject to minimum flow" need to be reinstated.	Reject.

110	Information Requirements 16.3.1 - The taking of surface water or groundwater	amend	The information requirements proposed under 4A should be changed to all feasible sources of water.	Accept in part.
110	Information Requirements 16.3.1 - The taking of surface water or groundwater	amend	The information requirements proposed under 4A should be limited to new resource consents, not applicable to replacement consent.	Reject.
110	Information Requirements 16.3.1 - The taking of surface water or groundwater	amend	This information requirement [4B] should be removed.	Reject.

48 The Director-General of Conservation

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
1	Introduction 6.1 - Introduction Chapter 6: Water Quantity	support	Retain the proposed amendments [to the second and third paragraphs].	Accept.
3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	amend	That the following amendment be made to the Explanation: "A range of domestic, agricultural, <u>natural, recreational</u> , industrial and commercial uses rely on sufficient quantities of water in Otago. ... (i) <u>Inappropriate land use in some catchments, such as exotic forestry, tussock grassland clearance and wetland development, all of which can decrease water yield; and</u> (h) [(j) intended] <u>Poor water quality due to inappropriate land use and/or discharge of contaminants.</u> ... Potential users might also find less allocation is available as a result of water being secured by existing consents. <u>Comprehensively managing the available water resources within catchments is therefore crucial.</u> "	Reject.
3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	amend	The following amendment be made to Issue 6.2.3 [add a new (b) between (a) and existing (b)]: " <u>Inappropriate land use activities; and</u> "	Reject.
8.42	Policies 6.4.0 and 9.4.3 - Understanding the water system	amend	That the following amendment be made to Policy 6.4.0: " <u>To recognise the hydrological characteristics of Otago's water resources, including behaviour and trends in:</u> <u>...(d) The impact of different land use on water yield;</u> <u>(e) The contributions intact indigenous vegetation makes to water quantity and quality,</u> when managing the taking of water."	Reject.
8.42	Policies 6.4.0 and 9.4.3 - Understanding the water system	amend	That the following amendment be made to the Explanation [Add after first paragraph]: "... <u>Land use within catchments, particularly in headwaters, has the potential to alter water yields. For example, the establishment of exotic forestry has been shown to reduce water yield by up to 35%, whilst removal of tussock grassland has the potential to reduce water yield also.</u> " ...	Reject.
9	Policy 6.4.0A General - Allocation for intended purpose of use	support	Retain the proposed amendments.	Accept in part.
11	Policy 6.4.0C - Local source and local use	amend	That the Principal reasons for adopting be amended as follows: "...This will ensure Otago's communities can provide for their social, <u>recreational</u> , cultural and economic wellbeing, now and for the future."	Reject.

12	Policy 6.4.1 - Surface water allocation system	amend	The following amendment be made to Policy 6.4.1: "...(b) Provision for water body levels and <u>of environmental</u> flows; ..."	Reject.
12	Policy 6.4.1 - Surface water allocation system	amend	The following amendments be made to Principal reasons for adopting: "This policy is adopted to enable consumptive users' access to surface water while sustaining <u>instream</u> values."	Accept.
15	Policy 6.4.2A - Historically accessed water	support	Retain the proposed amendments.	Accept in part.
16	Policy 6.4.2B - New consents from primary allocation	support	Retain the proposed amendments.	Accept in part.
18	Policy 6.4.10A General - Groundwater allocation system	amend	The following amendment be made to Policy 6.4.10A: "...(ii) <u>35%</u> of the calculated mean annual recharge for those aquifers not specified in Schedule 4A..."	Reject.
18	Policy 6.4.10A General - Groundwater allocation system	amend	The following amendment be made to the Explanation: "...(i) The individual take would not cause the cumulative take from the aquifer to exceed <u>35%</u> of the mean annual recharge of the aquifer, or the maximum allocation volume listed in Schedule 4A; and"	Reject.
18	Policy 6.4.10A General - Groundwater allocation system	amend	The following amendment be made to the third paragraph of the Principal reasons for adopting: "...Allocating <u>35%</u> of mean annual recharge ensures the remaining <u>65%</u> provides for adequate levels of system outflow."	Reject.
23.45	Policies 6.4.11 and 9.4.6 - Suspension of takes - by allocation type or aquifer level	support	Retain the proposed amendments.	Accept.
28	Policy 6.4.16 - Measurement of takes	support	Retain the proposed amendments.	Accept.
29.50	Policies 6.4.17 and 9.4.11 - Transfer of consent	support	Retain the proposed amendments.	Accept in part.
78	Rule 12.1.4.8 - Restricted discretionary activity considerations	amend	That the following amendments are made to Rule 12.1.4.8: "(i) The amount of water to be taken and used <u>and the stated use</u> ; and ... <u>(xxv) Any need to locate the intake so to avoid adverse effect on fish spawning sites;</u> <u>(xxvi) The natural character of any affected water body."</u>	Reject.
98	Rule 12.2.3.2A - Taking and use from 100 metres or more from perennial surface water body	amend	That the following amendments are made to Rule 12.2.3.2A: "(a) The volume sought is within: ... <u>(ii) 35%</u> of the calculated mean annual recharge for any aquifer not specified in Schedule 4A; and ...".	Reject.
100	Rule 12.2.3.4 - Restricted discretionary considerations	amend	That the following amendments are made to Rule 12.2.3.4: "(i) The amount of water to be taken and used <u>and the stated use</u> ; and ... <u>(xxii) Any impact on ecological and/or recreational and/or cultural values."</u>	Reject.
104	Principal Reasons for Adopting Section 12.2 - Principal reasons for adopting section 12.2	amend	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, <u>and the ecological, recreational and cultural values contained within these, or on any other person taking water..."</u>	Reject.
128	Minor and Consequential Changes	amend	That any other consequential amendments to the Plan required to explain or give effect to these changes, be made.	Accept.

137	Matters Beyond the Scope of the Plan Change	not applicable	That the following amendment be made to the first paragraph [of Section 6.1, Introduction]: "Water is an important resource to many of Otago's people and communities due to its use for domestic and community water supply, stock drinking water, irrigation, hydro-electric power generation, <u>its value for recreational and ecological uses, and industrial supply.</u> ...".	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	That the following amendment be made to the fourth paragraph [of Section 6.1, Introduction]: "... This is achieved through the regulation of the taking, damming or diversion of water <u>and by managing the impact of land use activities on water quantity.</u> ... This chapter applies in detail the direction given by the Regional Policy Statement for Otago (<u>in particular Objective 5.4.2 and Policy 5.5.5</u>) to the management of activities affecting water quantity."	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	That the following amendment be made to the sixth paragraph [of Section 6.1, Introduction]: "The water allocation provisions of this chapter are intended to provide for the maintenance <u>and enhancement</u> of aquatic ecosystem and natural character values of water bodies."	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	The inclusion of the following "Anticipated Environmental Result" [in Section 6.7]: <u>"6.7.9 The potential impact of some land use activities on water yield is recognised and managed."</u>	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	The following amendment be made [to Section 9.1, Introduction, in the Groundwater Chapter]: "...These uses include domestic and public water supply, stock drinking water, irrigation, <u>recreational, ecological, and industrial uses...</u> ".	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	That the Director-General of Conservation always be treated by the Otago Regional Council, be treated as an affected party for applications to take and use water, <u>unless by prior agreement to the contrary.</u>	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	That the following amendment is made to Rule 12.1.4[.1]: "...and (g) Any need to avoid, remedy or mitigate any adverse effect on <u>significant indigenous flora and/or habitats of significant fauna.</u> "	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	The following amendment to Method 15.3.1: "...and (e) The influence of land use activities on both water quality and water yield", and to [the end of the last paragraph in] Principal reasons for adopting: <u>"It will also make users aware of the influence of land use activities on both water quality and water yield"</u> .	Noted.

137	Matters Beyond the Scope of the Plan Change	not applicable	The inclusion of the following Method: <u>"15.10 Future Policy Development</u> <u>The Otago Regional Council shall, within either its 2009/2010 or 2010/2011 Annual Plan, commit to developing effective policy instruments for the purpose of controlling the use of land for the purpose of:</u> <u>(i) Soil conservation;</u> <u>(ii) The maintenance and enhancement of the quality of water in water bodies;</u> <u>(iii) The maintenance of the quantity of water in water bodies;</u> <u>(iiia) The maintenance and enhancement of ecosystems in water bodies;</u> <u>(iv) The avoidance or mitigation of natural hazards".</u>	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	That the following definitions be added to the Glossary: <u>"Reasonable needs of an individual's animals for drinking water (refer Farm Technical Manual; Lincoln University, 1991)</u> <u>[Animal]; Litres/head/day</u> <u>Dairy cattle - in lactation; 70</u> <u>Dairy cattle - dry; 45</u> <u>Beef cattle; 45</u> <u>Calves; 25</u> <u>Horses - working; 55</u> <u>Horses - grazing; 35</u> <u>Breeding ewes; 3</u> <u>Sows; 25</u> <u>Pigs; 11</u> <u>Poultry - per 100 birds per day; 30</u> <u>Turkeys - per 100 birds per day; 55"</u>	Noted.

49 Oceana Gold (New Zealand) Limited

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	amend	That "evaporation" not being used as an example of inefficient or inappropriate use of water.	Reject.
10	Policy 6.4.0B - Promotion of shared use and management of water	amend	The wording of the Policy or Explanation should make it explicit that such shared use and management groups are voluntary, and that any member that has opted into a group may also opt out.	Accept in part.
10	Policy 6.4.0B - Promotion of shared use and management of water	amend	That the wording of the Policy or Explanation make it clear that Council will be open to assisting such groups, and aid in the controlling and steering of the group dynamics to ensure proper and fair	Accept in part.
10	Policy 6.4.0B - Promotion of shared use and management of water	amend	That the wording of the Policy or Explanation be amended to ensure that an applicant or consent holder that is not in such a group, is not disadvantaged.	Accept in part.
11	Policy 6.4.0C - Local source and local use	amend	That an explicit exemption be included in the Policy and Explanation, to ensure that existing users of water that is taken from another catchment, are not disadvantaged, if it would be otherwise prohibitive for such users to find an alternative water source closer to their existing activity. Alternatively, delete this policy.	Accept in part.
33	Policy 6.6.0 - Development of shared water infrastructure	amend	That wording be added to the Explanation to allow for the possibility of industrial and commercial users being possible participants in such shared water infrastructure developments.	Reject.

110	Information Requirements 16.3.1 - The taking of surface water or groundwater	amend	That an additional provision be added clarifying that where information and records are already held by the Council, the applicant need only cross-reference to the relevant documents, rather than providing a duplicate set.	Accept.
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50 Central Otago District Council

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
8.42	Policies 6.4.0 and 9.4.3 - Understanding the water system	amend	Include details of determination of hydrological characteristics (including length of measurement).	Reject.
9	Policy 6.4.0A General - Allocation for intended purpose of use	amend	[With regard to condition (b)]: To consider current and potential future residential demands.	Accept in part.
9	Policy 6.4.0A General - Allocation for intended purpose of use	amend	[With regard to condition (c)] Either remove the recommendation on water use efficiency, or (preferred) develop mechanisms to measure this in a way that supports the intention of this being a plan that considers economic and community prosperity.	Accept in part.
10	Policy 6.4.0B - Promotion of shared use and management of water	amend	ORC Plan to state the manner and practical means by which it will encourage the development of shared use schemes.	Accept.
10	Policy 6.4.0B - Promotion of shared use and management of water	amend	ORC Plan to actively encourage the engagement of all community views in the development of shared use and management of water.	Accept.
11	Policy 6.4.0C - Local source and local use	amend	ORC Plan to make reference to current and future potential residential and community supply.	Accept in part.
11	Policy 6.4.0C - Local source and local use	amend	[With regard to condition (d)] ORC to specify meaningful measures to determine the economic, social, environmental and cultural costs and benefits.	Reject.
11	Policy 6.4.0C - Local source and local use	amend	A policy is needed to clearly define local versus non-local users based on the impact of takes.	Reject.
15	Policy 6.4.2A - Historically accessed water	amend	ORC to support 6.4.2A with consistent measures of water use efficiency based on economic, environmental and community outcomes.	Accept in part.
15	Policy 6.4.2A - Historically accessed water	amend	The plan change to recognise current and potential demands for community or residential supply.	Accept in part.
25	Policy 6.4.12A - Water management groups	support	Encourage the establishment of representative Water Management Groups with clearly defined roles and purpose.	Accept.
137	Matters Beyond the Scope of the Plan Change	not applicable	Include frost-fighting as a recognised use of water in the Introduction [Section 6.1] and where appropriate in the body of the document.	Noted.

51 TrustPower Limited

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	amend	<p>Insert in the Explanation:</p> <p>"A range of domestic, agricultural, industrial, <u>hydro-electricity</u> and commercial uses... {and add after sub-paragraph (h)} <u>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</u>".</p> <p>Any similar amendments to like effect.</p> <p>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.</p>	Reject.

9	Policy 6.4.0A General - Allocation for intended purpose of use	amend	Amend Objective [Policy] 6.4.0A to recognise that: <u>"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".</u> Any similar amendments to like effect.	Reject.
10	Policy 6.4.0B - Promotion of shared use and management of water	amend	Insert the following text within the Explanation: <u>"Decisions made through the implementation of this Policy cannot adversely impact the rights held by existing consents unless the consent holder agrees."</u> <u>"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."</u> Any similar amendments to like effect. Any consequential amendments that stem from the amendment of the Explanation to Policy 6.4.0B as proposed in this submission.	Accept in part.
11	Policy 6.4.0C - Local source and local use	amend	Insert the following text: <u>"(e) the impact on existing hydroelectric power schemes within the catchment where water is to be exported from."</u> Any similar amendments to like effect. 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.	Reject.
11	Policy 6.4.0C - Local source and local use	amend	Clarify that the first-in-first-served approach under the RMA is unaffected by this Policy. Any similar amendments to like effect. 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.	Accept in part.
12	Policy 6.4.1 - Surface water allocation system	amend	That the following text be inserted into the Explanation: <u>"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."</u> Any similar amendments to like effect. Any consequential amendments that stem from the amendment of Policy 6.4.1 as proposed in this submission.	Reject.
13.48	Policies 6.4.1A and 9.4.9 - Groundwater connected to surface water	support	Policy 6.4.1A is retained as provided in the Plan Change. Any similar amendments to like effect. Any consequential amendments that stem from the retention of Policy 6.4.1A.	Accept.

15	Policy 6.4.2A - Historically accessed water	amend	<p>Insert a clause (and appropriate explanatory text) within Policy 6.4.2A as follows:</p> <p><u>"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 users 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."</u></p> <p>Any similar amendments to like effect.</p> <p>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.</p>	Reject.
15	Policy 6.4.2A - Historically accessed water	amend	<p>Insert an 'exception' to Policy 6.4.2A as follows:</p> <p><u>"Any water body where water flow is not recorded is unknown or flow recording devices do not provide an appropriate level of accuracy."</u></p> <p>Any similar amendments to like effect.</p> <p>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.</p>	Reject.
16	Policy 6.4.2B - New consents from primary allocation	support	<p>Policy 6.4.2B is retained as provided in the Plan Change.</p> <p>Any similar amendments to like effect.</p> <p>Any consequential amendments that stem from the retention of Policy 6.4.2B.</p>	Accept in part.
17	Policy 6.4.9 - Supplementary allocation and supplementary minimum flows	amend	<p>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.</p> <p>Any similar amendments to like effect.</p> <p>Any consequential amendments that stem from the amendment of the Explanation of Policy 6.4.9 as proposed in this submission.</p>	Reject.
18	Policy 6.4.10A General - Groundwater allocation system	support	<p>Policy 6.4.10A is retained as provided in the Plan Change.</p> <p>Any similar amendments to like effect.</p> <p>Any consequential amendments that stem from the retention of Policy 6.4.10A.</p>	Accept in part.

