

SUMMARY OF DECISIONS REQUESTED

**on
Proposed Plan Change 3A
(Minimum Flow for Taieri River at Tiroiti)**

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



14 August 2010

Preface

Proposed Plan Change 3A (Minimum Flow for Taieri River at Tiroiti) to the Regional Plan: Water for Otago was publicly notified on Saturday 26 June 2010 in accordance with Clause 5 of the First Schedule of the Resource Management Act 1991 (RMA).

The Otago Regional Council received a total of six submissions on the Proposed Plan Change from a range of groups, organisations and individuals. Five of these submissions were lodged within the statutory time frame specified, by 5pm on Monday 26 July 2010. The sixth submission was received late and is marked accordingly.

In accordance with Clause 7 of the First Schedule of the RMA, this document presents the summary of decisions requested by persons making a submission.

It summarises all six submissions received in three ways:

- Grouped by Submitter (matters within the scope of the plan change) (page 1)
- Grouped by Provision (matters within the scope of the plan change) (page 7)
- Grouped by Submitter (matters beyond the scope of the plan change) (page 13)

The full original submissions are available at Otago Regional Council offices and on www.orc.govt.nz

Under Clause 8, Schedule 1 of the RMA, certain persons may make a further submission, but only in support of, or opposition to, those original submissions received. That clause identifies the persons who may make a further submission as:

- (a) Any person representing a relevant aspect of the public interest; or
- (b) Any person that has an interest in the proposed plan change greater than the interest that the general public has.

Further submission forms are available:

- At ORC offices at:
 - 70 Stafford Street, Dunedin
 - William Fraser Building, Dunorling Street, Alexandra
 - The Station, First Floor, Cnr Shotover and Camp Streets, Queenstown
 - Hasborough Place, Balclutha
- At all public libraries and city and district council offices throughout the Otago Region
- At www.orc.govt.nz
- By phoning 0800 474 082; or
- By emailing policy@orc.govt.nz.

Further submissions must state whether you support or oppose an original submission, and whether or not you wish to be heard on your further submission. A copy of your further submission must be served on the original submitter within five working days of making the further submission to Otago Regional Council.

Further submissions must be received at the Otago Regional Council by 5pm, Friday 27 August 2010.

Guide to Making a Further Submission

Important Information:

Under Clause 8, Schedule 1 of the Resource Management Act 1991, you may make a further submission if you are:

- (a) A person representing a relevant aspect of the public interest; or
- (b) A person that has an interest in the proposed plan change greater than the interest that the general public has.

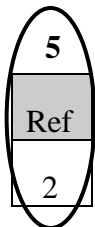
A further submission may only be made in support of, or in opposition to an original submission. A further submission must state whether you support or oppose an original submission (or part thereof) and whether or not you wish to be heard on your further submission. A copy of your further submission must be served on the original submitter to which your further submission relates, within five working days of making your further submission to the Otago Regional Council.

The Summary of Decisions Requested summarises the submissions received. If you intend to make a further submission, it is recommended that you read the full original submission, available at Otago Regional Council offices and on www.orc.govt.nz

When preparing your further submission, please use the **Submitter Number and Reference Number** to indicate what **submission point** you are referring to e.g. [submitter number / reference number].

This number is shown on the Summary of Decisions Requested by submitter (left) and by topic (right).

e.g. [5/2]



Name	Number	Ref
(name)	5	2

Clearly state which decision requested (using **Submitter Number** and **Reference Number**) on which you are making a further submission.

Clearly state whether you support or oppose the decision requested on which you are making a further submission.

Give the **reasons** for your support or opposition.

Use the **Further Submission Form** to help you set out your further submission.

It is in your best interests to make your further submission as clear as possible.

If you have any questions regarding how to prepare a further submission, please phone the Policy Team on (03) 474 0827 or 0800 474 082, or email policy@orc.govt.nz.

Index to Submitters – By Name

Surname, First Name <u>or</u> Organisation	Submitter Number
Dowling, Gerald (late submission)	6
Kyeburn Water Users Group	5
McAtamney, David	3
Miller, Brian	1
Oceana Gold New Zealand Limited	4
Otago Canoe and Kayak Club	2

Index to Submitters – By Number

Submitter Number	Surname, First Name <u>or</u> Organisation	Address for Service
1	Miller, Brian	77 Riccarton Road West, RD2, Mosgiel 9092
2	Otago Canoe and Kayak Club	C/- Maggie Oakley, 72 Signal Hill Road, Opoho, Dunedin 9010
3	McAtamney, David	38 Charlemont Street East, Ranfurly 9332
4	Oceana Gold New Zealand Ltd	Attn: Maree Baker, C/- Anderson Lloyd, Private Bag 1959, Dunedin 9054
5	Kyeburn Water Users Group	Attn: P J Newland, C/- Goodman Tavendale Reid Solicitors, PO Box 442, Christchurch 8140
Late submission:		
6	Dowling, Gerald	512 Ranfurly-Naseby Road, RD2, Ranfurly 9396

