

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal pursuant to Clause 14 of the Act

BETWEEN **NORTH OTAGO IRRIGATION COMPANY
LIMITED**

Appellant

AND **OTAGO REGIONAL COUNCIL**

Respondent

**NOTICE OF APPEAL
Dated 4 June 2013**

To The Registrar
Environment Court
Christchurch

- 1 **NORTH OTAGO IRRIGATION COMPANY LIMITED (the Appellant)** appeals against part of a decision of the Otago Regional Council on Plan Change 6A (Water Quality) to the Regional Plan (**PC6A**).
- 2 The Appellant made a submission on that plan change.
- 3 The Appellant is not a trade competitor for the purposes of Section 308D of the Resource Management Act 1991.
- 4 The Appellant received notice of the decision on 20 April 2013.
- 5 The decision was made by the Otago Regional Council.
- 6 The part of the decision the Appellant is appealing is in respect of the following:
 - 6.1 Policy 7.D.7;
 - 6.2 Schedules 15 and 16;
 - 6.3 Rule 12.C.1.1;

6.4 Rule 12.C.2.

7 The reasons for the appeal are as follows:

Policy 7.D.7

7.1 This policy states that the duration of any resource consent for discharges that breach any relevant Schedule 16 or nitrogen leaching rate limits is not to exceed:

- Two years for discharges from a short-term activity with short term adverse effects;
- Five years for all other discharges where the contaminants in the discharge result from the activities of the applicant.

7.2 The limits referred to in the policy are opposed for all of the reasons set out below in relation to Rule 12.C.1.1. For the same reasons, the policy basis for the short duration consent is opposed.

Schedules 15 and 16

7.3 Schedules 15 and 16 are opposed on the grounds that:

- (a) There has been no field work/analysis undertaken in order to determine what the contaminant levels need to be in order to achieve good water quality of Schedule 15;
- (b) There has been very limited field data (if any) to justify the limit in Schedule 16 for the Waiareka Stream and Waitaki tributary catchment areas to justify the limits for these catchment areas in Schedule 16.

7.4 In particular, there was no evidential basis to conclude that the framework contained in the plan change achieves:

- (a) Certainty that the Schedule 15 figures are appropriate and necessary for the waterways relevant to them in order to achieve good water quality; and
- (b) Certainty that Schedule 16 levels are appropriate and necessary in order for the Schedule 15 standards to be met at a catchment level, and that sufficient time is provided to farmers to be able to achieve such standards; and
- (c) Certainty that the rules requiring compliance with the Schedule 16 contaminant discharges are able to be easily and consistently interpreted by both resource users and ORC compliance staff and that there is certainty when discharges comply and when they do not comply over a

reasonable time period (i.e. allowing for seasonal and other variations);
and

- (d) Certainty that the rule and other methods regime will ensure that the polluter is targeted (as opposed to those with easily accessible drains at the lower end of the catchment), and that waterways that do not meet Schedule 15 good water quality standards are targeted over those which have good water quality currently.

- 7.5 A collaborative approach to the collection of further data in order to provide a sound scientific basis for the limits is necessary in order to give effect to the water quality objectives of the National Policy Statement on Freshwater Management (NPS);
- 7.6 PC6A schedules require compliance with water quality standards and discharge contaminant limits within timeframes in advance of the timeframes required to be met under the NPS and accordingly, there is sufficient time to undergo the further collaborative process sought by the Appellant in collecting data, and undertaking further field work;
- 7.7 The standards required to be met by the specified dates are too ambitious, are not robust and are unworkable;
- 7.8 There was no justification provided in the decision for rejecting the adaptive management approach requested by the Appellant as an alternative to the approach taken by PC6A, and the changes made by the Hearings Commissioners do not address the Appellant's concerns;

Rule 12.C.1.1

- 7.9 The wording of clause (d) would result in a non-compliance where a discharge goes into a wetland that has been constructed for mitigation purposes, even where it is not connected to other water bodies.
- 7.10 The current wording of the rule does not allow for catchment level mitigation options to protect water quality, where water is placed into a wetland in order to trap nutrients before they pass into a stream or river.
- 7.11 Use of a constructed wetland for this purpose is an effective mechanism for reducing the level of contaminants entering the waterway and its use for this purpose should not be discouraged by the requirement to obtain a resource consent. The discharge of water in this instance should be given permitted activity status.

- 7.12 The same applies to the use of a capture dam installed to collect and re-cycle irrigation run-off, the use of which is also a key mechanism to prevent the transfer of nutrients. The use capture and re-use of irrigation run-off is currently a permitted activity in small catchments of less than 50 hectares, which has limited applicability in the North Otago landscape.
- 7.13 The rule should expressly exclude artificially constructed wetlands and capture dams from being treated as 'water' and/or 'wetlands' for the purposes of subsection (d). Plan provisions should otherwise allow capture dams to be used to collect and re-cycle irrigation run-off, whether or not the catchment is fully or over-allocated; and for catchments larger than 50 hectares.
- 7.14 The changes sought to the rule are justified in order to better implement Policy 7.B.7 which is to encourage land management practices that reduce the adverse effects of water or contaminants discharged into water, and to better achieve Objectives 7.A.1-3.
- 7.15 The wording of clause (d) would result in a non-compliance where a discharge does not comply with the relevant limit, even if the activities or actions of the landholder did not lead to the limit being breached. This could occur where a water body discharges onto a farm and is naturally high in contaminants, or water or contaminants enter a property from a neighbouring property.
- 7.16 The rule should expressly allow for a permitted activity discharge where the limit breach has not occurred due to the activities of the landowner. The Council has recognised a similar issue in relation to contaminants being discharged from dams in Rule 12.B.1.10.

Rule 12.C.2

- 7.17 Amend the assessment matters for restricted discretionary activities – 12.C.2.4; to apply to non-compliances with the schedule limits as further proposed in the relief sought in this appeal;
- 7.18 Include additional assessment matters recognising that in some circumstances compliance with the schedules may not be practicable, and may never be achieved, including where best practice farming is being carried out and schedule limits for the contaminant levels in discharges are not being complied with.