25	Policy 6.4.12A - Water management groups	amend	<p>Seeks relief as per comments above for Policy 6.4.12 and 6.4.0B as follows:</p> <p><u>"Decisions made through the implementation of this Policy cannot adversely impact the rights held by existing consents unless the consent holder agrees."</u></p> <p><u>"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."</u></p> <p>Any similar amendments to like effect.</p> <p>Any consequential amendments that stem from the amendment of Policy 6.4.12A.</p>	Accept in part.
26.52	Policies 6.4.13 and 9.4.13 - Suspension of takes by Council recognised rationing regime	amend	<p>Insert an 'exemption' to Policy 6.4.13 as follows:</p> <p><u>"Takes associated with uses that are not consumptive (for example hydroelectric power generation) are to be excluded from any rationing regime."</u></p> <p>Insert within the Explanation section: <u>"As a reflection of the importance placed on renewable electricity generation under Part 2 of the RMA 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."</u></p> <p>Any similar amendments to like effect.</p> <p>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.</p>	Accept in part.
30	Policy 6.4.19 - Term of permit	oppose	<p>Retain Policy 6.4.19.</p> <p>Any similar amendments to like effect.</p> <p>Any consequential amendments that stem from the retention of Policy 6.4.19</p>	Reject.
59.1	Chapter 12 General - Redefining use of water	amend	<p>Clarify in relation to all the relevant 'take and use' rules that: "Water permits issued prior to notification of Plan Change 1C authorise the use of the water that is the subject of any take."</p> <p>Any similar amendments to like effect.</p> <p>Any consequential amendments that stem from the addition of the above clause.</p>	Accept.
78	Rule 12.1.4.8 - Restricted discretionary activity considerations	amend	<p>Retain Rules 12.1.4.8 (g) and (h).</p> <p>Any similar amendments to like effect.</p> <p>Any consequential amendments that stem from the retention of Rules 12.1.[4].8 (g) and (h).</p>	Reject.

78	Rule 12.1.4.8 - Restricted discretionary activity considerations	amend	Delete Rule 12.1.4.8 (xii). Any similar amendments to like effect. Any consequential amendments that stem from the deletion of Rule 12.1.4.8 (xii) [not Rule 12.1.8(xii) as requested].	Reject.
105	Method 15.2.2 - Water allocation committees and water management groups	amend	Seeks relief as per comments above for Policy 6.4.12, 6.4.0B and 6.4.12A as follows: <u>"Decisions made through the implementation of this Policy cannot adversely impact the rights held by existing consents unless the consent holder agrees."</u> <u>"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."</u> Any similar amendments to like effect. Any consequential amendments that stem from the amendment of Method 15.2.2.	Accept in part.
109	Method 15.8.1A - Method for determining supplementary allocation	amend	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. Any similar amendments to like effect. Any consequential amendments that stem from the amendment of Method 15.8.	Accept in part.
110	Information Requirements 16.3.1 - The taking of surface water or groundwater	support	Retain 16.3.1 as provided in the Plan Change, save 16.3.1.4A, which is addressed in [another TrustPower] submission. Any similar amendments to like effect. Any consequential amendments that stem from the retention of 16.3.1.	Accept in part.
110	Information Requirements 16.3.1 - The taking of surface water or groundwater	amend	Delete 16.3.1.4A; or If retained, [hydroelectric power schemes] 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 If retained that a trigger mechanism be established to determine the circumstances where 16.3.1.4A should be invoked. Any similar amendments to like effect. Any consequential amendments that stem from the deletion or amendment of 16.3.1.4A.	Accept in part.
123	Appendix 2A - Water management groups	amend	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. Any similar amendments to like effect.	Accept in part.

134	General Opposition	amend	(a) That the Plan Change be amended to address TrustPower's concerns as set out in relation to the general and specific matters raised in this submission; and (b) In the event that TrustPower's concerns are not adequately addressed, that the Plan Change be withdrawn entirely.	Accept in part.
137	Matters Beyond the Scope of the Plan Change	not applicable	Insert the following text under Policy 6.4.17: <u>"(e) The written approval of existing consent holders shall be required where the transfer is upstream of those consent holders."</u> Any similar amendments to like effect. Any consequential amendments that stem from the amendment of Policy 6.4.17.	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	Insert the following text under 6.1 Introduction: <u>"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".</u> Any similar amendments to like effect. 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.	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	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 RMA) must be metered and recorded in order to maintain an accurate and complete record of all water abstractions. Any similar amendments to like effect. Any consequential amendments that stem from the amendment of Policy 6.4.1 as proposed in this submission.	Noted.

52 Contact Energy Limited

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
7	Index to Policies in 6.4 - Index to policies applying to management of taking water	amend	Amend the Section heading as follows: "Surface Water <u>Takes</u> and Connected Groundwater Takes".	Accept.
9	Policy 6.4.0A General - Allocation for intended purpose of use	amend	Add a further clause to the last sentence of the Principal Reasons for Adopting as follows: "This will enable more people to benefit from water available for consumptive use, and water to be retained for hydro-electric power generation."	Reject.
10	Policy 6.4.0B - Promotion of shared use and management of water	amend	Add after the paragraph addressing Infrastructure in the Explanation a new paragraph as follows or to like effect: <u>"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 take within an area)."</u>	Reject.

11	Policy 6.4.0C - Local source and local use	amend	Delete the last sentence from the first paragraph of the Explanation [so that it reads] as follows: "...require adequate water supply." Add a fourth paragraph to the Explanation as follows or to like effect: <u>"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."</u>	Reject.
12	Policy 6.4.1 - Surface water allocation system	amend	Delete and substitute from the third paragraph of the Explanation [to read] as follows: "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 <u>(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.</u> "	Accept in part.
12	Policy 6.4.1 - Surface water allocation system	amend	Add an acknowledgement as a last sentence to the Explanation as follows: <u>"Contact Energy Limited is an affected party for all applications for takes upstream from Roxburgh Dam."</u>	Reject.
12	Policy 6.4.1 - Surface water allocation system	amend	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 <u>and the availability of water for hydro electric generation.</u> "	Reject.
128	Minor and Consequential Changes	amend	Contact seeks whatever consequential changes as are necessary to give effect to the relief sought above [the whole submission].	Accept.
137	Matters Beyond the Scope of the Plan Change	not applicable	The addition of Issues as follows: <u>"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."</u> <u>"The cumulative effects of the taking of water may:</u> i) <u>result in reductions of water quality and aquatic habitat</u> ii) <u>limit the availability of water for other actual and potential uses</u> iii) <u>compromise the generation of renewable energy."</u>	Noted.

137	Matters Beyond the Scope of the Plan Change	not applicable	<p>The inclusion of two new Objectives as follows:</p> <p><u>"The continued availability of water currently (at the date of notification of this change) used for renewable energy generation."</u></p> <p><u>"Enable people and communities to provide for their social, economic and cultural wellbeing by providing water for hydro-electricity generation."</u></p> <p>An Explanation for these Objectives as follows: <u>"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]."</u></p>	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	<p>The addition of a new Policy as follows or to like effect:</p> <p><u>"The benefits to be derived from the use of water for the generation of renewable energy." when establishing allocation.</u></p>	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	<p>Retain the reference to hydro-electric generation in the opening sentence of the Introduction [Section 6.1].</p> <p>Add to the second to last sentence of the third paragraph of the introduction [Section 6.1] as follows or to like effect:</p> <p><u>"...will recognise current access to water, but will also consider the intended purpose of use for the water and protection of aquatic ecosystems, natural character of the affected water bodies and protection of water for existing and potential hydro-generation of electricity."</u></p> <p>Amend the first sentence of the sixth paragraph [of Section 6.1] as follows or to like effect:</p> <p><u>"The water allocation provisions of this chapter are intended to provide for the maintenance of water availability for existing hydro-electric generation and maintenance of aquatic ecosystem and natural character values of water bodies. ..."</u></p>	Noted.

53 M J O'Connor Family Trust

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
15	Policy 6.4.2A - Historically accessed water	oppose	Delete Section 6.4.2A.	Reject.

54 Hokonui Runanga

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Objective 6.3.1 - Retain flows to maintain life-supporting capacity and natural character	support	Support greater recognition of the hydrological connection between surface and groundwater.	Accept.
6.39	Objectives 6.3.2A and 9.3.2 - Maintain levels and storage in Otago's aquifers	support	Support greater recognition of the hydrological connection between surface and groundwater.	Accept.
8.42	Policies 6.4.0 and 9.4.3 - Understanding the water system	support	Support greater recognition of the hydrological connection between surface and groundwater.	Accept.
10	Policy 6.4.0B - Promotion of shared use and management of water	oppose	Opposes delegation of authority for the management of water takes to water management groups.	Accept in part.
11	Policy 6.4.0C - Local source and local use	support	Support the prioritising of the local use of water over its use elsewhere.	Accept.
12	Policy 6.4.1 - Surface water allocation system	did not specify	No decision requested.	Noted.
12	Policy 6.4.1 - Surface water allocation system	amend	Amend the Principal reason for adopting the policy: "This policy is adopted to enable consumptive users' access to surface water while sustaining ecological <u>and cultural</u> values".	Accept in part.
13.48	Policies 6.4.1A and 9.4.9 - Groundwater connected to surface water	support	Support greater recognition of the hydrological connection between surface and groundwater.	Accept.
18	Policy 6.4.10A General - Groundwater allocation system	support	Supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions.	Accept.
19.46	Policies 6.4.10B and 9.4.7 - Managing bore interference	support	Supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions.	Accept.
20	Policy 6.4.10C - Wastage/loss of artesian pressure	support	Supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions.	Accept.
21.54	Policies 6.4.10D and 9.4.15 - Papakaio/Lower Taieri bore construction	support	Supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions.	Accept.
22.55	Policies 6.4.10E and 9.4.16 - Papakaio/Lower Taieri bore certification	support	Supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions.	Accept.
25	Policy 6.4.12A - Water management groups	oppose	Opposes delegation of authority for the management of water takes to water management groups.	Accept in part.
78	Rule 12.1.4.8 - Restricted discretionary activity considerations	amend	Include Kai Tahu cultural values as a restricted discretionary activity consideration: " <u>Any adverse effect on Kai Tahu values identified in Schedule 1D</u> ".	Reject.
100	Rule 12.2.3.4 - Restricted discretionary considerations	amend	Include Kai Tahu cultural values as a restricted discretionary activity consideration: " <u>Any adverse effect on Kai Tahu values identified in Schedule 1D.</u> "	Reject.
105	Method 15.2.2 - Water allocation committees and water management groups	oppose	Opposes delegation of authority for the management of water takes to water management groups.	Accept in part.
110	Information Requirements 16.3.1 - The taking of surface water or groundwater	amend	Require an assessment of the effects of water takes on Kai Tahu cultural values: "In the case of any resource consent application, an assessment of the effects..." [Deleting the words: "under Rule 12.1.5.1 or 12.2.4.1,"]	Reject.
123	Appendix 2A - Water management groups	oppose	Opposes delegation of authority for the management of water takes to water management groups.	Accept in part.
133	General Support	amend	Support the intent of the plan change, however, opposes delegation of authority for the management of water takes to water management groups.	Accept in part.
137	Matters Beyond the Scope of the Plan Change	not applicable	Supports the measurement of the volume and rate of water takes [Policy 6.4.16].	Noted.

55 Te Runanga o Otakou

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Objective 6.3.1 - Retain flows to maintain life-supporting capacity and natural character	support	Support greater recognition of the hydrological connection between surface and groundwater.	Accept.
6.39	Objectives 6.3.2A and 9.3.2 - Maintain levels and storage in Otago's aquifers	support	Support greater recognition of the hydrological connection between surface and groundwater.	Accept.
8.42	Policies 6.4.0 and 9.4.3 - Understanding the water system	support	Support greater recognition of the hydrological connection between surface and groundwater.	Accept.
10	Policy 6.4.0B - Promotion of shared use and management of water	oppose	Opposes delegation of authority for the management of water takes to water management groups.	Accept in part.
11	Policy 6.4.0C - Local source and local use	support	Support the prioritising of the local use of water over its use elsewhere.	Accept.
12	Policy 6.4.1 - Surface water allocation system	did not specify	No decision requested.	Noted.
12	Policy 6.4.1 - Surface water allocation system	amend	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".	Accept in part.
13.48	Policies 6.4.1A and 9.4.9 - Groundwater connected to surface water	support	Support greater recognition of the hydrological connection between surface and groundwater.	Accept.
18	Policy 6.4.10A General - Groundwater allocation system	support	Supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions.	Accept.
19.46	Policies 6.4.10B and 9.4.7 - Managing bore interference	support	Supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions.	Accept.
20	Policy 6.4.10C - Wastage/loss of artesian pressure	support	Supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions.	Accept.
21.54	Policies 6.4.10D and 9.4.15 - Papakaio/Lower Taieri bore construction	support	Supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions.	Accept.
22.55	Policies 6.4.10E and 9.4.16 - Papakaio/Lower Taieri bore certification	support	Supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions.	Accept.
25	Policy 6.4.12A - Water management groups	oppose	Opposes delegation of authority for the management of water takes to water management groups.	Accept in part.
78	Rule 12.1.4.8 - Restricted discretionary activity considerations	amend	Include Kai Tahu cultural values as a restricted discretionary activity consideration: "Any adverse effect on Kai Tahu values identified in Schedule 1D".	Reject.
100	Rule 12.2.3.4 - Restricted discretionary considerations	amend	Include Kai Tahu cultural values as a restricted discretionary activity consideration: "Any adverse effect on Kai Tahu values identified in Schedule 1D."	Reject.
105	Method 15.2.2 - Water allocation committees and water management groups	oppose	Opposes delegation of authority for the management of water takes to water management groups.	Accept in part.
110	Information Requirements 16.3.1 - The taking of surface water or groundwater	amend	Require an assessment of the effects of water takes on Kai Tahu cultural values: "In the case of any resource consent application, an assessment of the effects..." [Deleting the words: "under Rule 12.1.5.1 or 12.2.4.1,"]	Reject.
123	Appendix 2A - Water management groups	oppose	Opposes delegation of authority for the management of water takes to water management groups.	Accept in part.
133	General Support	amend	Support the intent of the plan change, however, opposes delegation of authority for the management of water takes to water management groups.	Accept in part.
137	Matters Beyond the Scope of the Plan Change	not applicable	Supports the measurement of the volume and rate of water takes [Policy 6.4.16].	Noted.