Grouped by Submitter
(matters within the scope of the plan change)

1 Brian Miller

REF	PROVISION	POSITION	DECISION REQUESTED	REASON FOR DECISION REQUESTED
3	Schedule 2A	Did not specify	<p>Incorporate conditions into minimum flows as follows:</p> <ol style="list-style-type: none"> 1. That a water standard for the level of nutrients, such as fertiliser, runoff and pollutants be established, that is a safe standard for all uses. 2. That weekly water tests are taken to monitor the water standards. 3. If water tests show that the water is unsafe, and will have a negative effect on the health of the river, as well as those that use the water from the river, a reduction in water taken by those who draw water from the river should be put in place. This would increase the water flow, diluting pollutants in the river, bringing the water back to safe levels quicker. When water tests show that the water is safe then the normal extractions should be able to continue. 4. Any costs in monitoring the safe levels of the water for the health of the river and its users should be met through consent fees, user charges and levies from fishing licenses. 	<p>Any consideration of minimum flows should be flexible enough to respond to maintaining the health of the river. The Taieri River serves the many and varied needs of its communities throughout the catchment, including domestic use, stock use and irrigation, and leisure, such as swimming, fishing and boating.</p> <p>The health of the river must be a major consideration in setting any minimum flows.</p>

2 Otago Canoe and Kayak Club

REF	PROVISION	POSITION	DECISION REQUESTED	REASON FOR DECISION REQUESTED
3	Schedule 2A	Amend	We seek (a minimum flow) beginning at 8 cumecs (8000 l/s) as measured at Tiroiti, for kayaking recreational flow requirements.	The proposed minimum flows at Tiroiti are set to meet the needs of: sports fish reproduction, native fish reproduction and fishery recreation interests. The proposal does not meet the needs of recreational kayakers. Flat lining minimal flows does nothing to enhance the river. Instead it embeds an industrial irrigation agri business infrastructure, which takes the river further beyond recovery from its natural state.

3 David McAtamney

REF	PROVISION	POSITION	DECISION REQUESTED	REASON FOR DECISION REQUESTED
3	Schedule 2A	Amend	Reduce the minimum flow at Tiroiti to no more than 1.075 cumecs (1075 l/s) or suggest a bankable, reliable, local knowledge plan to support the proposed minimum flow.	<p>When the minimum flow at the Green Bridge of 1 cumec (1000 l/s) at Waipiata is breached, the Kyeburn is most often at an extreme low flow and cannot provide any more water than is flowing at its confluence with the Taieri.</p> <p>Taking on the Kyeburn and Swinburn is severely reduced at the same time as the Green Bridge (Waipiata) reaches 1 cumec (1000 l/s). Most of the small takes are</p>

REF	PROVISION	POSITION	DECISION REQUESTED	REASON FOR DECISION REQUESTED
				<p>not possible, or have just enough for limited stock water.</p> <p>I concede that in dry seasons when minimum flows may breach, take consents are still live, but are at seriously reduced take.</p> <p>How do you transport that water from where it is being taken, to the Kyeburn-Taieri confluence, considering that when all reduced takes are returned to the riverbed they become very slow moving underground water unable to contribute to Tiroiti levels.</p> <p>Water users do not wish to release takes to support a measurement anywhere downstream just to see it disappear to groundwater within a few hundred metres. It becomes no use to anyone nor support a minimum flow. Everyone loses as it is an impossible equation. Also you cannot take away domestic, and stock water, or people's right to farm through droughts. After all, Otago Regional Council policy is no area shall be stranded dry.</p> <p>The Otago Regional Council has set the recommended minimum flow of 1.15 cumecs (1150 l/s) at Tiroiti from information from a graph prepared by the Hydrologist who has researched Council records. A graph of coloured dots representing rainfall, prepared by one person, that pays no attention to the flow and very unique topography of the Kyeburn and Swinburn, is not enough information as it does not allow for the records over the last century to have any bearing on these tributaries. I also consider the evaporation and the severe heat and light on a burning hot shingle riverbed has not been addressed either.</p>

4 Oceana Gold New Zealand Limited

REF	PROVISION	POSITION	DECISION REQUESTED	REASON FOR DECISION REQUESTED
3	Schedule 2A	Support	Approve the proposal to establish a new minimum flow for the Taieri River.	It will improve the management of water allocation in the Taieri catchment.
4	Maps B2, B3, B4 and Map B Index	Support	Approve the proposal to establish a new monitoring site for the Taieri River.	It will improve the management of water allocation in the Taieri catchment.