8 The Appellant seeks the following relief:

- 8.1 Delete Policy 7.D.7;

8.2 Amend Schedules 15, 16 and Rule 12.C.1.1 by substitution of an alternative framework as sought by the Appellant at the hearing at first instance (and **attached** to this Notice of Appeal), including:

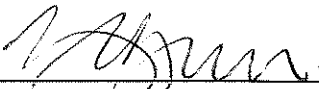
- Amendments to Schedule 15 so that the Waiareka Stream is identified as part of Group 1 of the schedule as opposed to Group 2;
- Amendments to Schedule 16 following the completion of actual field research in order to determine what the appropriate contaminant level limit that is to be applied to discharges in order for each waterway to achieve the good water quality of Schedule 15;
- Insertion of a series of rules which provide for a 12 month series of samples and the median taken to comply with the limits in Schedules 16;
- Insertion of a series of rules which clearly set out how the Schedule 16 limits are to be complied with in practice, resolving issues of:
 - (a) Downstream farm with accessible drains being targeted;
 - (b) Detailing how and where samples are to be taken;
- Any other relief necessary or appropriate to address the matters raised in this appeal.

8.3 Amend Rule 12.C.2 to include additional assessment matters as indicated in paras 7.17 and 7.18.

9 The following documents are attached to this notice:

- 9.1 A copy of North Otago Irrigation Company Limited's submission;
- 9.2 A copy of the relevant decision (or part of the decision);
- 9.3 A list of names and addresses of persons to be served with a copy of this notice.

Dated this *4th* day of June 2013.



George Latham Berry

Solicitor for North Otago Irrigation Company Limited

Address for service of Appellant:

Berry & Co
PO Box 10
Oamaru 9400

Attention: George Berry/David Jackson
Email: djackson@berryco.co.nz

Counsel instructed:

Pru Steven
Barrister
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Christchurch 8149

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ADVICE TO RECIPIENTS OF COPY OF NOTICE

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 15 working days after the period for lodging a notice of appeal ends.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the documents referred to at paragraph 6.1. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

LIST OF PARTIES TO BE SERVED

Otago Regional Council
Private Bag 1954
Dunedin 9054

And all submitters on matters appealed as per attached schedule

ORC Submitter Name	Name1	Contact	ContactOrgCo	PostalAddress1	PostalAddress2	PostalAddress	PostalCode
6	Andrew McCurdy			1 Monowai Street	Ravenbourne	Dunedin	9022
39	Hewett Farm Ltd	Rob Hewett		1233 Manuka Gorge Highway	South Otago	Lawrence	9593
45 & 1019	Hopefield Investments Ltd	Clive Cochrane		PO Box 2		Balclutha	
56	Three Creeks Farm Ltd	IM & JA Isbister		63 Ardgowan Road	1 DRD	Oamaru	
57	University of Otago, Department of Zoology	Dr Christoph Matthaei		PO Box 56		Dunedin	9054
58	C P Mulholland			Rapid 969 Ranfurly Patearoa Road	RD4	Central Otago	9398
61	S H Andrews and Sons Ltd	John Andrews		Waipiata	RD3	Ranfurly	
62	Green Party (Dunedin Branch)	Shane Gallagher		shane.montague-gallagher@otago.ac.nz			
64	Providence Farm 2007 Ltd	P L Finlay		15 K RD		Oamaru	9494
65	Gerald Burgess			56 Langridge Rd		Temuka	7985
66	Barry John Burgess			723 Purakaunui Falls Road		Owaka	
69	Peter T Borrie			Posthill	15 K R D	Oamaru	9494
73	Stephen Crawford			126 Lambourne Road	Kilmore Farm, RD4	Balclutha	9274
78	Jeff & Alison Thompson			Whitstone-Five Forks Road	RD 16D	Oamaru	9492
82	Roger Fox			13 DRD		Oamaru	
83	Invernia Holdings Ltd	Russell Hurst		4 K RD		Oamaru	9494
88	Alan L Wilson			120 Waikoata Valley Road		Owaka	
93	A J & T Verbakel			329 State Highway 83		Oamaru	9494
95	Wallace Evan Strachan			15 KR D		Oamaru	9494

96	Trevor Meikle				Carnwath, 406 Devils Bridge Road	2 D RD	Oamaru	9492
98	Val Ridge Farm Ltd	Clayton Buckley			284 Carrs Road		Loburn	
100	Duncan Henderson				Happy Valley Station, 302 Hawksburn Road	RD2 Bannockburn	Cromwell	9384
101	Ross A & Alexa Wallace				182 Beacon Hill Road	Waipahi, RD1	Gore	9771
106 & 1005	Lower Waitaki Irrigation Company	Mr Chris Dennison			3 HRD		Oamaru	9493
115	Elderslie Dairy Farms Limited	Andrew Jeffries			84 Elderslie Road	RD 2C	Oamaru	9491
116	Stewart Morrison				242 Riverside Road	RD1 Inch Clutha	Kaitangata	9281
117	Bob Hollamby				5 H RD		Oamaru	9493
119	PGG Wrightson	Neville Langrish			PO Box 24		Oamaru	9444
120	A J & A J Anderson				6A Hart Street	Belleknowes	Dunedin	9011
122 & 1004	Albert McTainsh				Tahakopa Valley Road	RD2	Owaka	9586
125	Finlay Family Trust				185 Gibson Road	15K RD	Oamaru	9494
128	Cath Gilmour				19 Willow Place		Queenstown	9300
131	Grant Bradfield				83 Forsyth Road	2 RD	Owaka	9586
133	The Cow Farm Limited	G Scott			38 Marsh Road	Elfrick RD2	Roxburgh	9572
135	Foxhaven Farms Ltd	Tony Fox			107 Brockmans Rd	Airedale	Oamaru	
139	Clutha Agricultural Development Board	Malcolm Deverson			6 John Street	PO Box 149	Balclutha	
140	Otago Conservation Board	Ainslee Hooper			Box 5244		Dunedin	9058
141	Eloise Neeley				PO Box 137		Balclutha	9240
143	M L & P J Lord Family Trust	Mike Lord			330 Marshall Road	1 RD, Outram	Dunedin	9073