56 Kati Huirapa Runanga ki Puketeraki

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Objective 6.3.1 - Retain flows to maintain life-supporting capacity and natural character	support	Support greater recognition of the hydrological connection between surface and groundwater.	Accept.
6.39	Objectives 6.3.2A and 9.3.2 - Maintain levels and storage in Otago's aquifers	support	Support greater recognition of the hydrological connection between surface and groundwater.	Accept.
8.42	Policies 6.4.0 and 9.4.3 - Understanding the water system	support	Support greater recognition of the hydrological connection between surface and groundwater.	Accept.
10	Policy 6.4.0B - Promotion of shared use and management of water	oppose	Opposes delegation of authority for the management of water takes to water management groups.	Accept in part.
11	Policy 6.4.0C - Local source and local use	support	Support the prioritising of the local use of water over its use elsewhere.	Accept.
12	Policy 6.4.1 - Surface water allocation system	did not specify	No decision requested.	Noted.
12	Policy 6.4.1 - Surface water allocation system	amend	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".	Accept in part.
13.48	Policies 6.4.1A and 9.4.9 - Groundwater connected to surface water	support	Support greater recognition of the hydrological connection between surface and groundwater.	Accept.
18	Policy 6.4.10A General - Groundwater allocation system	support	Supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions.	Accept.
19.46	Policies 6.4.10B and 9.4.7 - Managing bore interference	support	Supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions.	Accept.
20	Policy 6.4.10C - Wastage/loss of artesian pressure	support	Supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions.	Accept.
21.54	Policies 6.4.10D and 9.4.15 - Papakaio/Lower Taieri bore construction	support	Supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions.	Accept.
22.55	Policies 6.4.10E and 9.4.16 - Papakaio/Lower Taieri bore certification	support	Supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions.	Accept.
25	Policy 6.4.12A - Water management groups	oppose	Opposes delegation of authority for the management of water takes to water management groups.	Accept in part.
78	Rule 12.1.4.8 - Restricted discretionary activity considerations	amend	Include Kai Tahu cultural values as a restricted discretionary activity consideration: "Any adverse effect on Kai Tahu values identified in Schedule 1D".	Reject.
100	Rule 12.2.3.4 - Restricted discretionary considerations	amend	Include Kai Tahu cultural values as a restricted discretionary activity consideration: "Any adverse effect on Kai Tahu values identified in Schedule 1D."	Reject.
105	Method 15.2.2 - Water allocation committees and water management groups	oppose	Opposes delegation of authority for the management of water takes to water management groups.	Accept in part.
110	Information Requirements 16.3.1 - The taking of surface water or groundwater	amend	Require an assessment of the effects of water takes on Kai Tahu cultural values: "In the case of any resource consent application, an assessment of the effects..." [Deleting the words: "under Rule 12.1.5.1 or 12.2.4.1,"]	Reject.
123	Appendix 2A - Water management groups	oppose	Opposes delegation of authority for the management of water takes to water management groups.	Accept in part.
133	General Support	amend	Support the intent of the plan change, however, opposes delegation of authority for the management of water takes to water management groups.	Accept in part.
137	Matters Beyond the Scope of the Plan Change	not applicable	Supports the measurement of the volume and rate of water takes [Policy 6.4.16].	Noted.

57 Te Runanga o Moeraki

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Objective 6.3.1 - Retain flows to maintain life-supporting capacity and natural character	support	Support greater recognition of the hydrological connection between surface and groundwater.	Accept.
6.39	Objectives 6.3.2A and 9.3.2 - Maintain levels and storage in Otago's aquifers	support	Support greater recognition of the hydrological connection between surface and groundwater.	Accept.
8.42	Policies 6.4.0 and 9.4.3 - Understanding the water system	support	Support greater recognition of the hydrological connection between surface and groundwater.	Accept.
10	Policy 6.4.0B - Promotion of shared use and management of water	oppose	Opposes delegation of authority for the management of water takes to water management groups.	Accept in part.
11	Policy 6.4.0C - Local source and local use	support	Support the prioritising of the local use of water over its use elsewhere.	Accept.
12	Policy 6.4.1 - Surface water allocation system	did not specify	No decision requested.	Noted.
12	Policy 6.4.1 - Surface water allocation system	amend	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".	Accept in part.
13.48	Policies 6.4.1A and 9.4.9 - Groundwater connected to surface water	support	Support greater recognition of the hydrological connection between surface and groundwater.	Accept.
18	Policy 6.4.10A General - Groundwater allocation system	support	Supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions.	Accept.
19.46	Policies 6.4.10B and 9.4.7 - Managing bore interference	support	Supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions.	Accept.
20	Policy 6.4.10C - Wastage/loss of artesian pressure	support	Supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions.	Accept.
21.54	Policies 6.4.10D and 9.4.15 - Papakaio/Lower Taieri bore construction	support	Supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions.	Accept.
22.55	Policies 6.4.10E and 9.4.16 - Papakaio/Lower Taieri bore certification	support	Supports the integrated management of groundwater by the identification of maximum allocation volumes and aquifer restrictions.	Accept.
25	Policy 6.4.12A - Water management groups	oppose	Opposes delegation of authority for the management of water takes to water management groups.	Accept in part.
78	Rule 12.1.4.8 - Restricted discretionary activity considerations	amend	Include Kai Tahu cultural values as a restricted discretionary activity consideration: "Any adverse effect on Kai Tahu values identified in Schedule 1D".	Reject.
100	Rule 12.2.3.4 - Restricted discretionary considerations	amend	Include Kai Tahu cultural values as a restricted discretionary activity consideration: "Any adverse effect on Kai Tahu values identified in Schedule 1D."	Reject.
105	Method 15.2.2 - Water allocation committees and water management groups	oppose	Opposes delegation of authority for the management of water takes to water management groups.	Accept in part.
110	Information Requirements 16.3.1 - The taking of surface water or groundwater	amend	Require an assessment of the effects of water takes on Kai Tahu cultural values: "In the case of any resource consent application, an assessment of the effects..." [Deleting the words: "under Rule 12.1.5.1 or 12.2.4.1,"]	Reject.
123	Appendix 2A - Water management groups	oppose	Opposes delegation of authority for the management of water takes to water management groups.	Accept in part.
133	General Support	amend	Support the intent of the plan change, however, opposes delegation of authority for the management of water takes to water management groups.	Accept in part.
137	Matters Beyond the Scope of the Plan Change	not applicable	Supports the measurement of the volume and rate of water takes [Policy 6.4.16].	Noted.

58 Cromwell Branch Federated Farmers of New Zealand

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
134	General Opposition	amend	<p>Seek the following outcomes from the plan change:</p> <ol style="list-style-type: none"> 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) Acknowledges the connection between groundwater and surface water resources. 6) Present takes retain relative priority for some individual takes. This helps protect assets of landowners who have property with mining privileges. 7) Provides for the transition from mining privileges to RMA consents. Would like the ORC to retain the same type of privileges as the mining priority has now, in the new RMA water consents. 8) Encourages development opportunity through improved water use and water resource efficiency. 9) That water consents and use remain the same as at present in the Bannockburn, Lowburn and Mt Pisa areas. 	Accept in part.
136	Section 32 Report	not applicable	No decision requested.	Noted.
137	Matters Beyond the Scope of the Plan Change	not applicable	Would like the Council to retain the same type of privileges as the mining priority has now, in the new RMA water consents.	Noted.

59 Liz and Paul Bartlett

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
134	General Opposition	oppose	Retain the status quo.	Reject.

101 TrustPower Limited (TrustPower)

SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
18/123	Appendix 2A - Water management groups	Support	Support HW Richardson Group in seeking amendment of Appendix 2A to provide greater detail and transparency regarding water management groups' criteria for appointment, their functions and reporting requirements.	Accept in part.
21/137	Matters Beyond the Scope of the Plan Change	Oppose	Oppose Otago Fish & Game Council in its request for any wetland greater than 1000 m2 in area to be included.	Noted.
21/137	Matters Beyond the Scope of the Plan Change	Oppose	Oppose Otago Fish & Game Council in its request for any wetland greater than 1000 m2 in area to be included in 12.1.2.6(a), and that (b) includes no lowering of level of water in any wetland (as well as lake or river).	Noted.
21/137	Matters Beyond the Scope of the Plan Change	Oppose	Oppose Otago Fish & Game Council in its request for elimination of non-exercised mining privileges.	Noted.
21/137	Matters Beyond the Scope of the Plan Change	Oppose	Oppose Otago Fish & Game Council in its request for Objective 6.3.1 to retain and reinstate flows in rivers.	Noted.
38/11	Policy 6.4.0C - Local source and local use	Support	Support Pioneer Generation's request for amendment of the Explanation so that it addresses adequate water supply and the retention of water for hydro generation.	Reject.
38/137	Matters Beyond the Scope of the Plan Change	Support	Support Pioneer in seeking that 6.1 recognises hydro generation.	Noted.
38/137	Matters Beyond the Scope of the Plan Change	Support	Support Pioneer in seeking a new Issue in the Plan relating to inefficiency in allocation and use and the effects of that on renewable energy generation.	Noted.
38/137	Matters Beyond the Scope of the Plan Change	Support	Support Pioneer in seeking two new Objectives in the Plan relating to continued availability of water for renewable energy generation.	Noted.
38/137	Matters Beyond the Scope of the Plan Change	Support	Support seeking a new policy in the Plan relating to the benefits of renewable energy generation, when establishing allocation.	Noted.
38/30	Policy 6.4.19 - Term of permit	Support	Support Pioneer's request to reinstate Policy 6.4.19.	Reject.
38/9	Policy 6.4.0A General - Allocation for intended purpose of use	Support	Support Pioneer's request to add to the Principal reasons for adopting Policy 6.4.0A about retention of water for hydro generation.	Reject.
41/110	Information Requirements 16.3.1 - The taking of surface water or groundwater	Support	Support OWRUG's request that assessment of alternative sources not be obligatory for all applications.	Accept in part.
41/30	Policy 6.4.19 - Term of permit	Support	Support OWRUG's request to reinstate Policy 6.4.19.	Reject.
41/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Support	Support OWRUG in requesting that paragraphs (g) and (h) not be deleted.	Reject.
42/10	Policy 6.4.0B - Promotion of shared use and management of water	Support	Support Federated Farmers in that membership of water management groups should be stated as voluntary.	Accept in part.
42/30	Policy 6.4.19 - Term of permit	Support	Support Federated Farmers' request to reinstate Policy 6.4.19.	Reject.
44/30	Policy 6.4.19 - Term of permit	Support	Support Horticulture NZ's request to reinstate Policy 6.4.19.	Reject.
49/10	Policy 6.4.0B - Promotion of shared use and management of water	Support	Support Oceana Gold in that membership of water management groups should be stated as voluntary, and any member who opts in can also opt out..	Accept in part.
49/10	Policy 6.4.0B - Promotion of shared use and management of water	Support	Support Oceana Gold in that the Council will be open to assisting such groups and aid in the controlling and steering of the group dynamics to ensure proper and fair [decisions].	Accept in part.
49/10	Policy 6.4.0B - Promotion of shared use and management of water	Support	Support Oceana Gold in that an applicant or consent holder that is not in such a group, is not disadvantaged.	Accept in part.

52/10	Policy 6.4.0B - Promotion of shared use and management of water	Support	Support Contact Energy Ltd in that a new paragraph be added about considering adverse effects on the availability of water for hydro-generation.	Reject.
52/11	Policy 6.4.0C - Local source and local use	Support	Support Contact's request for amendment of the Explanation so that it addresses adequate water supply and the retention of water for hydro generation.	Reject.
52/12	Policy 6.4.1 - Surface water allocation system	Support	Support Contact Energy Ltd in seeking the specified amendment of the Explanation to Policy 6.4.1 regarding the need to control taking water from the Clutha system.	Accept in part.
52/12	Policy 6.4.1 - Surface water allocation system	Support	Support Contact in requesting amending Policy 6.4.1's Principal reasons for adopting so that it recognises availability of water for hydro generation.	Reject.
52/137	Matters Beyond the Scope of the Plan Change	Support	Support Contact in seeking a new Issue in the Plan relating to inefficiency in allocation and use and the effects of that on renewable energy generation.	Noted.
52/137	Matters Beyond the Scope of the Plan Change	Support	Support Contact in seeking two new Objectives in the Plan relating to continued availability of water for renewable energy generation.	Noted.
52/137	Matters Beyond the Scope of the Plan Change	Support	Support Contact in seeking a new policy in the Plan relating to the benefits of renewable energy generation, when establishing allocation.	Noted.
52/137	Matters Beyond the Scope of the Plan Change	Support	Support Contact in seeking that 6.1 recognises hydro generation.	Noted.
52/9	Policy 6.4.0A General - Allocation for intended purpose of use	Support	Support Contact's request to add to the Principal reasons for adopting Policy 6.4.0A about retention of water for hydro generation.	Reject.
58/137	Matters Beyond the Scope of the Plan Change	Support	Support Cromwell Branch of Federated Farmers in seeking retention of existing privileges as the mining priority has now.	Noted.

102 Central South Island Fish and Game

SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
19/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Oppose submissions requesting no minimum flow to be set in Welcome Creek and support the retention of the 700 l/s minimum flow.	Accept.
19/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Oppose submissions requesting no minimum flow to be set in Welcome Creek and support the retention of the 700 l/s minimum flow.	Accept.
19/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Oppose submissions requesting no minimum flow to be set in Welcome Creek and support the retention of the 700 l/s minimum flow.	Accept.
19/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Oppose submissions requesting no minimum flow to be set in Welcome Creek and support the retention of the 700 l/s minimum flow.	Accept.
20/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Oppose submissions requesting no minimum flow to be set in Welcome Creek and support the retention of the 700 l/s minimum flow.	Accept.
20/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Oppose submissions requesting no minimum flow to be set in Welcome Creek and support the retention of the 700 l/s minimum flow.	Accept.
20/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Oppose submissions requesting no minimum flow to be set in Welcome Creek and support the retention of the 700 l/s minimum flow.	Accept.
20/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Oppose submissions requesting no minimum flow to be set in Welcome Creek and support the retention of the 700 l/s minimum flow.	Accept.
23/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Oppose submissions requesting no minimum flow to be set in Welcome Creek and support the retention of the 700 l/s minimum flow.	Accept.
23/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Oppose submissions requesting no minimum flow to be set in Welcome Creek and support the retention of the 700 l/s minimum flow.	Accept.
23/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Oppose submissions requesting no minimum flow to be set in Welcome Creek and support the retention of the 700 l/s minimum flow.	Accept.

23/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Oppose submissions requesting no minimum flow to be set in Welcome Creek and support the retention of the 700 l/s minimum flow.	Accept.
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103 Department of Conservation

SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
6/137	Matters Beyond the Scope of the Plan Change	Support	Support the request for a new objective about vegetation cover.	Noted.
15/9	Policy 6.4.0A General - Allocation for intended purpose of use	Oppose	Oppose replacing the word "avoided" with the word "minimised" under the first line of "Principal reasons for adopting".	Accept.
17/13.48	Policies 6.4.1A and 9.4.9 - Groundwater connected to surface water	Support	Support request that, for groundwater and surface water resources that cross the Otago/Southland boundary, the ORC give consideration to the effect of the different management regimes and how the Water Conservation (Mataura River) Order 1997 will be given effect to. The ORC may wish to acknowledge the Order within the Regional Plan: Water for Otago.	Accept.
19/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Oppose not placing a minimum flow on Welcome Creek.	Accept.
19/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Oppose not placing a minimum flow on Welcome Creek.	Accept.
19/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Oppose not placing a minimum flow on Welcome Creek.	Accept.
19/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Oppose not placing a minimum flow on Welcome Creek.	Accept.
20/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Oppose not placing a minimum flow on Welcome Creek.	Accept.
20/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Oppose not placing a minimum flow on Welcome Creek.	Accept.
20/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Oppose not placing a minimum flow on Welcome Creek.	Accept.
21/137	Matters Beyond the Scope of the Plan Change	Support	Support request for rules and objectives linking quantity and quality to protect and enhance waterways. Support request to 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.	Noted.
21/137	Matters Beyond the Scope of the Plan Change	Support	Support the requested changes to Objective 6.3.1 to "reinstate" flows.	Noted.
21/6.39	Objectives 6.3.2A and 9.3.2 - Maintain levels and storage in Otago's aquifers	Support	Support the retention of Objective 6.3.2A to maintain aquifer levels and storage.	Accept.
23/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Oppose not placing a minimum flow on Welcome Creek.	Accept.
23/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Oppose not placing a minimum flow on Welcome Creek.	Accept.
23/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Oppose not placing a minimum flow on Welcome Creek.	Accept.
23/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Oppose not placing a minimum flow on Welcome Creek.	Accept.
26/9	Policy 6.4.0A General - Allocation for intended purpose of use	Oppose	Oppose replacing the word "avoided" with the word "minimised" under the first line of "Principal reasons for adopting".	Accept.
29/137	Matters Beyond the Scope of the Plan Change	Oppose	Oppose the request that, when a water right has been with a property for a long period of time, favourable consideration be given to its retention.	Noted.