5 Kyeburn Water Users Group

REF	PROVISION	POSITION	DECISION REQUESTED	REASON FOR DECISION REQUESTED
2	Rule 12.1.4.4	Support	That Rule 12.1.4.4 be retained.	It is desirable to have a catchment and monitoring site which recognise the distinct hydrological characteristics of the Kyeburn area and Tiroiti Catchment.
3	Schedule 2A	Oppose	That the proposed minimum flow in Schedule 2A be amended to 0 l/s until significant further detailed	The proposed minimum flow will directly impact on the use and enjoyment of our farm land within the Tiroiti Catchment.

Summary of Decisions Requested on Proposed Plan Change 3A (Minimum Flow for Taieri River at Tiroiti) to the Regional Plan: Water for Otago (14 August 2010)

REF	PROVISION	POSITION	DECISION REQUESTED	REASON FOR DECISION REQUESTED
			<p>investigation is undertaken as to the ecological and community requirements for water within the Tiroiti Catchment.</p>	<p>The process by which the Otago Regional Council has calculated the proposed minimum flow fails to recognise the hydrological characteristics of the Tiroiti Catchment. Accordingly, the proposed minimum flow conflicts with Policy 6.4.0.</p> <p>The process by which the minimum flow for the Tiroiti Catchment was assessed and calculated contains a number of unverified assumptions and methods, including but not limited to:</p> <ul style="list-style-type: none"> (a) The minimum flow is set on the basis that the Tiroiti Catchment forms part of a normal 'downstream flow' catchment, rather than a distinct catchment area with localised rainfall events and significant surface water flows; (b) An assumption following (a) above that the proposed minimum flow must be complementary to the Waipiata minimum flow and Sutton minimum flow; (c) An assumption that all water taken in the Kyeburn is taken during low flow periods for the Tiroiti Catchment; (d) The proposed minimum flow is established by way of correlation with Waipiata flows, the calculation of which shows that there are specific distinct inputs within the Tiroiti Catchment, which call this method of setting the proposed minimum flow into question. (e) An assumption that a minimum flow lower than 1000 l/s for the Tiroiti Catchment will guarantee less water for those users downstream of Tiroiti, without establishing the effect of other hydrological inputs for the Sutton monitoring point. <p>The Section 32 Report has failed to adequately take into account the benefits and costs of the proposed minimum flow and any alternatives. The Section 32 Report has also failed to identify the risk to us and the broader Kyeburn community of proceeding to implement the proposed minimum flow, with insufficient information as to the distinct hydrological characteristics of the Tiroiti Catchment.</p> <p>The introduction of the proposed minimum flow without appropriate evaluation and investigation is contrary to the objective of enabling the sustainable use and development of Otago's water bodies. By failing to adequately investigate the appropriate minimum flow for the Tiroiti Catchment, the Council will in fact be imposing a minimum flow that is overly conservative, disproportionate, and contrary to Policy 5.4.3 and Part 2 of the Resource Management Act 1991.</p>
4	Maps B2, B3, B4 and Map B Index	Support	That the Tiroiti Catchment and monitoring site MS5b introduced by changes to Map B3 be retained.	It is desirable to have a catchment and monitoring site which recognises the distinct hydrological characteristics of the Kyeburn area and Tiroiti Catchment.

6 Gerald Dowling

REF	PROVISION	POSITION	DECISION REQUESTED	REASON FOR DECISION REQUESTED
3	Schedule 2A	Did not specify	I question whether the minimum flow figure should be as great as 1150 l/s.	<p>I do not have the knowledge to oppose that figure (1150 l/s), but believe it to be at the extreme upper range of potential minimum flow figures.</p> <p>Calendar year 2010 followed on from a very dry and slow spring, when generally irrigation flows available to farmers were below the normal expected flows. This pattern carried on during summer, when it was obvious that water available for irrigation was well below that required to maintain optimum pasture production, which in turn provides suitable pasture feed quality to fatten livestock and provide the necessary winter feed, both growing as winter feed crops and harvested as hay or silage.</p> <p>Setting the arbitrary minimum flow figure at a level which can only be supported by demanding farmers reduce their water take, knowing that that demand would significantly reduce seasonal farm production would be an unreasonable demand on farm production and consequent reduction in farm and region profitability.</p>

Grouped by Provision
(matters within the scope of the plan change)

2 Rule 12.1.4.4

NAME	NUMBER	POSITION	DECISION REQUESTED	REASON FOR DECISION REQUESTED
Kyeburn Water Users Group	5	Support	That Rule 12.1.4.4 be retained.	It is desirable to have a catchment and monitoring site which recognise the distinct hydrological characteristics of the Kyeburn area and Tiroiti Catchment.