146	Dairy NZ Limited	James Ryan		c/- PO Box 160	Lincoln University	7647
148 & 1062	Glenshee Station Limited (Marks & Mouat)	H G Marks & C D Mouat, PJ Newland	c/- Goodman Tavendale Reid	PO Box 442	Christchurch	8140
149 & 1016	Ernslaw One Ltd	Peter Weir		PO Box 36	West Otago	
151	Grant Isbister			4 DRD	Oamaru	
154	Shalloch Farms Ltd	Neil Hamilton		287 Gibson Road	Oamaru	9494
155	Corona Farms Ltd	Corrie & Donna Smit		46 Otakiri Road	Whakatane	3192
156	Andrew & Barbara Richardson			498 McPhersons Rd	Oamaru	
159	Gerard Booth			141 Round Hill Road	Oamaru	9492
161	Sam Kane			359 Luggate Tarras Road	Cromwell	
163	Matuanui Ltd	Nathan & Linda Wilson	Matuanui Farm		Balclutha	9271
164 & 1029	Strath Taieri Community Board	Barry Williams	c/- Dunedin City Council	PO Box 5045	Dunedin	9058
165	Jim Gibson			15 K RD	Oamaru	9494
185	Windsor Park Dairies Ltd	Callum Kingan		900 Weston Ngapara Road	Oamaru	9491
187 & 1060	Alliance Group Limited	John Kyle	Mitchell Partnerships	PO Box 489	Dunedin	9054
190	Bob Kingan			294 Parsons Road	Oamaru	9491
191	Grant Ludemann			635 Burnside Road	Oamaru	9492
194	Jeremy Wales			PO Box 4	Roxburgh	9441
195	Dairy Holdings Limited	Ben Williams	Chapman Tripp	PO Box 2510	Christchurch	8140
196	Clyde Dairy Farm Ltd	Dave Inder		274 Koa Raod	Balclutha	
197 & 1065	Otakou, Kati Huirapa Runaka Puketeraki, Hokonui Runanga	Tim Vial	KTKO Ltd	PO Box 446	Dunedin	9054

202	Irrigation New Zealand Incorporated	Andrew Curtis		6 Sonter Road	Wigram	Christchurch	8042
203 & 1073	NZ Transport Agency	Denise Anderson	MWH NZ Ltd	PO Box 4		Dunedin	9058
207	M C Holland Farming Ltd	Frances Lojkine	MWH NZ Ltd	PO Box 4		Dunedin	9054
211 & 1025	Dunedin City Council	Frances Lojkine	MWH NZ Ltd	PO Box 4		Dunedin	9054
213	Vivienne & Greg Kerr			RD1	Waikouaiti	Otago	9471
214	Willowview Pastures Ltd	Geoff Taylor		304 Kaik Rd	5 H R D	Oamaru	9493
215	Alan Grant Macgregor			159 State Highway 1	1 KR D	Oamaru	
216	Graham Butler			120 Steward Rd		Oamaru	
225	Preserve Our Water Society Inc	Kim Fogelberg & others		35 Loach Road	Hawea Flat RD2	Wanaka	9382
228	John Newlands Farming Company	John Newlands		33 Newlands Road	12A DRD	Oamaru	9492
232	Kawarau Station Limited	Richard John Anderson	Kawarau Station		2 RD	Cromwell	9384
234	Michael O'Connor			66 McKerrow Road	11 ORD	Oamaru	
238 & 1070	Silver Fern Farms Limited	Jo Appleyard/Tania Low	Chapman Tripp	PO Box 2510		Christchurch	
241 & 1068	Fonterra Co-operative Group Limited	Sonia Anderson		Private Bag 92032		Auckland	1142
242	Rod Philip				2 RD	Palmerston	
247	Viewmont Limited	A D Newlands		289 Kauru Hill Road	12 BDRD Maheno	Oamaru	
248	Ravensdown Fertiliser Co-operative Ltd	Chris Hansen	Chris Hansen Consultants Ltd	PO Box 51-282	Tawa	Wellington	5249
249	Sandy Bay Ltd	S B Harrison & J H Weedon		716 Ahuriri Flat Road	Otekura RD1	Balclutha	9271
250	Waihemo Water Catchment Society Inc New Zealand Fertiliser Manufacturers Research Association Inc (Fert Research)	Don McLenaghan			RD3 Dunback	Palmerston	9483
252 & 1010		Greg Sneath	Chris Hansen Consultants Ltd	PO Box 51-282	Tawa	Wellington	5249

255	Queenstown Lakes District Council	Phillip Pannett		10 Gorge Road	Private Bag 50072	Queenstown	
256 & 1015	Rayonier New Zealand Ltd	Kelvin Meredith		PO Box 13 285		Tauranga	3141
259 & 1006	B & J Smith			457 Dunrobin Road	RD14C	Oamaru	9491
261	Bernard Lynch			183 Taieri Rd		Dunedin	9010
262	Ballance Agri-Nutrients Ltd	Nigel Sadler		Private Bag 12503		Tauranga	3143
263 & 1074	DF1 Ltd and DF3 Ltd, being partners of the Dairy Farms Partnership	Robert Enright	DLA Phillips Fox	22nd Floor, DLA Phillips Fox Tower	209 Queen St	Auckland	1010
264	4650 Matarae Station Ltd	William Jones		Sutton Clarkes Junction Road	RD 2	Outram	9074
267 & 1055	Environmental Defence Society	Kelsey Serjeant		PO Box 91736	Victoria Street West	Auckland	1142
268	Colin Scurr	Phil Page / Bridget Irving	Galloway Cook Allan	PO Box 143		Dunedin	9054
269 & 1032	Horticulture New Zealand	Manager - Resource Management &		PO Box 10 232		Wellington	
270	Marc Schallenberg			58 Gladstone Rd	Dalmore	Dunedin	9010
271 & 1007	Forest and Bird	Sue Maturin		Box 6230		Dunedin	9016
273	Fish and Game (Central South Island)	Zella Smith		PO Box 150		Temuka	7948
275	T M and C M Scurr			Tuohys Gully 2127D	Cardrona	Wanaka 2RD	9382
276	Karl Guy			343 McPhersons Rd, 6H RD		Oamaru	
277	Mark Kingsbury			15 KR D		Oamaru	9494
278 & 1057	Federated Farmers of New Zealand	Matt Harcombe		PO Box 5242		Dunedin	9058
279	Wenita Forest Products	David Cormack		PO Box 341	Mosgiel	Dunedin	
282	Putahi Ngaherehere o Aotearoa Incorporated, Otago/Southland Section	Dr Angus McPherson		C/- PO Box 5837	Moray Place	Dunedin	9058
283 & 1071	City Forests Limited	Peter Oliver		PO Box 210		Dunedin	9054