31/137	Matters Beyond the Scope of the Plan Change	Support	Support request that rivers be managed by way of a maximum allocation for abstraction, as well as a minimum flow, because of the potential to "flat line" rivers when using a minimum flow only.	Noted.
32/9	Policy 6.4.0A General - Allocation for intended purpose of use	Oppose	Oppose removing Section 6.4.0A.	Accept.
34/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Oppose not placing a minimum flow on Welcome Creek.	Accept.
34/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Oppose not placing a minimum flow on Welcome Creek.	Accept.
34/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Oppose the opposition on 12.1.4.4A. Oppose not placing a minimum flow on Welcome Creek.	Accept.
39/137	Matters Beyond the Scope of the Plan Change	Support	Support request for further controls over land use in the area of drinking water supply catchments (community drinking water supplies).	Noted.
40/137	Matters Beyond the Scope of the Plan Change	Oppose	Oppose the request to continue and respect take rights that have been in place for the last 20 years or longer.	Noted.
42/18	Policy 6.4.10A General - Groundwater allocation system	Support	Regarding Policy 6.4.10A, support retaining the allocation of groundwater and specifying maximum annual volumes that can be taken from a groundwater resource. Support that the policy must ensure that where possible limits are set for specific groundwater resources and where they are set, that existing users are considered as part of the annual allocation.	Accept.
44/100	Rule 12.2.3.4 - Restricted discretionary considerations	Oppose	Oppose the deletion of condition 12.2.3.4 (iii).	Accept.
44/100	Rule 12.2.3.4 - Restricted discretionary considerations	Oppose	Oppose the deletion of condition 12.2.3.4 (xviii).	Accept.
44/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Oppose	Oppose the deletion of condition 12.1.4.8 (iii).	Accept.
44/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Oppose	Oppose the deletion of condition 12.1.4.8 (xxii).	Accept.
47/8.42	Policies 6.4.0 and 9.4.3 - Understanding the water system	Oppose	Oppose that the understanding of the hydrological characteristics should include the effect of deemed permits that have been operating for more than 100 years.	Accept.
50/8.42	Policies 6.4.0 and 9.4.3 - Understanding the water system	Support	Regarding Policies 6.4.0 and 9.4.3, support the inclusion of details to determine hydrological characteristics (including length of measurement).	Reject.
51/15	Policy 6.4.2A - Historically accessed water	Oppose	Oppose the proposed insertion to Policy 6.4.2A, of an exception for water bodies with no flow records or records without an appropriate level of accuracy.	Accept.
51/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Oppose	Oppose the retention of Rules 12.1.4.8 (g) and (h).	Accept.
51/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Oppose	Oppose the request to delete Rule 12.1.4.8 (xii).	Accept.
58/134	General Opposition	Oppose	Oppose the request that present takes: retain relative priority for some individual takes to help protect assets of landowners who have property with mining privileges; that provision is made for the transition from mining privileges to RMA consents retaining the same type of privileges the mining priority has, in the new RMA water consents; and that water consents and use remain the same as at present in the Bannockburn, Lowburn and Mt Pisa areas.	Accept in part.
58/137	Matters Beyond the Scope of the Plan Change	Oppose	Oppose the request to retain the same type of privileges as the mining priority has now, in the new RMA water consents.	Noted.

104 Mount Cardrona Station

SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
16/9	Policy 6.4.0A General - Allocation for intended purpose of use	Support	Support request to change the Explanation of Policy 6.4.0A so that the intended purpose of use will recognise that community water supplies will need to make provision for future identified growth areas.	Accept in part.
27/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Support in part	Support in part request that Issue 6.2.3 and its Explanation be rewritten to provide for growing communities and allow for acceptable losses.	Accept in part.
27/68	Rule 12.1.3.1 - Taking and use for community water supply	Support	Support the inclusion of the words "and use" at Rule 12.1.3.1 as proposed.	Accept.
27/68	Rule 12.1.3.1 - Taking and use for community water supply	Support	Support request to delete 1998 authorisation provision from Rule 12.1.3.1.	Reject.
27/9	Policy 6.4.0A General - Allocation for intended purpose of use	Support	Support request that the first sentence of the Principal reasons for adopting Policy 6.4.0A be amended to include "wherever practicable" with regard to the avoidance of wastage, as no water transport system is 100% leak-proof.	Reject.
27/94	Rule 12.2.2A1 - Taking for community water supply	Support	Support request to include the words "and use" in Rule 12.2.2A.1.	Accept.
35/68	Rule 12.1.3.1 - Taking and use for community water supply	Support	Support the inclusion of the words "and use" at Rule 12.1.3.1 as proposed.	Accept.
35/68	Rule 12.1.3.1 - Taking and use for community water supply	Support	Support request to delete 1998 authorisation provision from Rule 12.1.3.1.	Reject.
35/9	Policy 6.4.0A General - Allocation for intended purpose of use	Support	Support request that the first sentence of the Principal reasons for adopting Policy 6.4.0A be amended to include "wherever practicable" with regard to the avoidance of wastage, as no water transport system is 100% leak-proof..	Reject.
36/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Support	Support requested changes to Rule 12.1.4.8 so that economic effects are included in consent considerations as well as environmental and social effects, and historical infrastructure investment should also have some weighting.	Accept in part.
38/30	Policy 6.4.19 - Term of permit	Support	Support request to retain Policy 6.4.19 and reinstate as a term up to 35 years.	Reject.
41/30	Policy 6.4.19 - Term of permit	Support	Support request to retain Policy 6.4.19 and reinstate as a term up to 35 years.	Reject.
41/9	Policy 6.4.0A General - Allocation for intended purpose of use	Support	Support request to amend the Policy and Explanation so that the level of efficiency sought for water delivery and application systems is practically and reasonably achievable; so that the policy addresses the option of leaving available for replacement consent holders the additional water created by increasing efficiencies; and so that the policy direction is practical, reasonably achievable, and provides motivation of the desirability of having more available water to use as a result of efficiencies (without limiting the original MCSL submission).	Accept in part.
42/5	Objective 6.3.1 - Retain flows to maintain life-supporting capacity and natural character	Support	Support requested rewording of the Explanation of Objective 6.3.1 so the words "can have" a connection are used, and also so it is for determining a sustainable allocation regime.	Reject.
42/75	Rule 12.1.4.5 - Taking and use as primary allocation not in Schedule 2A catchments before 28 February 1998	Support	Support the request to adopt Rule 12.1.4.5 as proposed (without limiting the original MCSL submission).	Accept.

42/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Support	Support request to amend Rule 12.1.4.8 (xvi) to remove "and potential" so it reads "any actual effects on any water body", and to add a new item for discretion to the effect of "[a] the economic efficiency of the system; [b] the extent to which existing investment relies on the reliability and volume of the current allocation; [c] the potential to respond to a change in land use; [d] the potential for the use of water for storage".	Accept in part.
43/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Support	Support requested amendment to 12.1.4.8 (xii) to read "Any water storage facility or proposed water storage facility available".	Accept in part.
44/12	Policy 6.4.1 - Surface water allocation system	Support	Support request to amend Policy 6.4.1(a) by adding "as set out in Schedule 2".	Reject.
44/75	Rule 12.1.4.5 - Taking and use as primary allocation not in Schedule 2A catchments before 28 February 1998	Support	Support the request to adopt Rule 12.1.4.5 as proposed (without limiting the original MCSL submission).	Accept.
44/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Support in part	Support in part the request to delete 12.1.4.8 (xxii) but, rather than delete it, expand the criterion to enable the consideration of investment and infrastructure efficiency over the proposed term.	Reject.
47/12	Policy 6.4.1 - Surface water allocation system	Support in part	Support in part that Policy 6.4.1(b) be clarified regarding consents being subject to minimum flows.	Accept in part.
47/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Support in part	Support in part request in relation to 6.2.3 (b) that, regarding the issue of consent holders retaining more water than the water actually required, a consideration [should also be included for] proposed future requirement and development [and] therefore no limitation pursuant to actual useage should be imposed.	Reject.
47/9	Policy 6.4.0A General - Allocation for intended purpose of use	Support	Support request that a fourth matter be added as a consideration: "most economically viable efficient transport and application system".	Reject.

105 Te Runanga o Moeraki

SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
17/13.48	Policies 6.4.1A and 9.4.9 - Groundwater connected to surface water	Support	Support request to consider the effect of the two different management regimes, where some groundwater and surface water resource cross the Otago / Southland regional boundary; and to acknowledge the Water Conservation (Mataura River) Order 1997 within the Regional Plan: Water for Otago.	Accept.
19/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Opposes request to not place a minimum flow and not set a minimum flow for primary allocation on Welcome Creek / Whakapapa Ariki.	Accept.
19/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Opposes request to not place a minimum flow and not set a minimum flow for secondary [supplementary] allocation on Welcome Creek / Whakapapa Ariki.	Accept.
19/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Opposes request to not place a minimum flow and not set a minimum flow for secondary [supplementary] allocation on Welcome Creek / Whakapapa Ariki.	Accept.
19/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Opposes request to not place a minimum flow and not set a minimum flow for primary allocation on Welcome Creek / Whakapapa Ariki.	Accept.
20/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
20/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
20/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
20/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.

21/137	Matters Beyond the Scope of the Plan Change	Support	Support the request to see rules and objectives linking quantity and quality to protect and enhance waterways, as well as prohibitions on abstractions for water quality.	Noted.
21/137	Matters Beyond the Scope of the Plan Change	Support	Supports request to add the word "reinstate" to Objective 6.3.1.	Noted.
21/137	Matters Beyond the Scope of the Plan Change	Support	Support request to amend the Plan so that flat lining of small streams does not occur and some degree of flushing flows is maintained.	Noted.
23/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Arika.	Accept.
23/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Arika.	Accept.
23/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Arika.	Accept.
23/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Arika.	Accept.
34/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Arika.	Accept.
34/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Arika.	Accept.
34/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Opposes the opposition of Rule 12.1.4.3. Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Arika.	Accept.
34/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Opposes the opposition of 12.1.4.4A. Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Arika.	Accept.
41/25	Policy 6.4.12A - Water management groups	Oppose	Opposes request for a policy that provides for a 35 year term where a group makes provision for instream flows.	Accept.
42/30	Policy 6.4.19 - Term of permit	Oppose	Opposes request to reinstate Policy 6.4.19 providing for maximum term consents.	Accept.
44/100	Rule 12.2.3.4 - Restricted discretionary considerations	Oppose	Opposes request for the deletion of 12.2.3.4 (xviii).	Accept.
44/30	Policy 6.4.19 - Term of permit	Oppose	Opposes request to reinstate Policy 6.4.19 providing for maximum term consents.	Accept.
48/100	Rule 12.2.3.4 - Restricted discretionary considerations	Support	Support requested amendment to Rule 12.2.3.4 (Restricted discretionary considerations): "(xxii) Any impact on ecological and/or recreational and/or cultural values."	Reject.
48/104	Principal Reasons for Adopting Section 12.2 - Principal reasons for adopting section 12.2	Support	Support requested amendment to the fourth paragraph of the 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..."	Reject.
48/18	Policy 6.4.10A General - Groundwater allocation system	Support	Support the requested amendment of Policy 6.4.10A: "...(ii) 35% of the calculated mean annual recharge for those aquifers not specified in Schedule 4A".	Reject.
48/18	Policy 6.4.10A General - Groundwater allocation system	Support	Support requested amendment to the Explanation to Policy 6.4.10A "...(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;"	Reject.
48/18	Policy 6.4.10A General - Groundwater allocation system	Support	Support requested amendment to the third paragraph of the Principal reasons for adopting of Policy 6.4.10A "...Allocating 35% of mean annual recharge ensures the remaining 65% provides for adequate levels of system outflow".	Reject.
48/98	Rule 12.2.3.2A - Taking and use from 100 metres or more from perennial surface water body	Support	Support requested amendments 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".	Reject.
51/30	Policy 6.4.19 - Term of permit	Oppose	Oppose requested retention of Policy 6.4.19 and oppose the granting of full term consents.	Accept.

106 Kati Huirapa Runanga Puketeraki

SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
17/13.48	Policies 6.4.1A and 9.4.9 - Groundwater connected to surface water	Support	Support request to consider the effect of the two different management regimes, where some groundwater and surface water resource cross the Otago / Southland regional boundary; and to acknowledge the Water Conservation (Mataura River) Order 1997 within the Regional Plan: Water for Otago.	Accept.
19/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Opposes request to not place a minimum flow and not set a minimum flow for primary allocation on Welcome Creek / Whakapapa Ariki.	Accept.
19/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Opposes request to not place a minimum flow and not set a minimum flow for secondary [supplementary] allocation on Welcome Creek / Whakapapa Ariki.	Accept.
19/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Opposes request to not place a minimum flow and not set a minimum flow for secondary [supplementary] allocation on Welcome Creek / Whakapapa Ariki.	Accept.
19/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Opposes request to not place a minimum flow and not set a minimum flow for primary allocation on Welcome Creek / Whakapapa Ariki.	Accept.
20/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
20/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
20/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
20/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
21/137	Matters Beyond the Scope of the Plan Change	Support	Support the request to see rules and objectives linking quantity and quality to protect and enhance waterways, as well as prohibitions on abstractions for water quality.	Noted.
21/137	Matters Beyond the Scope of the Plan Change	Support	Supports request to add the word "reinstate" to Objective 6.3.1.	Noted.
21/137	Matters Beyond the Scope of the Plan Change	Support	Support request to amend the Plan so that flat lining of small streams does not occur and some degree of flushing flows is maintained.	Noted.
23/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
23/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
23/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
23/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
34/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
34/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
34/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Opposes the opposition of Rule 12.1.4.3. Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
34/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Opposes the opposition of 12.1.4.4A. Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
41/25	Policy 6.4.12A - Water management groups	Oppose	Opposes request for a policy that provides for a 35 year term where a group makes provision for instream flows.	Accept.
42/30	Policy 6.4.19 - Term of permit	Oppose	Opposes request to reinstate Policy 6.4.19 providing for maximum term consents.	Accept.
44/100	Rule 12.2.3.4 - Restricted discretionary considerations	Oppose	Opposes request for the deletion of 12.2.3.4 (xviii).	Accept.