3 Schedule 2A

NAME	NUMBER	POSITION	DECISION REQUESTED	REASON FOR DECISION REQUESTED
Brian Miller	1	Did not specify	<p>Incorporate conditions into minimum flows as follows:</p> <ol style="list-style-type: none"> 1. That a water standard for the level of nutrients, such as fertiliser, runoff and pollutants be established, that is a safe standard for all uses. 2. That weekly water tests are taken to monitor the water standards. 3. If water tests show that the water is unsafe, and will have a negative effect on the health of the river, as well as those that use the water from the river, a reduction in water taken by those who draw water from the river should be put in place. This would increase the water flow, diluting pollutants in the river, bringing the water back to safe levels quicker. When water tests show that the water is safe then the normal extractions should be able to continue. 4. Any costs in monitoring the safe levels of the water for the health of the river and its users should be met through consent fees, user charges and levies from fishing licenses. 	<p>Any consideration of minimum flows should be flexible enough to respond to maintaining the health of the river. The Taieri River serves the many and varied needs of its communities throughout the catchment, including domestic use, stock use and irrigation, and leisure, such as swimming, fishing and boating.</p> <p>The health of the river must be a major consideration in setting any minimum flows.</p>
Otago Canoe and Kayak Club	2	Amend	We seek (a minimum flow) beginning at 8 cumecs (8000 l/s) as measured at Tiroiti, for kayaking recreational flow requirements.	The proposed minimum flows at Tiroiti are set to meet the needs of: sports fish reproduction, native fish reproduction and fishery recreation interests. The proposal does not meet the needs of recreational kayakers. Flat lining minimal flows does nothing to enhance the river. Instead it embeds an industrial irrigation agri business infrastructure, which takes the river further beyond recovery from its natural state.
David McAtamney	3	Amend	Reduce the minimum flow at Tiroiti to no more than 1.075 cumecs (1075 l/s) or suggest a bankable, reliable, local knowledge plan to support the proposed minimum flow.	<p>When the minimum flow at the Green Bridge of 1 cumec (1000 l/s) at Waipiata is breached, the Kyeburn is most often at an extreme low flow and cannot provide any more water than is flowing at its confluence with the Taieri.</p> <p>Taking on the Kyeburn and Swinburn is severely reduced at the same time</p>

NAME	NUMBER	POSITION	DECISION REQUESTED	REASON FOR DECISION REQUESTED
				<p>as the Green Bridge (Waipiata) reaches 1 cumec (1000 l/s). Most of the small takes are not possible, or have just enough for limited stock water.</p> <p>I concede that in dry seasons when minimum flows may breach, take consents are still live, but are at seriously reduced take.</p> <p>How do you transport that water from where it is being taken, to the Kyeburn-Taieri confluence, considering that when all reduced takes are returned to the riverbed they become very slow moving underground water unable to contribute to Tiroiti levels.</p> <p>Water users do not wish to release takes to support a measurement anywhere downstream just to see it disappear to groundwater within a few hundred metres. It becomes no use to anyone nor support a minimum flow. Everyone loses as it is an impossible equation. Also you cannot take away domestic, and stock water, or people's right to farm through droughts. After all, Otago Regional Council policy is no area shall be stranded dry.</p> <p>The Otago Regional Council has set the recommended minimum flow of 1.15 cumecs (1150 l/s) at Tiroiti from information from a graph prepared by the Hydrologist who has researched Council records. A graph of coloured dots representing rainfall, prepared by one person, that pays no attention to the flow and very unique topography of the Kyeburn and Swinburn, is not enough information as it does not allow for the records over the last century to have any bearing on these tributaries. I also consider the evaporation and the severe heat and light on a burning hot shingle riverbed has not been addressed either.</p>
Oceana Gold New Zealand Limited	4	Support	Approve the proposal to establish a new minimum flow for the Taieri River.	It will improve the management of water allocation in the Taieri catchment.
Kyeburn Water Users Group	5	Oppose	That the proposed minimum flow in Schedule 2A be amended to 0 l/s until significant further detailed investigation is undertaken as to the ecological and community requirements for water within the Tiroiti Catchment.	<p>The proposed minimum flow will directly impact on the use and enjoyment of our farm land within the Tiroiti Catchment.</p> <p>The process by which the Otago Regional Council has calculated the proposed minimum flow fails to recognise the hydrological characteristics of the Tiroiti Catchment. Accordingly, the proposed minimum flow conflicts with Policy 6.4.0.</p> <p>The process by which the minimum flow for the Tiroiti Catchment was assessed and calculated contains a number of unverified assumptions and methods, including but not limited to:</p> <p>(a) The minimum flow is set on the basis that the Tiroiti Catchment forms</p>