287	Fish and Game (Otago)	Maree Baker-Galloway / Peter Wilson	Anderson Lloyd	Private Bag 1959		Dunedin	9054
289	Southern Wood Council	Grant Dodson		PO Box 904		Dunedin	9054
290	Waitensea Ltd	Jonathan Davis		12 Clark St	Sumner	Christchurch	8018
291	Beaton Family	Mark Beaton		1388 Berwick Road	1 RD	Outram	9073
292 & 1056	Otago Water Resource Users Group	John Williamson	McKay Law Limited	PO Box 41		Alexandra	9340
296	Janefield Farm	Ian Bathgate		295 Nichols Road, 1 RD		Outram	
297	Clydevale Dairy Farms Ltd	Alan Cubitt		11 Bedford Street	St Clair	Dunedin	9012
298	Greenfield Farming Ltd	Alan Cubitt		11 Bedford Street	St Clair	Dunedin	9012
299	Big River Dairy Limited	Alan Cubitt		11 Bedford Street	St Clair	Dunedin	9012
300	M W Smith			27 McDonalds Road, 4H RD		Oamaru	9493
304	Philip, Heather & Geoff Wilson			13 Wickliffe Street		Mosgiel	9024
305	Andrea Clarke			116 Signal Hill Road	Opoho	Dunedin	9010
306 & 1011	The Director-General of Conservation	Ken Murray	Department of Conservation	PO Box 5244		Dunedin	9016
309	Clutha District Council and Central Otago District Council	Bridget Irving	Galloway Cook Allan	PO Box 143		Dunedin	9054
310 & 1040	RG & SS Burdon, Glendene Ltd	Bridget Irving	Galloway Cook Allan	PO Box 143		Dunedin	9054
311 & 1036	Ben Graham	Phil Page/Bridget Irving	C/- Galloway Cook Allan	PO Box 143		Dunedin	9054
312	Wyllies Crossing Limited	Phil Page/Bridget Irving	C/- Galloway Cook Allan	PO Box 143		Dunedin	9054
313 & 1049	Calder Stewart Industries Limited	Phil Page/Bridget Irving	C/- Galloway Cook Allan	PO Box 143		Dunedin	9054
314 & 1039	David Greer, Greer Farms Partnerships	Bridget Irving	Galloway Cook Allan	PO Box 143		Dunedin	9054
315	D J & J C Andrew & the D J Andrew Family Trust & Partnership	Bridget Irving	Galloway Cook Allan	PO Box 143		Dunedin	9054

316	Joan Hodge, Homestead Farm Limited	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
317	Rob van Vugt & Sunset Dairy Limited	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
318	G B & R E Gardner Partnership	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9058
319 & 1043	Macraes Community Incorporated	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
320 & 1048	Mainland Poultry Limited	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
321 & 1037	Travis Michelle	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
322	Robert Borst	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
323 & 1038	Dunedin International Airport Limited	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
324	A W B Elliot	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
325	Simon Parks	Phil Page and Bridget Irving	C/- Galloway Cook Allan	PO Box 143	Dunedin	9054
326	Kyeburn Pastoral Company Ltd	Phil Page & Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
328	Peter Rowland				Oamaru	9491
329	Richard Williams			RD 15 K	Oamaru	9494
331	R & M Borrie Ltd	Rogan Borrie		15 KRD	Oamaru	9494
334	Alastair Cocks			Braeburn	Clinton	9583
1001	Teviotdowns Ltd	Mike Paterson			Roxburgh	9572
1012	Craiglea Limited	Jan Caunter	Galloway Cook Allan	PO Box 450	Wanaka	9343
1023	Pypers Produce Ltd	Brent Lamb		1035 Branxholme Road	Invercargill	
1035	NS Mackenzie	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
1041	TE & JA Craig	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054

1042	DJ & Mrs JC Andrew	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
1044	GV & Mrs RE Gardner	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
1045	AWB Elliot	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
1046	J Hodge	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
1047	RP & RR Van Vught	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
1054	Central Otago Wine Growers Association	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
1063	John Webster		Mitchell & Webster Ltd	Springfield	Oamaru	9492
1064	Peter Mitchell		Mitchell & Webster Ltd	213 Airedale Road	Oamaru	9492
1067	Etrick Fruitgrowers Association Inc	Mark Darling		SH8	Etrick	9538
1069	Nicholas Webster			35 Station Road	Oamaru	9492

SUBMISSION ON PROPOSED PLAN CHANGE 6A (WATER QUALITY) TO THE REGIONAL PLAN: WATER FOR OTAGO

In Accordance with Clause 6 of the First Schedule to the Resource Management Act 1991

To: Otago Regional Council
Private Bag 1954
Dunedin 9054

Name of submitter: North Otago Irrigation Company

1. Introduction

North Otago Irrigation Company (NOIC) is based in Oamaru and holds consent to take up to 8 cumecs of water from the Waitaki River for spray irrigation. The scheme has been in operation since 2006 and currently supplies 4 cumecs of water to approximately 13,000 hectares of farmland in North Otago. Water is delivered via an extensive pressurised piped network. Expansion projects are currently in development to utilise NOIC's remaining water allocation. NOIC also augments water to the Waiareka Creek, both for abstraction for irrigation and to maintain a minimum in-stream environmental enhancement flow of 100l/s.

Construction of the scheme cost \$66 million and was funded by a combination of farmer shareholders, bank funding, and a \$10 million loan from Waitaki District Council to fund over-build for future expansion. NOIC is an aggregated consent entity, holding a consent to use irrigation water on behalf of all shareholders in the scheme. In order to access water from NOIC infrastructure, shareholders are subject to a number of rigorous environmental requirements, as per the conditions of the water permits held by NOIC.