44/30	Policy 6.4.19 - Term of permit	Oppose	Opposes request to reinstate Policy 6.4.19 providing for maximum term consents.	Accept.
48/100	Rule 12.2.3.4 - Restricted discretionary considerations	Support	Support requested amendment to Rule 12.2.3.4 (Restricted discretionary considerations): "(xxii) Any impact on ecological and/or recreational and/or cultural values."	Reject.
48/104	Principal Reasons for Adopting Section 12.2 - Principal reasons for adopting section 12.2	Support	Support requested amendment to the fourth paragraph of the 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...".	Reject.
48/18	Policy 6.4.10A General - Groundwater allocation system	Support	Support the requested amendment of Policy 6.4.10A: "...(ii) 35% of the calculated mean annual recharge for those aquifers not specified in Schedule 4A".	Reject.
48/18	Policy 6.4.10A General - Groundwater allocation system	Support	Support requested amendment to the Explanation to Policy 6.4.10A "...(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;".	Reject.
48/18	Policy 6.4.10A General - Groundwater allocation system	Support	Support requested amendment to the third paragraph of the Principal reasons for adopting of Policy 6.4.10A "...Allocating 35% of mean annual recharge ensures the remaining 65% provides for adequate levels of system outflow".	Reject.
48/98	Rule 12.2.3.2A - Taking and use from 100 metres or more from perennial surface water body	Support	Support requested amendments 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".	Reject.
51/30	Policy 6.4.19 - Term of permit	Oppose	Oppose requested retention of Policy 6.4.19 and oppose the granting of full term consents.	Accept.

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SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
17/13.48	Policies 6.4.1A and 9.4.9 - Groundwater connected to surface water	Support	Support request to consider the effect of the two different management regimes, where some groundwater and surface water resource cross the Otago / Southland regional boundary; and to acknowledge the Water Conservation (Mataura River) Order 1997 within the Regional Plan: Water for Otago.	Accept.
19/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Opposes request to not place a minimum flow and not set a minimum flow for primary allocation on Welcome Creek / Whakapapa Ariki.	Accept.
19/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Opposes request to not place a minimum flow and not set a minimum flow for secondary [supplementary] allocation on Welcome Creek / Whakapapa Ariki.	Accept.
19/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Opposes request to not place a minimum flow and not set a minimum flow for secondary [supplementary] allocation on Welcome Creek / Whakapapa Ariki.	Accept.
19/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Opposes request to not place a minimum flow and not set a minimum flow for primary allocation on Welcome Creek / Whakapapa Ariki.	Accept.
20/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
20/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
20/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
20/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.

21/137	Matters Beyond the Scope of the Plan Change	Support	Support the request to see rules and objectives linking quantity and quality to protect and enhance waterways, as well as prohibitions on abstractions for water quality.	Noted.
21/137	Matters Beyond the Scope of the Plan Change	Support	Supports request to add the word "reinstate" to Objective 6.3.1.	Noted.
21/137	Matters Beyond the Scope of the Plan Change	Support	Support request to amend the Plan so that flat lining of small streams does not occur and some degree of flushing flows is maintained.	Noted.
23/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
23/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
23/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
23/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
34/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
34/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
34/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Opposes the opposition of Rule 12.1.4.3. Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
34/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Opposes the opposition of 12.1.4.4A. Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
41/25	Policy 6.4.12A - Water management groups	Oppose	Opposes request for a policy that provides for a 35 year term where a group makes provision for instream flows.	Accept.
42/30	Policy 6.4.19 - Term of permit	Oppose	Opposes request to reinstate Policy 6.4.19 providing for maximum term consents.	Accept.
44/100	Rule 12.2.3.4 - Restricted discretionary considerations	Oppose	Opposes request for the deletion of 12.2.3.4 (xviii).	Accept.
44/30	Policy 6.4.19 - Term of permit	Oppose	Opposes request to reinstate Policy 6.4.19 providing for maximum term consents.	Accept.
48/100	Rule 12.2.3.4 - Restricted discretionary considerations	Support	Support requested amendment to Rule 12.2.3.4 (Restricted discretionary considerations): "(xxii) Any impact on ecological and/or recreational and/or cultural values."	Reject.
48/104	Principal Reasons for Adopting Section 12.2 - Principal reasons for adopting section 12.2	Support	Support requested amendment to the fourth paragraph of the 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..."	Reject.
48/18	Policy 6.4.10A General - Groundwater allocation system	Support	Support the requested amendment of Policy 6.4.10A: "...(ii) 35% of the calculated mean annual recharge for those aquifers not specified in Schedule 4A".	Reject.
48/18	Policy 6.4.10A General - Groundwater allocation system	Support	Support requested amendment to the Explanation to Policy 6.4.10A "...(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;"	Reject.
48/18	Policy 6.4.10A General - Groundwater allocation system	Support	Support requested amendment to the third paragraph of the Principal reasons for adopting of Policy 6.4.10A "...Allocating 35% of mean annual recharge ensures the remaining 65% provides for adequate levels of system outflow".	Reject.
48/98	Rule 12.2.3.2A - Taking and use from 100 metres or more from perennial surface water body	Support	Support requested amendments 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".	Reject.
51/30	Policy 6.4.19 - Term of permit	Oppose	Oppose requested retention of Policy 6.4.19 and oppose the granting of full term consents.	Accept.

108 Hokonui Runanga

SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
17/13.48	Policies 6.4.1A and 9.4.9 - Groundwater connected to surface water	Support	Support request to consider the effect of the two different management regimes, where some groundwater and surface water resource cross the Otago / Southland regional boundary; and to acknowledge the Water Conservation (Mataura River) Order 1997 within the Regional Plan: Water for Otago.	Accept.
19/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Opposes request to not place a minimum flow and not set a minimum flow for primary allocation on Welcome Creek / Whakapapa Ariki.	Accept.
19/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Opposes request to not place a minimum flow and not set a minimum flow for secondary [supplementary] allocation on Welcome Creek / Whakapapa Ariki.	Accept.
19/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Opposes request to not place a minimum flow and not set a minimum flow for secondary [supplementary] allocation on Welcome Creek / Whakapapa Ariki.	Accept.
19/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Opposes request to not place a minimum flow and not set a minimum flow for primary allocation on Welcome Creek / Whakapapa Ariki.	Accept.
20/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
20/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
20/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
20/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
21/137	Matters Beyond the Scope of the Plan Change	Support	Support the request to see rules and objectives linking quantity and quality to protect and enhance waterways, as well as prohibitions on abstractions for water quality.	Noted.
21/137	Matters Beyond the Scope of the Plan Change	Support	Supports request to add the word "reinstate" to Objective 6.3.1.	Noted.
21/137	Matters Beyond the Scope of the Plan Change	Support	Support request to amend the Plan so that flat lining of small streams does not occur and some degree of flushing flows is maintained.	Noted.
23/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
23/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
23/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
23/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
34/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
34/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
34/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Opposes the opposition of Rule 12.1.4.3. Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
34/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Opposes the opposition of 12.1.4.4A. Opposes request to not place a minimum flow on Welcome Creek / Whakapapa Ariki.	Accept.
41/25	Policy 6.4.12A - Water management groups	Oppose	Opposes request for a policy that provides for a 35 year term where a group makes provision for instream flows.	Accept.
42/30	Policy 6.4.19 - Term of permit	Oppose	Opposes request to reinstate Policy 6.4.19 providing for maximum term consents.	Accept.
44/100	Rule 12.2.3.4 - Restricted discretionary considerations	Oppose	Opposes request for the deletion of 12.2.3.4 (xviii).	Accept.

44/30	Policy 6.4.19 - Term of permit	Oppose	Opposes request to reinstate Policy 6.4.19 providing for maximum term consents.	Accept.
48/100	Rule 12.2.3.4 - Restricted discretionary considerations	Support	Support requested amendment to Rule 12.2.3.4 (Restricted discretionary considerations): "(xxii) Any impact on ecological and/or recreational and/or cultural values."	Reject.
48/104	Principal Reasons for Adopting Section 12.2 - Principal reasons for adopting section 12.2	Support	Support requested amendment to the fourth paragraph of the 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...".	Reject.
48/18	Policy 6.4.10A General - Groundwater allocation system	Support	Support the requested amendment of Policy 6.4.10A: "...(ii) 35% of the calculated mean annual recharge for those aquifers not specified in Schedule 4A".	Reject.
48/18	Policy 6.4.10A General - Groundwater allocation system	Support	Support requested amendment to the Explanation to Policy 6.4.10A "...(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;".	Reject.
48/18	Policy 6.4.10A General - Groundwater allocation system	Support	Support requested amendment to the third paragraph of the Principal reasons for adopting of Policy 6.4.10A "...Allocating 35% of mean annual recharge ensures the remaining 65% provides for adequate levels of system outflow".	Reject.
48/98	Rule 12.2.3.2A - Taking and use from 100 metres or more from perennial surface water body	Support	Support requested amendments 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".	Reject.
51/30	Policy 6.4.19 - Term of permit	Oppose	Oppose requested retention of Policy 6.4.19 and oppose the granting of full term consents.	Accept.

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SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
24/11	Policy 6.4.0C - Local source and local use	Oppose in part	Oppose in part request for consideration of costs involved if water is taken from [a plentiful source] rather than a race.	Noted.
26/9	Policy 6.4.0A General - Allocation for intended purpose of use	Oppose	Opposes request to replace the word "avoided" with "minimised".	Accept.
27/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Oppose in part	Oppose in part request that consented takes should allow for growth but considers they should be allocated for existing activities.	Accept in part.
27/9	Policy 6.4.0A General - Allocation for intended purpose of use	Oppose	Opposes requested addition of the wording "wherever practicable".	Accept.
28/10	Policy 6.4.0B - Promotion of shared use and management of water	Oppose in part	Oppose in part the request to retain Policy 6.4.0B [if a more usable location does not take into account the needs of hydro generation where that take is from the Clutha catchment].	Reject.
28/9	Policy 6.4.0A General - Allocation for intended purpose of use	Support	Support request to retain Policy 6.4.0A.	Accept in part.
29/12	Policy 6.4.1 - Surface water allocation system	Oppose	Oppose request that water should continue to be available for irrigation where it has been taken historically and has not affected aquatic life.	Accept in part.
30/24.51	Policies 6.4.12 and 9.4.12 - Water allocation committees	Support in part	Support in part the argument that it is undemocratic and self-serving for the whole water system to be monitored by Committees comprised entirely of water extractors.	Reject.
35/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Oppose in part	Oppose in part request that consented takes should allow for growth but considers they should be allocated for existing activities.	Accept in part.

38/11	Policy 6.4.0C - Local source and local use	Support	Support requested amendments ensuring adverse effects on hydro-electric generation are considered.	Reject.
38/137	Matters Beyond the Scope of the Plan Change	Support	Support request to amend 6.1 to recognise hydro-electric generation.	Noted.
38/137	Matters Beyond the Scope of the Plan Change	Support	Support request for the addition of two Issues: (1) relating to how allocation can reduce benefits from resource use including use for hydro generation, and (2) relating to the cumulative effect of takes on water quality, habitat, actual and potential takes, and generation of renewable energy.	Noted.
38/137	Matters Beyond the Scope of the Plan Change	Support	Support request to add two new Objectives relating to the availability of water to meet present and future needs of people and communities through renewable electricity generation.	Noted.
38/137	Matters Beyond the Scope of the Plan Change	Support	Support requested addition of a Policy relating to benefits from using water for generating renewable energy, when establishing allocation.	Noted.
38/30	Policy 6.4.19 - Term of permit	Support in part	Support in part the request to reinstate Policy 6.4.19.	Reject.
38/9	Policy 6.4.0A General - Allocation for intended purpose of use	Support	Support request to amend Principal reasons for amending Policy 6.4.0A by adding hydro-electric power generation as benefiting from more water available.	Reject.
42/106	Method 15.3.1 - Provision of information about effective water utilisation	Oppose in part	Oppose in part request to retain 15.3.1, because of (d), any review of existing information regarding alternative water sources should also reflect the value of water being retained in hydro lakes for the generation of electricity.	Reject.
42/12	Policy 6.4.1 - Surface water allocation system	Oppose	Oppose request for the retention of restricted discretionary status for water allocation.	Reject.
42/24.51	Policies 6.4.12 and 9.4.12 - Water allocation committees	Support in part	Support in part the retention of policies about water allocation committees, provided that ORC proactively monitors these bodies to ensure they are effective, efficient and fair, including to hydro generators.	Accept in part.
42/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Oppose	Oppose the requested deletion of "inappropriate" throughout issue and plan change.	Accept.
42/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Oppose	Oppose the requested deletion of (h).	Accept.
42/80	Rule 12.1.5.1 - Taking and use discretionary activity	Support	Support requested retention of Rule 12.1.5.1.	Accept.
42/9	Policy 6.4.0A General - Allocation for intended purpose of use	Oppose in part	Oppose in part the requested additions related to economic efficiency, reliance on current allocation, land use change and storage.	Accept in part.
43/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Oppose	Oppose request for sufficient recognition to be given to the likely future needs of the consent holder and the intended long term uses of the water.	Accept in part.
43/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Oppose	Oppose request for an additional provision regarding the export of water to water short catchments.	Accept.
43/33	Policy 6.6.0 - Development of shared water infrastructure	Oppose in part	Oppose in part requested amendment and extension to Policy 6.6.0 that would provide for stock and domestic water takes to be taken through the same, separately metered, infrastructure.	Accept in part.
43/33	Policy 6.6.0 - Development of shared water infrastructure	Oppose in part	Oppose in part requested amendment and extension to Policy 6.6.0 that would provide for more than one consented take to be taken through the same infrastructure.	Accept in part.
44/12	Policy 6.4.1 - Surface water allocation system	Oppose	Oppose request to amend the status [of Clutha system mainstem takes] to restricted discretionary.	Accept.
44/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Oppose in part	Oppose requested amendments to the Explanation of Issue 6.2.3.	Accept.

46/12	Policy 6.4.1 - Surface water allocation system	Oppose	Oppose request that water should continue to be available for irrigation where it has been taken historically and has not affected aquatic life.	Accept in part.
47/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Oppose	Oppose request for consent holders to retain more water than is actually required.	Accept in part.
47/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Oppose	Oppose requested deletion of the word "inappropriate".	Accept.
48/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Support	Support the requested amendment of Issue 6.2.3 and its Explanation to consider effects of "inappropriate land use".	Reject.
51/10	Policy 6.4.0B - Promotion of shared use and management of water	Support	Support the requested insertion in the Explanation, so group taking should not adversely impact on existing consents including those for the hydro generation of electricity.	Accept in part.
51/105	Method 15.2.2 - Water allocation committees and water management groups	Support	Support the requested amendment of Method 15.2.2, so group taking should not adversely impact on existing consents including those for the hydro generation of electricity.	Accept in part.
51/11	Policy 6.4.0C - Local source and local use	Support	Support requested addition of new (e) to Policy 6.4.0C relating to hydro-electric power schemes in catchments water is exported from.	Reject.
51/110	Information Requirements 16.3.1 - The taking of surface water or groundwater	Support	Support the request to retain 16.3.1 but delete or amend 16.3.1.4A [so it is clear that] hydro-electric power schemes are to be exempt due to the importance the RMA places on renewable energy and due to the assessment being superfluous; and [so it] contains a trigger mechanism to determine the circumstances where 4A is invoked.	Reject.
51/12	Policy 6.4.1 - Surface water allocation system	Support	Support requested insertion to the Explanation providing for takes for hydro-electric power generation and preventing derogation of rights.	Reject.
51/123	Appendix 2A - Water management groups	Support	Support requested clarification as to the functions and powers of Water Allocation Committees and Water Management Groups.	Accept in part.
51/13.48	Policies 6.4.1A and 9.4.9 - Groundwater connected to surface water	Support	Support request for retention of Policy 6.4.1A as proposed.	Accept.
51/137	Matters Beyond the Scope of the Plan Change	Support	Supports request for the addition of text under Policy 6.4.17 relating to written approval of existing consent holders being obtained where a transfer moves upstream of those consent holders.	Noted.
51/137	Matters Beyond the Scope of the Plan Change	Support	Supports requested addition of text under 6.1 Introduction emphasising the importance of hydro-electric power schemes.	Noted.
51/15	Policy 6.4.2A - Historically accessed water	Support	Support the requests to: 1 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 hydroelectric power schemes (HEPS) in the same way as other users 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." 2 Insert an 'exception' 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."	Reject.
51/18	Policy 6.4.10A General - Groundwater allocation system	Support	Support request to retain Policy 6.4.10A as proposed.	Accept in part.
51/25	Policy 6.4.12A - Water management groups	Support	Support requested amendment of 6.4.12B Explanation to expressly state that water management group decisions shall not adversely impact on the rights held by other water permit holders and request for the clarification of group roles.	Accept in part.
51/26.52	Policies 6.4.13 and 9.4.13 - Suspension of	Support	Support requested amendments to the Policy and Explanation excluding non-	Accept in part.

	takes by Council recognised rationing regime		consumptive takes from rationing regimes.	
51/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Support	Support the requested amendment to Issue 6.2.3 to protect the existing water available for hydro-electric power generation.	Reject.
51/59.1	Chapter 12 General - Redefining use of water	Support	Support request to clarify that in relation to all the relevant 'take and use' rules that "Water permits issued prior to notification of Plan Change 1C authorise the use of the water that is the subject of any take."	Accept.
51/9	Policy 6.4.0A General - Allocation for intended purpose of use	Support	Support request to amend 6.4.0A to recognise factors associated with hydro-electric power generation.	Reject.