Summary of Decisions Requested on Proposed Plan Change 3A (Minimum Flow for Taieri River at Tiroiti) to the Regional Plan: Water for Otago (14 August 2010)

NAME	NUMBER	POSITION	DECISION REQUESTED	REASON FOR DECISION REQUESTED
				<p>part of a normal 'downstream flow' catchment, rather than a distinct catchment area with localised rainfall events and significant surface water flows;</p> <p>(b) An assumption following (a) above that the proposed minimum flow must be complementary to the Waipiata minimum flow and Sutton minimum flow;</p> <p>(c) An assumption that all water taken in the Kyeburn is taken during low flow periods for the Tiroiti Catchment;</p> <p>(d) The proposed minimum flow is established by way of correlation with Waipiata flows, the calculation of which shows that there are specific distinct inputs within the Tiroiti Catchment, which call this method of setting the proposed minimum flow into question.</p> <p>(e) An assumption that a minimum flow lower than 1000 l/s for the Tiroiti Catchment will guarantee less water for those users downstream of Tiroiti, without establishing the effect of other hydrological inputs for the Sutton monitoring point.</p> <p>The Section 32 Report has failed to adequately take into account the benefits and costs of the proposed minimum flow and any alternatives. The Section 32 Report has also failed to identify the risk to us and the broader Kyeburn community of proceeding to implement the proposed minimum flow, with insufficient information as to the distinct hydrological characteristics of the Tiroiti Catchment.</p> <p>The introduction of the proposed minimum flow without appropriate evaluation and investigation is contrary to the objective of enabling the sustainable use and development of Otago's water bodies. By failing to adequately investigate the appropriate minimum flow for the Tiroiti Catchment, the Council will in fact be imposing a minimum flow that is overly conservative, disproportionate, and contrary to Policy 5.4.3 and Part 2 of the Resource Management Act 1991.</p>
Gerald Dowling	6	Did not specify	I question whether the minimum flow figure should be as great as 1150 l/s.	<p>I do not have the knowledge to oppose that figure (1150 l/s), but believe it to be at the extreme upper range of potential minimum flow figures.</p> <p>Calendar year 2010 followed on from a very dry and slow spring, when generally irrigation flows available to farmers were below the normal expected flows. This pattern carried on during summer, when it was obvious that water available for irrigation was well below that required to maintain optimum pasture production, which in turn provides suitable pasture feed quality to fatten livestock and provide the necessary winter feed, both growing as winter feed crops and harvested as hay or silage.</p>

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NAME	NUMBER	POSITION	DECISION REQUESTED	REASON FOR DECISION REQUESTED
				Setting the arbitrary minimum flow figure at a level which can only be supported by demanding farmers reduce their water take, knowing that that demand would significantly reduce seasonal farm production would be an unreasonable demand on farm production and consequent reduction in farm and region profitability.

4 Maps B2, B3, B4 and Map B Index

NAME	NUMBER	POSITION	DECISION REQUESTED	REASON FOR DECISION REQUESTED
Oceana Gold New Zealand Limited	4	Support	Approve the proposal to establish a new monitoring site for the Taieri River.	It will improve the management of water allocation in the Taieri catchment.
Kyeburn Water Users Group	5	Support	That the Tiroiti Catchment and monitoring site MS5b introduced by changes to Map B3 be retained.	It is desirable to have a catchment and monitoring site which recognises the distinct hydrological characteristics of the Kyeburn area and Tiroiti Catchment.

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

2 Otago Canoe and Kayak Club

REF	PROVISION	POSITION	DECISION REQUESTED	REASON FOR DECISION REQUESTED
5	Beyond the Scope	Not Applicable	We seek (a minimum flow) beginning at 12 cumecs (12,000 l/s) as measured at Sutton and 15 cumecs (15,000 l/s) as measured at Outram, for kayaking recreational flow requirements.	The proposal does not meet the needs of recreational kayakers. Flat lining minimal flows does nothing to enhance the river. Instead it embeds an industrial irrigation agri business infrastructure, which takes the river further beyond recovery from its natural state.