NOIC is making this submission to Otago Regional Council (ORC) on the proposed plan change Plan 6A (Water Quality) because we are a part of the rural community in Otago and both the company and our shareholders will be directly impacted by the proposed changes. NOIC currently represents 94 individual shareholders within the scheme. Following shareholder consultation we have been given a mandate to prepare a submission on behalf of our shareholders. Our submission reflects the joint concerns of the company and shareholders alike and has been prepared with extensive input from our shareholder base. The issues raised are also relevant to farmers and NOIC's financiers if the company and its shareholders are adversely affected by changes to the company's operational environment.

NOIC supports efforts to maintain, and where necessary improve water quality in the Otago Region. NOIC also supports ORC's effects-based approach. However, it is important that the new policies and rules are achievable, provide clarity and do not overly compromise the economic viability of farming operations in the region.

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

The specific parts of the Plan Change that this submission relates to are detailed below.

2. Objectives and Policies

Submission Statement: NOIC supports Objective 7A and Policies 7B and 7C, and also supports 7D subject to:

- I. The changes to Schedule 16 discharge limits requested by these submissions, and
- II. Amendment to Policy 7.D.3 to read '*provide for the consenting of discharges where;*'

3. Interpretation & Application of the Rules

Submission Statement: NOIC understands that Rule 12.C.1.2 applies where a discharge is *about to* enter "water"¹. Compliance action cannot be taken simply because water does not meet the water quality targets listed in Table 15.2. ORC must identify a discharge to water that is in breach of the discharge limits specified in Schedule 16 (or identify some other gross activity in breach of the Regional Plan) in order to take compliance action. For example, a tile drain discharging to a watercourse would need to meet the discharge standards. NOIC is reasonably comfortable with this concept.

However, it is more difficult to understand how and where the discharge limits apply where water is discharged to water (Rule 12.C.1.5). In NOIC's opinion this rule would apply where a farm drain discharges to a watercourse or where a small watercourse arising on-farm discharges to another watercourse. Water quality testing indicates it will be very difficult to meet the proposed discharge standards in these situations – see 'Section 4. Achievability' below.

Action Sought: In the Downlands water often accumulates in the bottom of gullies following rainfall events. Irrigation and springs may also contribute to these flows and as such there may be a small amount of water present in the bottom of some gullies for a significant part of the year. NOIC requests that ORC clarify if the water in these gullies must meet the discharge limits (where it discharges to a receiving water body – Rule 12.C.1.5) or if the discharge limits only apply to discharges to this water.

Amendment Sought:

- Remove Rule 12.C.1.5.
- Amend the Schedules to provide clarity as to which waterways are captured under Schedule 15 and which are off farm discharges which must meet the limits under Schedule 16.

4. Achievability

Submission Statement: NOIC supports the characteristics of good water quality and the water quality objectives listed in Schedule 15 for our streams and rivers. However, NOIC shareholders are extremely concerned about how achievable the proposed discharge limits listed in Schedule 16 are

¹ "Water" is defined in Section 2 of the Resource Management Act 1991 as 'water in all its physical forms, whether flowing or not and whether over or under the ground'. It does not include water in in any pipe, tank, or cistern.

where farm drains and small watercourses discharge to other watercourses – as required by Rule 12.C.1.5. At this time NOIC is not aware of any farm in Otago that is able to consistently meet the proposed limits, across all the parameters to be tested, in their farm drainage water. Testing by both ORC and farmers in North Otago has shown that farmers who are already implementing ‘best environmental practices’ within their operations (including having all watercourses fenced and farming within the proposed N leaching limits) are failing to meet the discharge limits in farm drainage water. This suggests that currently accepted ‘best practice’ is insufficient to meet the proposed limits and further steps are required. It is unknown what steps will be necessary in order to meet the proposed limits in farm drainage water, but it is quite possible that the practices that may be required will be so extensive that the economic viability of farming operations will be severely impacted. For example, if a 50% reduction in stocking rate is required to meet the limits, then a significant number of operations within Otago will face bankruptcy. This clearly does not balance the economic and social well-being of communities with environmental considerations, which is explicit in the RMA.

NOIC has little sympathy for farmers whose activities result in gross breaches of the regional plan – direct discharges of effluent to waterways for example. Our concern is that the proposed changes will now put ‘good’ farmers in breach of the plan. If the rules go through as they are currently written, we believe we will be in a situation where every farmer in the region will be at risk.

Action Sought: NOIC offers to work with ORC to determine if it is possible to achieve the proposed discharge limits in North Otago and still run a viable farming business, and where this isn’t possible, to explore what changes to the proposed limits regime are necessary. This process could occur through a series of demonstration farms or similar. It is important that ORC is involved in the process of working with farmers and industry to identify solutions and recognise the challenges posed by the proposed plan change. It is likely that longer transition times will be required to allow this process to occur - for example farmers who winter dairy cows do not yet have any understanding of where they sit against the proposed limits as they have had no chance to take water samples yet.

Amendments Sought:

- Remove Rule 12.C.1.5
- Amend timeframes in Schedule 16 to allow the proposed limits regime to be tested.
- Amend discharge limits in Schedule 16. In many catchments higher discharge limits would achieve water quality objectives without compromising farming businesses to such an extent – see Sections 5 and 12 for possible alternative approaches suggested.

5. Linking Receiving Water Quality with Discharge Limits

Submission Statement: A key issue with the proposed approach is that there is no direct link between the contaminant levels within a discharge and the water quality within the receiving water body. NOIC supports good quality water within our streams and rivers, but farmers do not necessarily have to achieve the same limits within farm drains and small watercourses in order for water quality within larger streams and rivers to meet the proposed objectives. The proposed framework does not take any account of the assimilative capacity of watercourses and/or the riparian environment and its natural attenuation characteristics. The RMA recognises the

assimilative capacity of watercourses through the concept of 'mixing zones'. In many parts of Otago there are significant areas of land within a catchment that are not under intensive use and never will be. Water quality within the main watercourse may be very good, despite discharges from some farm drains and small watercourses occasionally exceeding the proposed discharge standards. Under the proposed regime existing farming businesses may be crippled and/or farmers prosecuted despite having no appreciable direct impact on water quality within watercourses in the catchment.