110 Dunedin City Council (Water and Waster Services)

SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
28/23.45	Policies 6.4.11 and 9.4.6 - Suspension of takes - by allocation type or aquifer level	Support	That the part of Mt Cardrona Station Limited's submission in relation to Policy 6.4.11 and Rule 12.1.4.9 be allowed and that these provisions be amended as per the submission.	Reject.
30/10	Policy 6.4.0B - Promotion of shared use and management of water	Oppose	That the part of Kakanui Riverwatch Society Inc's submission in relation to Policy 6.4.0B be disallowed and that the philosophy of that section of the submission is not integrated into the Regional Plan: Water for Otago.	Accept.
38/11	Policy 6.4.0C - Local source and local use	Oppose	That the part of Pioneer Generation Limited's submission on the Explanation to Policy 6.4.0C [relating to a deletion from the Explanation and adding a fourth paragraph on the need to avoid adverse effects on hydro generation] be disallowed should the original Dunedin City Council submission on Policy 6.4.0C not be accepted.	Accept.
41/11	Policy 6.4.0C - Local source and local use	Oppose	That the part of the OWRUG's submission relating to changes to the second paragraph of the explanation of Policy 6.4.0C [whether taking from another source "is achievable and is a more appropriate" allocation] be disallowed and that the suggested amendments are not included in the Regional Plan: Water for Otago.	Accept.
51/11	Policy 6.4.0C - Local source and local use	Oppose	That the part of TrustPower Limited's submission on Policy 6.4.0C [relating to effect on existing hydro generation if water is exported from a catchment] be disallowed should the original Dunedin City Council submission on Policy 6.4.0C not be accepted.	Accept.
52/11	Policy 6.4.0C - Local source and local use	Oppose	That the part of Contact Energy Limited's submission on the Explanation to Policy 6.4.0C [relating to a deletion from the Explanation and adding a fourth paragraph on the need to avoid adverse effects on hydro generation] be disallowed should the original Dunedin City Council submission on Policy 6.4.0C not be accepted.	Accept.

111 MC Holland Farming Ltd

SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
48/15	Policy 6.4.2A - Historically accessed water	Oppose	That the part of the Director-General of Conservation's submission on Policy 6.4.2A [requesting retention of the proposed policy] be disallowed and that Policy 6.4.2A be removed as requested in our original submission.	Reject.

112 Queenstown Lakes District Council

SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
27/11.1	Preferred Water Uses	Support	Include recognition within the Plan that catering for identified future growth needs forms an integral part of providing and maintaining adequate community water supplies.	Accept in part.
27/11.1	Preferred Water Uses	Support	Include recognition within the Plan that catering for identified future growth needs forms an integral part of providing and maintaining adequate community water supplies.	Accept in part.
27/15	Policy 6.4.2A - Historically accessed water	Support	Include recognition within the Plan that catering for identified future growth needs forms an integral part of providing and maintaining adequate community water supplies.	Accept in part.
27/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Support	Include recognition within the Plan that catering for identified future growth needs forms an integral part of providing and maintaining adequate community water supplies.	Accept in part.
35/11.1	Preferred Water Uses	Support	Include recognition within the Plan that catering for identified future growth needs forms an integral part of providing and maintaining adequate community water supplies.	Accept in part.
35/11.1	Preferred Water Uses	Support	Include recognition within the Plan that catering for identified future growth needs forms an integral part of providing and maintaining adequate community water supplies.	Accept in part.
35/15	Policy 6.4.2A - Historically accessed water	Support	Include recognition within the Plan that catering for identified future growth needs forms an integral part of providing and maintaining adequate community water supplies.	Accept in part.
35/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Support	Include recognition within the Plan that catering for identified future growth needs forms an integral part of providing and maintaining adequate community water supplies.	Accept in part.
50/11	Policy 6.4.0C - Local source and local use	Support	Include recognition within the Plan that catering for identified future growth needs forms an integral part of providing and maintaining adequate community water supplies.	Accept in part.
50/15	Policy 6.4.2A - Historically accessed water	Support	Include recognition within the Plan that catering for identified future growth needs forms an integral part of providing and maintaining adequate community water supplies.	Accept in part.

113 Otago Fish and Game

SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
19/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Oppose request to not set a minimum flow on Welcome Creek.	Accept.
19/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Oppose request to not set a minimum flow on Welcome Creek.	Accept.
19/15	Policy 6.4.2A - Historically accessed water	Oppose	Oppose request to abandon idea of getting replacement for only that water historically accessed.	Accept.
19/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Oppose request to not set a minimum flow on Welcome Creek.	Accept.
19/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Oppose request to not set a minimum flow on Welcome Creek.	Accept.

20/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Oppose request to not set a minimum flow on Welcome Creek.	Accept.
20/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Oppose request to not set a minimum flow on Welcome Creek.	Accept.
20/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Oppose request to not set a minimum flow on Welcome Creek.	Accept.
20/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Oppose request to not set a minimum flow on Welcome Creek.	Accept.
21/6.39	Objectives 6.3.2A and 9.3.2 - Maintain levels and storage in Otago's aquifers	Support	Support own submission requesting objective maintains long term groundwater levels and water storage in aquifers.	Accept.
23/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Oppose request to not set a minimum flow on Welcome Creek.	Accept.
23/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Oppose request to not set a minimum flow on Welcome Creek.	Accept.
23/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Oppose request to not set a minimum flow on Welcome Creek.	Accept.
23/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Oppose request to not set a minimum flow on Welcome Creek.	Accept.
28/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Oppose	Oppose request to delete requirement for replacement consent applications to have regard to previous take rate, and replace it with an assessment of whether the take rate should be reduced if it cannot be demonstrated that the volume will be used efficiently in future.	Accept.
34/112.1	Welcome Creek Minimum Flow and Primary Allocation Limit	Oppose	Oppose request to not set a minimum flow on Welcome Creek and that monitoring be done at Ferry Rd.	Accept.
34/113	Schedule 2B - Supplementary allocation blocks and minimum flows	Oppose	Oppose request to not set a minimum flow on Welcome Creek.	Accept.
34/72	Rule 12.1.4.3 - Taking and use as supplementary allocation in Schedule 2B	Oppose	Oppose request to not set a minimum flow on Welcome Creek and that monitoring be done on Ferry Rd.	Accept.
34/74	Rule 12.1.4.4A - Taking and use from Welcome Creek	Oppose	Oppose request to not set a minimum flow on Welcome Creek, and that monitoring be done on Ferry Rd.	Accept.
38/11	Policy 6.4.0C - Local source and local use	Oppose	Oppose amending Explanation to 6.4.0C to protect existing water available for hydro electric power generation.	Accept.
38/30	Policy 6.4.19 - Term of permit	Oppose	Oppose retention of Policy 6.4.19.	Accept.
41/15	Policy 6.4.2A - Historically accessed water	Oppose	Oppose request to delete third paragraph of the Explanation.	Accept.
41/30	Policy 6.4.19 - Term of permit	Oppose	Oppose retention of Policy 6.4.19.	Accept.
42/1	Introduction 6.1 - Introduction Chapter 6: Water Quantity	Support	Support request to encourage most effective and efficient use of water.	Accept.
42/1	Introduction 6.1 - Introduction Chapter 6: Water Quantity	Oppose	Oppose amending 6.1 to refer to importance of investment on security of supply to deemed permits.	Accept.
42/1	Introduction 6.1 - Introduction Chapter 6: Water Quantity	Oppose	Oppose request to include in 6.1 social and economic considerations of existing and future investment in water infrastructure (delivery and applications).	Accept.
42/100	Rule 12.2.3.4 - Restricted discretionary considerations	Oppose	Oppose request to delete "potential" from (xi), and add new items to 12.2.3.4 about economic efficiency, reliability of current allocation, potential to respond to change in land use and potential for storage.	Accept in part.
42/13.48	Policies 6.4.1A and 9.4.9 - Groundwater connected to surface water	Support	Support requested deletion of the 100 metres separation distance from surface water bodies.	Reject.
42/15	Policy 6.4.2A - Historically accessed water	Oppose	Oppose request to delete policy, or add new wording that provides for economic efficiency, reliability of current allocation, potential to respond to change in land use and potential for storage, and delete reference to "historically accessed".	Accept.
42/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Oppose	Oppose the deletion of (h) in the Explanation.	Accept.

42/30	Policy 6.4.19 - Term of permit	Oppose	Oppose retention of Policy 6.4.19.	Accept.
42/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Oppose	Oppose request to delete "potential" and "ground" from (xvi), and add new items to 12.1.4.8 about economic efficiency, reliability of current allocation, potential to respond to change in land use and potential for storage.	Accept in part.
42/82	Rule 12.1.6.2 - Taking and use from Welcome Creek	Support	Support retention of 12.1.6.2.	Accept.
44/30	Policy 6.4.19 - Term of permit	Oppose	Oppose retention of Policy 6.4.19.	Accept.
44/82	Rule 12.1.6.2 - Taking and use from Welcome Creek	Support	Support retention of 12.1.6.2.	Accept.
45/15	Policy 6.4.2A - Historically accessed water	Neither support nor oppose	Concerned about matter raised by submitter relating to resumption of unexercised water take permit in Luggate Creek.	Noted.
46/30	Policy 6.4.19 - Term of permit	Oppose	Oppose request to state the term the consent should be issued for (35 years).	Accept.
47/1	Introduction 6.1 - Introduction Chapter 6: Water Quantity	Oppose	Oppose request to amend 6.1 by adding "acknowledge and" recognise "the" current access, and to change "intended" purpose to "current" purpose.	Accept.
47/15	Policy 6.4.2A - Historically accessed water	Oppose	Oppose amendment of policy to allow greatest historic volume to be accessed.	Accept in part.
47/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Oppose	Oppose request to add to (iv) "if able to be ascertained".	Accept.
48/100	Rule 12.2.3.4 - Restricted discretionary considerations	Support	Support request to amend 12.2.3.4 re "stated use" in (i) and to add new (xxii) re impact on ecological, recreational, cultural values.	Reject.
48/104	Principal Reasons for Adopting Section 12.2 - Principal reasons for adopting section 12.2	Support	Support adding to Principal Reasons for Adopting 12.2 re ecological, recreational, cultural values.	Reject.
48/11	Policy 6.4.0C - Local source and local use	Support	Support adding word "recreational" to the Principal Reasons for Adopting.	Reject.
48/16	Policy 6.4.2B - New consents from primary allocation	Support	Support retention of 6.4.2B.	Accept in part.
48/18	Policy 6.4.10A General - Groundwater allocation system	Support	Support amendment to 35% of aquifer recharge.	Reject.
48/18	Policy 6.4.10A General - Groundwater allocation system	Support	Support amendment to 35% of aquifer recharge.	Reject.
48/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Support	Support specifying in the Explanation, "natural and recreational" in uses; in (i) that exotic forestry, clearing tussock grassland and developing wetlands are inappropriate land uses which can decrease water yield; and in (j) where they and contaminant discharges can result in poor water quality; and refer to comprehensive management of water resources within catchments.	Reject.
48/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Support	Support adding new (b) referring to "inappropriate land use activities".	Reject.
48/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Support	Support adding to 12.1.4.8 new (xxv) Any need to locate the intake so to avoid adverse effect on fish spawning sites.	Reject.
48/8.42	Policies 6.4.0 and 9.4.3 - Understanding the water system	Support	Support amending Policy 6.4.0 to identify the contribution of intact indigenous vegetation to water quantity and quality.	Reject.
48/8.42	Policies 6.4.0 and 9.4.3 - Understanding the water system	Support	Support amending the Explanation to refer to the establishment of exotic forestry and removal of tussock grasslands having the potential to reduce water yield.	Reject.
51/10	Policy 6.4.0B - Promotion of shared use and management of water	Oppose	Oppose amending 6.4.0B Explanation to expressly state that water management group decisions shall not adversely impact on the rights held by other water permit holders.	Reject.
51/105	Method 15.2.2 - Water allocation committees and water management groups	Oppose	Oppose amending 6.4.0B Explanation to expressly state that water management group decisions shall not adversely impact on the rights held by other water permit holders.	Accept in part.
51/11	Policy 6.4.0C - Local source and local use	Oppose	Oppose amending policy by adding a new (e) to protect existing water available for hydro electric power generation from exportation of water out of the catchment.	Accept.

51/110	Information Requirements 16.3.1 - The taking of surface water or groundwater	Oppose	Oppose requested deletion of 16.3.1.4A, or if retained that hydro electric power generation be exempt, or there be a trigger mechanism established to determine where it be invoked.	Accept in part.
51/12	Policy 6.4.1 - Surface water allocation system	Oppose	Oppose amending the Explanation to protect existing water available for hydro electric power generation and avoid Derogation of existing rights.	Accept.
51/15	Policy 6.4.2A - Historically accessed water	Oppose	Oppose request to insert clause in policy to protect existing arrangements and water available for hydro electric power Generation from being limited to historic taking.	Accept.
51/15	Policy 6.4.2A - Historically accessed water	Oppose	Oppose exception requested for water bodies where flow is not recorded or is not sufficiently accurately recorded.	Accept.
51/16	Policy 6.4.2B - New consents from primary allocation	Support	Support retention of 6.4.2B.	Accept in part.
51/25	Policy 6.4.12A - Water management groups	Oppose	Oppose amending 6.4.0B Explanation to expressly state that water management group decisions shall not adversely impact on the rights held by other water permit holders.	Reject.
51/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Oppose	Oppose amending Explanation to protect existing water available for hydro electric power generation.	Accept.
51/30	Policy 6.4.19 - Term of permit	Oppose	Oppose retention of Policy 6.4.19.	Accept.
52/10	Policy 6.4.0B - Promotion of shared use and management of water	Oppose	Oppose including in 6.4.0B Explanation that group formation should not adversely impact on availability of water for hydro-generation including by moving the point of take.	Accept.
52/12	Policy 6.4.1 - Surface water allocation system	Oppose	Oppose request to amend Explanation to recognise Contact Energy as an affected party for take applications upstream from Roxburgh Dam.	Accept.
52/12	Policy 6.4.1 - Surface water allocation system	Oppose	Oppose amending Principal Reason for Adopting to recognise existing water available for hydro electric power generation.	Accept.

114 Pioneer Generation Limited

SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
21/137	Matters Beyond the Scope of the Plan Change	Oppose	Oppose Otago Fish & Game Council in its request for any wetland greater than 1000 m2 in area to be included.	Noted.
21/137	Matters Beyond the Scope of the Plan Change	Oppose	Oppose Otago Fish & Game Council in its request for any wetland greater than 1000 m2 in area to be included in 12.1.2.6(a), and that (b) includes no lowering of level of water in any wetland (as well as lake or river).	Noted.
41/30	Policy 6.4.19 - Term of permit	Support	Support requested reinstatement of the policy.	Reject.
41/31	Policy 6.4.20 - Permits affected by mining privileges	Support	Support requested reinstatement of the policy.	Reject.
41/32	Policy 6.4.21 - Restrict exercise of water permit	Support	Support requested reinstatement of the policy.	Reject.
41/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Support	Support request to not delete (g) and (h) of 12.1.4.8.	Reject.
42/10	Policy 6.4.0B - Promotion of shared use and management of water	Support	Support requested addition to the Explanation to 6.4.0B relating to the voluntary approach and opportunities for sharing infrastructure.	Accept in part.
42/30	Policy 6.4.19 - Term of permit	Support	Support requested reinstatement of the policy.	Reject.
44/30	Policy 6.4.19 - Term of permit	Support	Support requested reinstatement of the policy.	Reject.
47/32	Policy 6.4.21 - Restrict exercise of water permit	Support	Support requested reinstatement of the policy.	Reject.

49/10	Policy 6.4.0B - Promotion of shared use and management of water	Support	Support request by Oceana Gold that the Policy and Explanation make it explicit that shared use and [membership] of water management groups should be stated as voluntary, and any member who opts in can also opt out.	Accept in part.
49/10	Policy 6.4.0B - Promotion of shared use and management of water	Support in part	Support request by Oceana Gold that the Policy and Explanation make it clear that the Council will be open to assisting such groups and aid in the controlling and steering of the group dynamics to ensure proper and fair [decisions].	Accept in part.
51/10	Policy 6.4.0B - Promotion of shared use and management of water	Support	Support the requested insertion within the Explanation related to group decisions not impacting on other consent holders unless the others agree, and that group membership is voluntary and decisions made by the group can only impact on the group's members.	Accept in part.
51/11	Policy 6.4.0C - Local source and local use	Support	Support request to insert (e) on the impact on existing hydro electric power schemes within catchment where water is to be exported from.	Reject.
51/11	Policy 6.4.0C - Local source and local use	Support	Support request to clarify the policy does not affect the first-in-first-served approach.	Accept in part.
51/12	Policy 6.4.1 - Surface water allocation system	Support in part	Support in part request for inserting into Explanation, text regarding the setting of allocation quantities in light of hydro electric power generation to prevent derogation of existing rights.	Reject.
51/137	Matters Beyond the Scope of the Plan Change	Support	Support requested insertion under Policy 6.4.17 of (e) regarding written approval of existing consent holders where a transfer moves a point of take upstream.	Noted.
51/137	Matters Beyond the Scope of the Plan Change	Support	Support request to insert text regarding vital role of hydro electric power generation in region's wellbeing and that the importance of renewable generation under the RMA is recognised in the Water Plan.	Noted.
51/25	Policy 6.4.12A - Water management groups	Support	Support Trustpower Ltd's request regarding Policy 6.4.12A, related to group decisions not impacting on other consent holders unless the others agree, and that group membership is voluntary and decisions made by the group can only impact on the group's members.	Accept in part.
51/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Support in part	Support in part request to amend Explanation to include hydro-electricity.	Reject.
51/30	Policy 6.4.19 - Term of permit	Support	Support requested reinstatement of the policy.	Reject.
51/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Support	Support request to retain (g) and (h) of 12.1.4.8.	Reject.
52/10	Policy 6.4.0B - Promotion of shared use and management of water	Support	Support Contact Energy Ltd's request that a new paragraph be added about considering adverse effects on the availability of water for hydro-generation.	Reject.
52/11	Policy 6.4.0C - Local source and local use	Support	Support Contact's request for amendment of the Explanation so that it addresses adequate water supply and the retention of water for hydro generation.	Reject.
52/12	Policy 6.4.1 - Surface water allocation system	Support	Support requested amendment to acknowledge that cumulative consumptive takes reduce water availability for the non-consumptive use for hydro electric power generation.	Accept in part.
52/12	Policy 6.4.1 - Surface water allocation system	Support	Support request to amend the Principal reasons for adopting Policy 6.4.1 to include the availability of water for hydro electric power generation.	Reject.
52/137	Matters Beyond the Scope of the Plan Change	Support	Support request for the addition of two Issues: (1) relating to how allocation can reduce benefits from resource use including use for hydro generation, and (2) relating to the cumulative effect of takes on water quality, habitat, actual and potential takes, and generation of renewable energy.	Noted.
52/137	Matters Beyond the Scope of the Plan Change	Support	Support request to add two new Objectives relating to the availability of water to meet present and future needs of people and communities through renewable electricity generation.	Noted.

52/137	Matters Beyond the Scope of the Plan Change	Support	Support requested addition of a Policy relating to benefits from using water for generating renewable energy, when establishing allocation.	Noted.
52/9	Policy 6.4.0A General - Allocation for intended purpose of use	Support	Support Contact's request to add to the Principal reasons for adopting Policy 6.4.0A about retention of water for hydro generation.	Reject.

115 Horticulture NZ

SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
16/9	Policy 6.4.0A General - Allocation for intended purpose of use	Oppose	Oppose request to allow water be provided for future community needs.	Accept in part.
17/119	Schedule 5A - Equations to determine stream depletion effects	Oppose in part	Oppose request to review Schedule 5A.	Reject.
17/18	Policy 6.4.10A General - Groundwater allocation system	Oppose	Oppose request to review Policy 6.4.10A.	Reject.
18/122	Definition of "Use" - Definition of "use"	Oppose	Oppose the amendment of the definition of "Use".	Accept in part.
18/24.51	Policies 6.4.12 and 9.4.12 - Water allocation committees	Support in part	Support in part the request to amend 6.4.12 re water allocation committee actions given consent holders' interests.	Reject.
21/106	Method 15.3.1 - Provision of information about effective water utilisation	Oppose	Oppose request for a new row (e) about instream values.	Accept.
27/11.1	Preferred Water Uses	Oppose in part	Oppose in part request that community supplies get priority, that "local use" be defined, and that growth in schemes is considered.	Accept in part.
27/11.1	Preferred Water Uses	Oppose	Oppose the requested insertion of a new Objective recognising the importance of community water supplies.	Accept in part.
27/15	Policy 6.4.2A - Historically accessed water	Oppose	Oppose the request to amend 6.4.2A to exempt community water supplies from being limited to historic takes.	Accept in part.
27/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Oppose	Oppose the requested amendments to Issue 6.2.3 re allowing for growth of community demand for water and normal operational leakage.	Accept in part.
27/9	Policy 6.4.0A General - Allocation for intended purpose of use	Oppose	Oppose requested amendment to "use of water" rather than "application system".	Accept.
28/15	Policy 6.4.2A - Historically accessed water	Support in part	Support in part the request to delete the historic take limitation, and replace it with a need to demonstrate that the rate sought will be used efficiently in future.	Reject.
31/10	Policy 6.4.0B - Promotion of shared use and management of water	Oppose	Oppose submitter's reservations about greater [group] controlled and monitored allocation schemes, which is seen as an abrogation of the consent authority's responsibilities.	Accept.
31/105	Method 15.2.2 - Water allocation committees and water management groups	Oppose	Oppose submitter's reservations about greater [group] controlled and monitored allocation schemes, which is seen as an abrogation of the consent authority's responsibilities.	Noted.
31/123	Appendix 2A - Water management groups	Oppose	Oppose submitter's reservations about greater [group] controlled and monitored allocation schemes, which is seen as an abrogation of the consent authority's responsibilities.	Noted.
31/24.51	Policies 6.4.12 and 9.4.12 - Water allocation committees	Oppose	Oppose submitter's reservations about greater [group] controlled and monitored allocation schemes, which is seen as an abrogation of the consent authority's responsibilities.	Noted.
31/25	Policy 6.4.12A - Water management groups	Oppose	Oppose submitter's reservations about greater [group] controlled and monitored allocation schemes, which is seen as an abrogation of the consent authority's responsibilities.	Noted.

31/26.52	Policies 6.4.13 and 9.4.13 - Suspension of takes by Council recognised rationing regime	Oppose	Oppose submitter's reservations about greater [group] controlled and monitored allocation schemes, which is seen as an abrogation of the consent authority's responsibilities.	Noted.
38/11	Policy 6.4.0C - Local source and local use	Oppose in part	Oppose in part the requested deletion of the sentence about local demand being satisfied before exporting water, and requested amendments relating to availability of water for hydro electric power generation.	Accept.
39/2.37	Issues 6.2.1A and 9.2.1 - Taking of water from Otago's aquifers	Oppose	Oppose the requested addition of new (f) regarding quantity and quality of water for human consumption.	Accept.
41/11	Policy 6.4.0C - Local source and local use	Oppose in part	Oppose the proposed amendment which would require a full comparative analysis of the costs and benefits of all sources.	Accept in part.
41/110	Information Requirements 16.3.1 - The taking of surface water or groundwater	Support	Support request that information requirement in 16.3.1.4A not be obligatory for all applications.	Accept in part.
41/121	Note for Definition of "Resource Consent" - Note for "new resource consent" and "replacement resource consent"	Support	Support request to amend 6.4.2B or the definition of "new resource consent", so that a substitute consent for a group is not seen as a new one and thus gets caught by the policy.	Accept in part.
41/16	Policy 6.4.2B - New consents from primary allocation	Support	Support request to amend 6.4.2B so that a substitute consent for a group is not seen as a new one and thus gets caught by the policy.	Accept in part.
41/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Support	Support requested retention of (g) and (h).	Reject.
41/9	Policy 6.4.0A General - Allocation for intended purpose of use	Support in part	Support request to amend policy and explanation so that the level of efficiency is practically and reasonably achievable, with any additional water that is made available through increased efficiency, to go to replacement consent holders.	Accept in part.
42/10	Policy 6.4.0B - Promotion of shared use and management of water	Support in part	Support in part request to add new items relating to the voluntary approach and opportunities for sharing infrastructure.	Accept in part.
42/110	Information Requirements 16.3.1 - The taking of surface water or groundwater	Support in part	Support requested deletion of the 100 metres separation distance from surface water bodies.	Reject.
42/121	Note for Definition of "Resource Consent" - Note for "new resource consent" and "replacement resource consent"	Support	Support request to delete 16.3.1.4A and replace with item that refers to viability and economic reasons why the alternative source is not viable.	Accept in part.
42/13.48	Policies 6.4.1A and 9.4.9 - Groundwater connected to surface water	Support	Support requested deletion of the 100 metres separation distance from surface water bodies.	Reject.
42/15	Policy 6.4.2A - Historically accessed water	Support	Support request to delete policy or add new items about economic efficiency, reliability of current allocation, potential to respond to change in land use and potential for storage; to delete "historically accessed"; to delete reference to allocating existing primary takes as supplementary takes.	Reject.
42/16	Policy 6.4.2B - New consents from primary allocation	Support in part	Support in part the request to delete Policy 6.4.2B if it would decrease the water available for allocation with time, and to add an incentive for groups, in that replacement consents will keep their primary status, and that deemed permits be treated as replacement consents.	Accept in part.
42/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Support	Support request to delete reference to "inappropriate" in Issue and rest of plan change.	Reject.
42/5	Objective 6.3.1 - Retain flows to maintain life-supporting capacity and natural character	Support	Support request for second paragraph of Explanation to refer to determining sustainable allocation for these resources.	Reject.
42/6.39	Objectives 6.3.2A and 9.3.2 - Maintain levels and storage in Otago's aquifers	Support	Support request for second paragraph of Explanation to refer to determining sustainable allocation for these resources.	Reject.
42/87	Rule 12.2.1.2 - Taking and use from Lake Tuakitoto	Support	Support requested deletion of the 100 metres separation distance from surface water bodies.	Reject.
42/88	Rule 12.2.2.1 - Taking and use for domestic needs and animals drinking water	Support	Support requested deletion of the 100 metres separation distance from surface water bodies.	Reject.
42/89	Rule 12.2.2.2 - Taking and use general	Support	Support requested deletion of the 100 metres separation distance from surface water bodies.	Reject.

42/9	Policy 6.4.0A General - Allocation for intended purpose of use	Support in part	Support in part request to add new items about economic efficiency, reliability of current allocation, potential to respond to change in land use and potential for storage.	Accept in part.
42/90	Rule 12.2.2.4 - Taking and use within 100 metres of Clutha and Kawarau Rivers and Lakes Wanaka, Hawea, Wakatipu, Dunstan and Roxburgh	Support	Support requested deletion of the 100 metres separation distance from surface water bodies.	Reject.
42/91	Rule 12.2.2.5 - Taking and use from Schedule 2C aquifer or within 100 metres of wetland/lake/river for 3 days	Support	Support requested deletion of the 100 metres separation distance from surface water bodies.	Reject.
42/92	Rule 12.2.2.6 - Taking and use from Schedule 2C aquifer or within 100 metres of wetland/lake/river general	Support	Support requested deletion of the 100 metres separation distance from surface water bodies.	Reject.
43/91	Rule 12.2.2.5 - Taking and use from Schedule 2C aquifer or within 100 metres of wetland/lake/river for 3 days	Support	Support request to amend 12.2.2.5(ii)(c) to ensure it is only effects that would result in another consent holder being unable to access the resource that are relevant to the adverse effects mentioned in the rule.	Reject.
47/110	Information Requirements 16.3.1 - The taking of surface water or groundwater	Support	Support request to amend 4A to refer to "feasible" sources, and to make it apply only to new takes.	Accept in part.
47/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Support	Support opposition to word "inappropriate" in (a).	Reject.
47/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Oppose	Opposes deletion of (viii).	Accept.
48/100	Rule 12.2.3.4 - Restricted discretionary considerations	Oppose	Oppose request to amend Rule 12.2.3.4(i) to include "and the stated use".	Accept.
48/18	Policy 6.4.10A General - Groundwater allocation system	Oppose	Oppose request to amend Policy 6.4.10A(ii) from 50% of recharge to 35%.	Accept.
48/18	Policy 6.4.10A General - Groundwater allocation system	Oppose	Oppose request to amend (i) in Explanation to Policy 6.4.10A from 50% of recharge to 35%.	Accept.
48/18	Policy 6.4.10A General - Groundwater allocation system	Oppose	Oppose request to amend Principal Reasons for Adopting Policy 6.4.10A from 50% of recharge to 35%.	Accept.
48/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Oppose	Oppose request to amend Issue to introduce water quality matters.	Accept.
48/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Oppose	Oppose request for amendment that uses word "inappropriate".	Accept.
48/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Oppose	Oppose request for amendment that uses word "inappropriate".	Accept.
48/98	Rule 12.2.3.2A - Taking and use from 100 metres or more from perennial surface water body	Oppose	Oppose request to amend Rule 12.2.3.2A(a) from 50% of recharge to 35%.	Accept.
50/11	Policy 6.4.0C - Local source and local use	Oppose	Oppose request to refer in Policy 6.4.0C to future potential residential and community supply.	Accept in part.
51/15	Policy 6.4.2A - Historically accessed water	Support in part	Support in part request for an exception in 6.4.2A for water bodies where flow is not recorded or is not sufficiently accurately recorded.	Reject.
51/16	Policy 6.4.2B - New consents from primary allocation	Support	Support request to retain policy.	Accept in part.
51/59.1	Chapter 12 General - Redefining use of water	Support	Support request that water permits granted before PC1C was notified automatically have "use" authorised.	Accept.
52/12	Policy 6.4.1 - Surface water allocation system	Oppose	Oppose request that Contact Energy be acknowledged as an affected party.	Accept.
54/105	Method 15.2.2 - Water allocation committees and water management groups	Oppose	Oppose submitter's opposition to delegation of authority for water management to water management groups.	Accept in part.