NOIC requests that ORC re-consider the proposed discharge limits to make some allowance for the assimilative capacity of watercourses and recognise the investment that has been made in existing farming operations and the many other important environmental (e.g. weed control, pest control) and social services these businesses provide. NOIC understands that ORC is trying to avoid placing direct limits on intensification of use and we recognise that some discharge limits are necessary. However NOIC believes that in most catchments there will be some assimilative capacity available for use, even when land use intensification has peaked.

One problem with the use of concentrations is that farmers who take all steps to minimise run-off may have a very small amount of water moving off their property, but this water may exceed the proposed limits in terms of contaminant concentrations. Despite a higher concentration of contaminants, the small volume of this water means the overall amount of contaminants will be low and the discharge will have no impact on the quality of the receiving water body.

Amendments Sought: Amend discharge limits in Schedule 16 so that they are appropriately linked to receiving water quality targets. A number of options could be considered to achieve this, such as:

- Amend discharge limits to reflect MFE SOE reporting approach – e.g. four out of five of the proposed parameters tested must meet the proposed limits.
- Increase discharge limits in some catchments or 'zones' only depending on the key characteristics of the catchment or 'zone'.
- Increase discharge limits for smaller watercourses only, e.g. first and second order watercourses.
- Increase discharge limits across the board to reflect the 'average' assimilative capacity of watercourses.
- Ensure limits regime reflects actual contribution of contaminants to a water body.

6. Definition of a Watercourse

Submission Statement: A watercourse is defined by the RMA and the regional plan as 'a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal)'. This definition causes considerable confusion amongst the rural community. For example, what is 'intermittently flowing'? How does this relate to 'ephemeral'? What is the difference between a farm drainage canal and a modified watercourse? Farm drains are often constructed in low areas that would have collected some natural flow in the past, making it very difficult to determine where a drain ends and a watercourse begins. Clarifying this issue will help farmers to make a decision about whether or not they need a resource consent to undertake various activities on farm.

Action Sought: NOIC requests that ORC further develops the definition of watercourse and/or provide some clear examples to help farmers and council compliance officers understand what is and isn't a watercourse. This may occur outside of the formal plan process.

7. Compliance Strategy

Submission Statement: Farmers need to understand ORC's compliance strategy in order to understand the potential impacts on their farming operation. For example, will ORC focus on catchments where water quality objectives have been exceeded? Will ORC test discharges from every property in a catchment where issues are identified? How will ORC isolate the source of contaminants where watercourses cross many different properties and have varying connections to groundwater?

Action Sought: NOIC requests that ORC provides further information on their compliance strategy.

8. Mitigation Measures

Submission Statement: ORC must give farmers the tools to mitigate / control contaminated water on their properties. The ability to install small capture dams to collect and re-cycle irrigation run-off is a key mechanism to prevent the transfer of nutrients. However in the Waiareka catchment it is not possible to do this under the current regulatory regime. This is because consents to take water will not be issued as the catchment is technically 'overallocated'. In fact this overallocation does not exist because NOIC augments the Waiareka Creek to maintain minimum flows. While NOIC requires our shareholders take 'all practicable steps to ensure that run-off shall not occur', the reality is that no irrigation system is 100% efficient and more rainfall will move off irrigated land as there is less space in the soil profile. Without capture dams as a tool to manage run-off, many irrigators cannot prevent some additional water crossing the property boundary into dryland neighbours. This additional water may have a negative impact on these neighbours.

This issue is going to become more critical under the proposed plan change as dryland neighbours will have a responsibility to manage this additional water so that contaminant levels are not increased – i.e. they may have to prevent stock from accessing this water with fencing. This is a significant burden for dryland operators and irrigators and will cause considerable tension within the community. This issue could be easily resolved if capture dams were allowed, either through a permitted activity rule or a simplified consenting path. NOIC accepts that there are some genuine issues associated with the use of capture dams, but believes these issues can be overcome if capture dams are constructed and managed in an appropriate manner.

While NOIC supports ORC's effects-based approach, the downside is that it creates a significant amount of uncertainty and risk for farmers as they don't know what they have to do to avoid prosecution.

Actions Sought:

- NOIC requests that ORC review its position on capture dams during this plan change process, so that where appropriate, farmers are able to manage their run-off in this way.

- NOIC requests that ORC provides a summary of 'good environmental practice' for various farming operations to farmers as a middle ground between an effects-based approach and activity-based requirements. While this may occur outside the formal plan process, it should be recognised in ORC's compliance strategy that if farmers implement these practices, then they are taking appropriate steps towards achieving discharge limits and will not be subject to compliance action, at least in the short term. This is particularly relevant for Rule 12.C.0.4 - further information is required as to what constitutes a 'measure'.
- NOIC requests that ORC streamline the current consenting process required to undertake works to construct wetlands for the purposes of improving water quality. Many farmers would be interested in constructing wetlands if it wasn't for the lengthy and expensive consenting process involved.

9. Source of Contaminants

Submission Statement: During consultation considerable emphasis has been placed on the idea that farmers are only responsible for their direct contribution of contaminants – ie. if water was of poor quality when you got it, you are not responsible for this poor quality. However NOIC does not believe this concept is adequately reflected in the wording of the rules.

Wetlands provide many important environmental services and may have role in improving water quality. However waterfowl utilising wetlands have been known to increase faecal coliforms markedly. In some cases wetlands can also increase water phosphorus levels. Farmers must not be punished for these or any other 'natural' inputs. For example where an aquifer that is high in nitrogen contributes significant nitrogen to surface flows.

Amendment Sought: NOIC requests that the wording of the rules is amended to provide further protection to farmers regarding the source of contaminants, e.g. '*...the presence of contaminants does not result from the activities of the property owner*'.

10. Discharge to the Coast

Submission Statement: Schedules 15 & 16 refer to unlisted catchments that discharge to the coast. There are a number of watercourses in Otago that do not discharge to the coast within Otago's regional boundaries. Schedules 15 and 16 do not appear to extend the plan change to the Waiareka, Awamoko or other catchments north of the Kakanui catchment in the definition or planning maps provided. NOIC understands that it is ORC's intention that the Waiareka is included as part of the Kakanui catchment, however we do not believe this is adequately captured in the current wording. See also Section 12.

Action Sought: NOIC requests ORC clarify how the rules will be applied where watercourses do not discharge to the coast within Otago's regional boundaries.

11. Subsidies / Financial Support

Submission Statement: Many farmers will have significant work to do with regard to fencing stock from waterways and planting riparian buffers in order to achieve the proposed water quality

objectives. Many other Regional Councils subsidise these activities and achieve good outcomes as a result – for example ECan, Environment Southland and Waikato Regional Council.

Action Sought: NOIC requests that ORC provide some form of subsidy or financial support to assist farmers undertaking projects to enhance water quality, including riparian fencing and planting. These subsidies could include an incentive to move quickly, e.g. a five year time limit.

12. Are the proposed objectives and limits appropriate for the Waiareka Catchment?

Submission Statement: During ORC's initial consultation it was proposed that objectives and limits would be set on a catchment-by-catchment basis. This process has not occurred, and region-wide objectives and limits are now proposed. NOIC suggests that further consideration be given to catchment specific issues. A full catchment analysis process may be expensive and unnecessary, but there will be some cases where different limits are appropriate in some catchments, as outlined below.

It is understood that for the purposes of the proposed plan change, ORC is including the Waiareka catchment as part of the Kakanui catchment. During initial consultation the Waiareka catchment was listed separately to the Kakanui. NOIC requests that the Waiareka and Kakanui catchments are once again treated separately because they are different catchments subject to different pressures and it would be difficult to encapsulate the water quality median of both catchments from a single combined value. This would be consistent with ORC map B3, which shows the two catchments separately.

The Receiving Groups/Areas in Schedule 15 and 16 are based on the interval between hydrological disturbances or the 'accrual time' of the catchments in question, with catchments separated on the basis of being either 'long accrual' or 'short accrual'. The Waiareka/Kakanui catchments are currently in Receiving Water Group 2 and subject to the Area 2 Discharge Limits. Receiving Water Group 2 and the Area 2 Discharge Limits are for long accrual catchments. NOIC's position is that the Waiareka catchment should be moved into Receiving Water Group 1 and the Area 1 for short accrual catchments. Current modelling indicates accrual in the Waiareka catchment is between 28 – 32 days, which is right on the boundary between long and short accrual. During initial consultation the Waiareka was placed in the short accrual group. In addition, the decision to include the Waiareka Creek in the long accrual category does not account for the significant amount of irrigation water that is augmented to the creek. This augmentation provides significantly increased flows and has not been taken into consideration in the accrual decision. NOIC believes that accrual decisions should take account of flows in addition to rainfall.

NOIC also suggests that the Kakanui is moved into Receiving Water Group 1 and the Area 1 for short accrual catchments. Modelling indicates that this catchment is also right on the boundary between long and short accrual and the Kakanui was also originally in the short accrual group.

The following hydrogeomorphic processes occur in the Waiareka catchment:

- P losses are inherently high in the Waiareka catchment due to the Melanic soil that dominates the catchment.

- Groundwater contributes significant N to surface flows in the Waiareka catchment – the Waiareka creek is very high in N from Whitstone - Five Forks Rd to its confluence with the Kakanui. This is due to interchange with water from the North Otago Volcanic Aquifer (NOVA), which has high N levels as a result of historic market gardening use.
- Springs feeding farm drains may also be high in N due to high N levels in NOVA.

NOIC believes these processes mean the proposed objectives and discharge limits are not appropriate in the Waiareka Catchment.

Amendments Sought: NOIC requests that Schedule 15 and 16 are amended so that:

- The Waiareka and Kakanui catchments are treated separately.
- The Waiareka catchment is moved to Receiving Water Group 1 and the Area 1 for short accrual catchments.
- The Kakanui catchment is moved to Receiving Water Group 1 and the Area 1 for short accrual catchments.
- The Schedule 15 objectives are appropriate for the Waiareka catchment – the ANZECC guidelines for lowland streams could be an alternative. Note that these are slightly higher than the limits currently proposed.
- The Schedule 16 discharge limits are appropriately linked to receiving water quality and are set at a level that is achievable for farmers.

13. Existing Discharge Consents

Amendment Sought: NOIC holds a number of existing consents for discharge of pipeline scour water. Although this water is anticipated to be of high quality, NOIC requests that it is recognised within the plan that existing discharge consents will not be reviewed to the proposed discharge limits.

14. Prohibited Activities – Rule 12.C.0

NOIC is concerned that these rules are too subjective and if interpreted literally would prohibit many minor discharges. Prohibited activities need to be clearly defined to give land users certainty as to what is and what is not prohibited. For example it is possible that Rule 12.C.0.2 will prohibit drain maintenance work.

Amendments Sought:

- NOIC suggests these activities should generally be non-complying activity rather than prohibited.
- Rule 12.C.0.2 should be amended to quantify an 'increase in colour' and a 'reduction in visual clarity' at a reasonable level.
- Rule 12.C.0.4 - Further information is required as to what constitutes a 'measure'.
- Rule 12.C.0.5 – provide a definition of ponding. For example, "Ponding is liquid that remains on the surface of land for longer than two hours."

15. Discharge of Sediment – Rule 12.C.1.1

Submission Statement: NOIC has a number of concerns with this rule:

- 5NTU is in fact very clear and many farm drains and small watercourses will currently exceed this limit as a result of natural processes. The 5NTU limit needs to be increased to an achievable level in these small watercourses.
- It is inappropriate to measure turbidity at a blanket interval of 12 hours after rain ceases. A significant amount of water may be moving off the hills for several days following a heavy rain event. A further issue is the definition of 'rain'. Does the clock restart following a few drops? NOIC suggests this is too open to interpretation to be workable. Turbidity should be measured during 'median' flow conditions, as originally proposed. Measuring at median flow/conditions will result in turbidity being measured as flows subside, which NOIC understands is the intention of this rule. If measured outside of median conditions, results can be adjusted to represent true median levels.
- Should an erosion event occur (e.g. a slip or a slump), then turbidity will almost certainly exceed the proposed turbidity limits both one and 12 hours after rainfall – farmers must not be held accountable for natural events. Farmers cannot also be held accountable for natural scour processes in small watercourses.

Action Sought: NOIC requests ORC provides a visual aid to help farmers understand what 40 NTU and 5NTU (or any other proposed turbidity limit) looks like.

Amendments Sought:

- NOIC requests that rule 12.C.1.1 is amended to reflect median environmental conditions and a more achievable level of water clarity.
- NOIC requests that additional wording is included to ensure farmers are not held accountable for natural events, such as mass movements or in-stream erosion processes

16. Timeframe – Rule 12.C.1.2

Submission Statement: As detailed above, NOIC believes application of the discharge limits 12 hours after rain ceases is inappropriate. Discharges should be measured during 'median' environmental conditions, as originally proposed. If measured outside of median conditions, results can be adjusted to represent true median levels.

Amendments Sought: NOIC requests that rule 12.C.1.2 is amended to '*...providing that during median environmental conditions the quantity of contaminant in the discharge does not exceed the limits given in Schedule 16 (as modified), where the discharge is about to enter water*', as originally proposed.

17. Discharge of Nitrogen – Rule 12.C.1.3

Submission Statement:

- OVERSEER version 6 has not yet been released, but discussion with Fert Research indicates that there have been some significant changes to the programme and the leaching values derived using Version 6 may be significantly different to those calculated using the current version. Because nobody has yet had a chance to see what their leaching values are using Version 6, it is difficult for people to make an informed decision about the impact of the proposed plan change.
- NOIC believes it is problematic to specify the OVERSEER version number. OVERSEER is regularly updated and another plan change would be required to update the version number. Waikato Regional Council is currently in this position in the Lake Taupo catchment, where nutrient budgets are still completed using Version 2 of Overseer, as this is the version specified in their plan. Version 6 of Overseer will definitely be out of date by 2019. It is NOIC's view that future refinements to OVERSEER are more likely to reduce current leaching values than increase them.
- While OVERSEER is an established tool for dairy systems, its use in other farming systems, such as cropping operations and market gardening, is still in its infancy.
- It will be very difficult for dairy farmers to achieve the proposed 10kgN/ha/yr leaching limit for nitrogen sensitive zones. Fert Research's review of regional nutrient management indicators determined that out of 163 dairy farms in Otago, only 4 were below 10 and they were low producing systems. Only 2 had irrigation. Arable farmers in nitrogen sensitive zones will find it impossible to meet the 10kg/ha/yr leaching limit.
- High nitrogen levels in groundwater are a human health risk where water is taken for drinking. Where water is not taken for drinking, high nitrogen levels are not an issue. NOIC believes that nitrogen sensitive zones should be based on actual risk to drinking water (if there are no drinking water takes, there is no risk) and limited to the area of the aquifer where high N is an issue.
- There are a number of issues with the use of OVERSEER in an irrigated environment. The primary issue is the way in which OVERSEER estimates drainage using average monthly climate data, which can result in an overestimate of nitrogen leaching. Protocols need to be developed for the use of OVERSEER in an irrigated environment.

Amendments Sought:

- NOIC requests that the proposed limits are reviewed to ensure they are appropriate for each catchment and based on the actual effects of nitrogen leaching.
- NOIC requests the wording of Rule 12.C.1.3 is amended to reflect that the leaching/concentration values specified should be a property average.
- NOIC requests that the rule refers to the 'current' version of OVERSEER rather than specifying the version number.

18. Storage and Discharge of Dairy Effluent – Rule 12.C.1.4

Submission Statement: The storage and discharge of dairy effluent was previously managed under Rule 12.8.1.2. This has been replaced by Rule 12.C.1.4. The requirement for effluent storage ponds to be sealed has been removed. NOIC recognises that ORC's approach is effects-based and rule 12.C.0.5 means that effluent must never enter water, however it is still helpful to include some

prescriptive rules as a bottom line. When farmers read 12.C.0.5 they will think about how they actively discharge from their pond, they won't necessarily think about what's leaking out the bottom. This also opens the door for contractors and consultants to advise farmers that ponds do not require sealing, when in fact sealing will still be essential to be fully compliant with the rules. It is very difficult to seal a pond after it has been filled with effluent and someone realises it is leaking.

Amendment Sought: NOIC requests ORC amend Rule 12.C.1.4 to include as (c) the following wording: '*...any collection or storage system is sealed so as to prevent any contamination of water in any water body, drain or water race*'.

19. Water Supply Transport System – Rule 12.C.1.6

Submission Statement: NOIC questions how farmers are supposed to manage irrigation run-off if they cannot convey it and discharge it within a 'water supply transport system' – which NOIC understands includes drainage systems? Irrigators must take all practicable steps to ensure run-off does not occur, but as previously stated, the reality is that no irrigation system is 100% efficient. Farmers must be able to manage the additional water associated with irrigation in a sensible and responsible way.

Amendment Sought: NOIC requests ORC remove 12.C.1.6 (e).

20. Restricted Discretionary Activities - 12.C.2.1

Amendment Sought:

- This rule gives a short-term consenting option for the discharge of contaminants to land where applicants have been unable to meet the discharge limits within the timeframe specified. NOIC requests that this principle is extended to include restricted discretionary activities for the discharge of contaminants to water and the discharge of water containing contaminants to water.
- NOIC requests ORC remove the requirement for a discharge to have first occurred prior to 31 March 2012.

21. Bridges and Crossings

Submission Statement: NOIC supports the changes to Rules 13.2.1.7 – 13.2.1.7B to streamline the process of installing bridges and crossings.

22. Alteration of the Bed of a Lake or River, or of a Regionally Significant Wetland – Rule 13.5

Submission Statement: NOIC supports the removal of the word 'consecutive' from these rules.

23. Methods other than rules

Submission Statement: NOIC understands that method 15.5 has been removed in order to streamline the plan, not because ORC no longer supports the use of Codes of Practice and environmental management systems to reduce adverse effects on water. NOIC strongly believes

these methods have an important role in addressing water quality issues and considers it crucial that this continues to be recognised by ORC.

24. Other Amendments Sought

NOIC further requests such other deletions amendments or changes as may be needed to give full effect to this submission and the issues raised.

NOIC wishes to be heard in support of this submission.

If others make a similar submission, we will consider presenting jointly with them at a hearing. We reserve the right to present additional supporting information in evidence at any hearing.

"R Wells"

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2 May 2012

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