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SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
6/137	Matters Beyond the Scope of the Plan Change	Oppose	Oppose request to preserve tall tussock grassland cover to optimise water yield.	Noted.
11/134	General Opposition	Oppose	Oppose request for no further irrigation.	Accept.
18/105	Method 15.2.2 - Water allocation committees and water management groups	Oppose	Oppose amending the method to provide for ORC approval of group decision-making.	Accept.
21/106	Method 15.3.1 - Provision of information about effective water utilisation	Support in part	Supports in part that ORC provides information on instream values (e.g. through electric fishing), but it should be Fish and Game not ORC encouraged to provide this information.	Accept in part.
21/137	Matters Beyond the Scope of the Plan Change	Oppose	Oppose request to make 12.1.2.6 apply to any wetland greater than 1000 m2 in area.	Noted.
21/137	Matters Beyond the Scope of the Plan Change	Oppose	Oppose request to amend 6.3.1 to include reinstating flows in rivers.	Noted.
21/137	Matters Beyond the Scope of the Plan Change	Oppose	Oppose amending 6.4.10 to avoid "flat-lining" of small streams.	Noted.
27/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Oppose in part	Oppose in part the request to amend the Explanation to Issue 6.2.3 to refer to the nationally accepted water loss in the range 10-15%.	Accept.
30/137	Matters Beyond the Scope of the Plan Change	Oppose	Oppose requested deletion of 6.4.9(b).	Noted.
30/24.51	Policies 6.4.12 and 9.4.12 - Water allocation committees	Oppose	Oppose the notion that it is undemocratic and self-serving to restrict the composition of water management to the users [Water Allocation Committees].	Noted.
31/10	Policy 6.4.0B - Promotion of shared use and management of water	Oppose	Oppose the Otago Conservation Board's reasoning that vesting community control [in a Water Management Group] is an abrogation of ORC responsibility in environmentally sound water management.	Accept.
31/123	Appendix 2A - Water management groups	Oppose	Oppose the Otago Conservation Board's reasoning that vesting community control [in a Water Management Group] is an abrogation of ORC responsibility in environmentally sound water management.	Noted.
31/123	Appendix 2A - Water management groups	Oppose	Oppose the notion that strong social and community interests can prevent democratic decision-making in small communities, implying that groups will not operate democratically.	Noted.
35/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Oppose in part	Oppose in part the request to amend the Explanation to Issue 6.2.3 to refer to the nationally accepted water loss in the range 10-15%.	Accept.
43/33	Policy 6.6.0 - Development of shared water infrastructure	Support in part	Support in part that Policy 6.6.0 be amended to encourage shared use of infrastructure for stock water or domestic supply.	Reject.
47/12	Policy 6.4.1 - Surface water allocation system	Oppose in part	Oppose in part specifying in Policy 6.4.1 that water takes will be subject to a minimum flow.	Accept in part.
48/12	Policy 6.4.1 - Surface water allocation system	Oppose in part	Oppose referring to "environmental flows".	Accept.
48/137	Matters Beyond the Scope of the Plan Change	Oppose	Oppose requested amendment to 6.1 and addition to Anticipated Environment Result 6.7.9 to recognise the impact of land use activities on water yield.	Noted.
48/137	Matters Beyond the Scope of the Plan Change	Oppose	Oppose amending 6.1 so the water allocation provisions provide for enhancement of natural values.	Noted.
48/137	Matters Beyond the Scope of the Plan Change	Oppose	Oppose requested amendment to 6.1 and addition to Anticipated Environment Result 6.7.9 to recognise the impact of land use activities on water yield.	Noted.
48/137	Matters Beyond the Scope of the Plan Change	Oppose	Oppose request for affected party status for Director General of Conservation, for 12.1.3.1 and 12.1.4.1 and all other rules.	Noted.
48/137	Matters Beyond the Scope of the Plan Change	Oppose in part	Oppose requested amendment of 15.3.1 to refer to education on influence of land use activities on water quality and water yield.	Noted.
48/137	Matters Beyond the Scope of the Plan Change	Oppose	Oppose requiring future policy development direction for soil conservation, water quality, water quantity, enhancement and natural hazards.	Noted.
48/137	Matters Beyond the Scope of the Plan Change	Oppose	Oppose providing definition for water quantity equating to "reasonable needs of an individual's animals for drinking water".	Noted.

48/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Oppose	Oppose specifying that clearing tussock grassland and developing wetlands are inappropriate land uses which can decrease water yield; and oppose adding new (b) referring to "inappropriate land use activities".	Accept.
48/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Oppose	Oppose specifying that clearing tussock grassland and developing wetlands are inappropriate land uses which can decrease water yield; and oppose adding new (b) referring to "inappropriate land use activities".	Accept.
48/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Oppose	Oppose adding to 12.1.4.8 new (xxv) Any need to locate the intake so to avoid adverse effect on fish spawning sites.	Accept.
48/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Oppose	Oppose adding to 12.1.4.8 new (xxvi) The natural character of any affected water body.	Accept.
48/8.42	Policies 6.4.0 and 9.4.3 - Understanding the water system	Oppose	Oppose amending Policy 6.4.0 to identify the contribution of intact indigenous vegetation to water quantity and quality; oppose amending the Explanation to refer to the establishment of exotic forestry and removal of tussock grasslands having the potential to reduce water yield.	Accept.
49/10	Policy 6.4.0B - Promotion of shared use and management of water	Oppose in part	Oppose in part the request for ORC to aid in controlling and steering of the groups to ensure a proper and fair outcome or to promote that groups are best formed industry by industry to protect all users.	Accept in part.
49/10	Policy 6.4.0B - Promotion of shared use and management of water	Oppose	Oppose express statement that a consent holder will not be disadvantaged by not being a part of a group.	Accept.
49/33	Policy 6.6.0 - Development of shared water infrastructure	Support in part	Support in part that Policy 6.6.0 be amended to acknowledge that industrial and commercial uses may participate in shared use of infrastructure.	Reject..
51/10	Policy 6.4.0B - Promotion of shared use and management of water	Oppose in part	Oppose amending 6.4.0B Explanation to expressly state that water management group decisions shall not adversely impact on the rights held by other water permit holders.	Reject.
51/105	Method 15.2.2 - Water allocation committees and water management groups	Oppose in part	Oppose in part the request to amend the Explanation to expressly state that group decisions shall not adversely impact on rights held by other water permit holders.	Accept in part.
51/105	Method 15.2.2 - Water allocation committees and water management groups	Oppose in part	Oppose in part the request to clarify the roles of water management groups.	Accept in part.
51/12	Policy 6.4.1 - Surface water allocation system	Oppose in part	Oppose in part amending the Explanation to 6.4.1 to protect existing water available for hydro electric power generation.	Accept.
51/134	General Opposition	Oppose	Oppose request to withdraw Proposed Plan Change 1C if Trustpower's concerns are not adequately addressed.	Accept.
51/137	Matters Beyond the Scope of the Plan Change	Oppose	Oppose request to amend 6.4.17 so that the written approval of existing consent holders is required to transfer a water permit upstream of those consent holders.	Noted.
51/137	Matters Beyond the Scope of the Plan Change	Oppose in part	Oppose in part amending 6.1 to recognise the protection of water for existing and potential hydro generation.	Noted.
51/137	Matters Beyond the Scope of the Plan Change	Oppose	Oppose request to amend 6.4.1 so that all takes including permitted takes are metered.	Noted.
51/137	Matters Beyond the Scope of the Plan Change	Oppose	Oppose providing an issue about the impact of inefficient allocation and use of water on non-consumptive users.	Noted.
51/137	Matters Beyond the Scope of the Plan Change	Oppose in part	Oppose in part request to include new objectives to protect existing water available for renewable energy generation and to specifically provide for hydro generation.	Noted.
51/15	Policy 6.4.2A - Historically accessed water	Oppose in part	Oppose in part amending the Explanation to 6.4.1 to protect existing water available for hydro electric power generation.	Accept.
51/25	Policy 6.4.12A - Water management groups	Oppose in part	Oppose amending 6.4.12B Explanation to expressly state that water management group decisions shall not adversely impact on the rights held by other water permit holders.	Reject.
51/25	Policy 6.4.12A - Water management groups	Oppose in part	Oppose in part the clarification of group roles.	Reject.
51/26.52	Policies 6.4.13 and 9.4.13 - Suspension of takes by Council recognised rationing regime	Support in part	Support in part that takes associated with non-consumptive use (e.g. hydro electric power generation) be excluded from any rationing regime, but where diversions or storage reduce the flows in the river bed, they should be subject to the rationing	Accept in part.

			regime.	
51/3	Issue 6.2.3 - Constraints to opportunities for wider use of available water resources	Oppose in part	Oppose in part amending the Explanation to protect the existing water available for hydro electric power generation.	Accept.
51/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Oppose	Oppose deletion of (xii) re consideration of water storage available for the water taken.	Accept.
52/10	Policy 6.4.0B - Promotion of shared use and management of water	Oppose	Oppose including in 6.4.0B Explanation that group formation should not adversely impact on availability of water for hydro-generation including by moving the point of take.	Accept.
52/12	Policy 6.4.1 - Surface water allocation system	Oppose in part	Oppose in part amending the explanation to identify cumulative effects of water takes from the Clutha and Kawarau Rivers to protect hydro electric power generation, and that these takes are a full discretionary activity.	Accept in part.
54/10	Policy 6.4.0B - Promotion of shared use and management of water	Oppose	Oppose the notion that delegating water management to groups further distances Kai Tahu from water resource management.	Noted.
54/105	Method 15.2.2 - Water allocation committees and water management groups	Oppose	Oppose the notion that delegating water management to groups further distances Kai Tahu from water resource management.	Noted.
54/110	Information Requirements 16.3.1 - The taking of surface water or groundwater	Oppose	Oppose request to require all applicants, not just discretionary consents, provide assessment of effects on Schedule 1 values, natural character and amenity values of affected water bodies.	Accept.
54/12	Policy 6.4.1 - Surface water allocation system	Oppose in part	Oppose in part recognising Kai Tahu values in 6.4.1.	Accept in part.
54/123	Appendix 2A - Water management groups	Oppose	Oppose the notion that delegating water management to groups further distances Kai Tahu from water resource management. Functions should be exercised in a joint management agreement between Nga Runanga and the ORC rather than the groups.	Noted.
54/25	Policy 6.4.12A - Water management groups	Oppose	Oppose the notion that delegating water management to groups further distances Kai Tahu from water resource management.	Noted.
54/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Oppose	Oppose adding to 12.1.4.8 new list item: Any adverse effect on Schedule 1D Kai Tahu values.	Accept.
55/10	Policy 6.4.0B - Promotion of shared use and management of water	Oppose	Oppose the notion that delegating water management to groups further distances Kai Tahu from water resource management.	Noted.
55/105	Method 15.2.2 - Water allocation committees and water management groups	Oppose	Oppose the notion that delegating water management to groups further distances Kai Tahu from water resource management.	Noted.
55/110	Information Requirements 16.3.1 - The taking of surface water or groundwater	Oppose	Oppose request to require all applicants, not just discretionary consents, provide assessment of effects on Schedule 1 values, natural character and amenity values of affected water bodies.	Accept.
55/12	Policy 6.4.1 - Surface water allocation system	Oppose in part	Oppose in part recognising Kai Tahu values in 6.4.1	Accept in part.
55/123	Appendix 2A - Water management groups	Oppose	Oppose the notion that delegating water management to groups further distances Kai Tahu from water resource management. Functions should be exercised in a joint management agreement between Nga Runanga and the ORC rather than the groups.	Noted.
55/25	Policy 6.4.12A - Water management groups	Oppose	Oppose the notion that delegating water management to groups further distances Kai Tahu from water resource management.	Noted.
55/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Oppose	Oppose adding to 12.1.4.8 new list item: Any adverse effect on Schedule 1D Kai Tahu values.	Accept.
56/10	Policy 6.4.0B - Promotion of shared use and management of water	Oppose	Oppose the notion that delegating water management to groups further distances Kai Tahu from water resource management.	Noted.
56/105	Method 15.2.2 - Water allocation committees and water management groups	Oppose	Oppose the notion that delegating water management to groups further distances Kai Tahu from water resource management.	Noted.
56/110	Information Requirements 16.3.1 - The taking of surface water or groundwater	Oppose	Oppose request to require all applicants, not just discretionary consents, provide assessment of effects on Schedule 1 values, natural character and amenity values of affected water bodies.	Accept.
56/12	Policy 6.4.1 - Surface water allocation system	Oppose in part	Oppose in part recognising Kai Tahu values in 6.4.1	Accept in part.

56/123	Appendix 2A - Water management groups	Oppose	Oppose the notion that delegating water management to groups further distances Kai Tahu from water resource management. Functions should be exercised in a joint management agreement between Nga Runanga and the ORC rather than the groups.	Noted.
56/25	Policy 6.4.12A - Water management groups	Oppose	Oppose the notion that delegating water management to groups further distances Kai Tahu from water resource management.	Noted.
56/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Oppose	Oppose adding to 12.1.4.8 new list item: Any adverse effect on Schedule 1D Kai Tahu values.	Accept.
57/10	Policy 6.4.0B - Promotion of shared use and management of water	Oppose	Oppose the notion that delegating water management to groups further distances Kai Tahu from water resource management.	Noted.
57/105	Method 15.2.2 - Water allocation committees and water management groups	Oppose	Oppose the notion that delegating water management to groups further distances Kai Tahu from water resource management.	Noted.
57/110	Information Requirements 16.3.1 - The taking of surface water or groundwater	Oppose	Oppose request to require all applicants, not just discretionary consents, provide assessment of effects on Schedule 1 values, natural character and amenity values of affected water bodies.	Accept.
57/12	Policy 6.4.1 - Surface water allocation system	Oppose in part	Oppose in part recognising Kai Tahu values in 6.4.1	Accept in part.
57/123	Appendix 2A - Water management groups	Oppose	Oppose the notion that delegating water management to groups further distances Kai Tahu from water resource management. Functions should be exercised in a joint management agreement between Nga Runanga and the ORC rather than the groups.	Noted.
57/25	Policy 6.4.12A - Water management groups	Oppose	Oppose the notion that delegating water management to groups further distances Kai Tahu from water resource management.	Noted.
57/78	Rule 12.1.4.8 - Restricted discretionary activity considerations	Oppose	Oppose adding to 12.1.4.8 new list item: Any adverse effect on Schedule 1D Kai Tahu values.	Accept.

