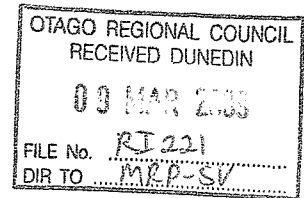


60

**Submission on Proposed Plan Change 1B: Minimum Flows to the Regional Plan:
Water for Otago**

Name: Scott Clayton Dunavan
Address: PO Box 6, Hampden 9442
Telephone: 027-290-3643
Email: dunavans@gmail.com
Date: 3 March 2009



**Submission on Proposed Change 1B (Minimum Flows) to the Regional Plan: Water
for Otago**

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

Minimum flows for Trotters Creek - Schedule 2A: Specific minimum flows for primary allocation takes in accordance with Policy 6.4.3, and primary allocation limits in accordance with Policy 6.4.2(a)(i).

Introduction

My name is Scott Dunavan. My professional background is in software development, particularly Geographic Information Systems (GIS). I have a Diploma for Graduates in Ecology from the University of Otago. My wife Dinah and I own, manage and reside at Kurinui, a 750-hectare conservation and forest restoration project mainly in the Big Kuri Creek catchment, immediately north of the Trotters Creek catchment. A small part of our property, near our house, is in the very top of the Trotters Creek catchment.

I frequently walk, botanise and mountain bike in the Trotters Creek catchment, and I hunt feral goats on neighbouring properties in the upper catchment. I co-led a well-attended Forest & Bird field trip in Trotters Gorge Scenic Reserve in 2008. I have also worked on controlling Chilean Flame Creeper, which poses a significant (and under-recognised) threat to the native bush, in the Reserve.

I submit that:

1. Trotters Creek is a waterway of high natural values. The Otago Regional Council's technical report (ORC 2006) identifies thirteen fish species that inhabit the creek, including twelve native species.
2. According to the report, "[The] recommended management objective for Trotters Creek is to sustain the diverse native fish community in the lower reaches in accordance with Schedule 1A of the Water Plan." To achieve that objective, the report clearly identifies and recommends a rate of 0.02 m³/s as the summer minimum flow (pp. 13-14), and recommends "that flows should not be allowed to drop below those outlined above due to consumptive use."

The report further notes that "...0.02 m³/s is well below the point of inflection indicated by the IFIM survey for all fish species in Trotters Creek, with the exception of redfin bullies and Canterbury galaxiids". In other words, the modelling done by NIWA indicates that at a rate *even higher* than 0.02 m³/s, the amount of habitat available to most fish species declines sharply with decreasing flow.

3. Decreased flow during low-flow periods has additional environmental effects such as more frequent and/or prolonged river mouth closure (and consequent loss of fish passage), higher water temperature and lower dissolved oxygen levels, algae blooms, etc.

4. The estimated value of 0.023 m³/s for the mean annual 7-day low flow (MALF) of Trotters Creek was derived by using the water yield of the South Branch of the Waianakarua River (ORC 2006, p.5). This value is given with no indication of its inherent uncertainty or likely range of error (i.e. difference from the *actual* value). The catchment of the Waianakarua South Branch is of different geology from that of Trotters Creek, and there may well be important differences in topographic factors (e.g. aspect and shading), soil, climate and weather, or other factors.

For example, on many otherwise sunny afternoons when there is an easterly wind, mist forms in the upper catchment (the view from our kitchen window includes much of the Big Kuri Creek - Trotters Creek watershed). The mist means that the highest-rainfall part of the catchment stays wetter than one might expect purely from interpretation of rainfall data, and the MALF may well be higher than estimated. I do not know whether or how frequently this phenomenon also occurs in the Waianakarua South Branch.

4. It is also important to consider that the current vegetation and land use and land management regimes of the catchment mean that its hydrology today is quite different from that in its natural state. We do not have a baseline that tells us the flow regime(s) under which the surviving aquatic communities evolved. It is therefore all the more important to choose conservative management limits, especially as any decline in ecosystem health may occur (or be occurring) slowly, and may not be detected until irreversible changes have occurred.

5. The vegetation of a significant fraction of the catchment area has been changed from indigenous forest, shrubland and tussock grassland to exotic coniferous forest (note that Map 3 in the Trotters Creek Catchment Information Sheet does not show an estimated 60+ hectares of additional exotic forestry in the upper Pigeon Creek catchment). Recently-planted forest will take some years (or decades) to mature, and the water yield from those areas of the catchment will continue to decline for much of that time. Climate change is also expected to generally reduce precipitation on the east coast. These changes will amplify the effects of abstraction, and the minimum flow rates should take account of expected changes in water yield in order to reduce the environmental impact of abstraction.

6. The impact of abstraction on the ecology of the stream is a product of not only the reduction in flow due to abstraction, but the duration over which the flow is reduced

below its natural rate. The lower the minimum flow is set, the longer the periods during which the stream will be depleted below its natural rate of flow.

7. At two public consultation meetings held by the Otago Regional Council, a majority of those community members present strongly supported retention of the natural values of the creek. The Regional Council has not provided any evidence that the proposed October-April minimum flow limit will do so; the single-day flow measurements referred to in Meredith (2008) hardly comprise a valid basis. The weak justification for the change in the proposed October-April flow rate from 20 to 8 l/s, along with the fact that this value coincides with the design bypass flow rate of the existing abstraction structure, give the impression (correct or not) that the proposed limits have been arrived at by purely short-term economic, rather than any ecological consideration.

8. The proposed summer minimum flow will benefit a minimal number of parties. A higher minimum flow would easily accommodate the same irrigation demands (and in fact, provide a more secure supply) with the provision of a larger storage dam. There is no need to further compromise the ecological integrity of the creek.

For the foregoing reasons, the proposed October-April minimum flow of 0.008 m³/s is not justified.

I seek the following decisions from the Otago Regional Council:

To amend Schedule 2A of the proposed plan change to set the minimum flow rate for Trotters Creek at 35 litres per second year-round.

I wish to be heard in support of my submission.

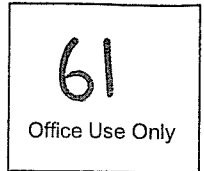
References

ORC 2006. *Management Flows for Aquatic Ecosystems in Trotters Creek*. Otago Regional Council, Dunedin.

Meredith 2008. Report No. 2008/475: Consultation Draft of Proposed Plan Change 1B (Minimum Flows – Waianakarua River, Luggate Creek, Trotters Creek) to the Regional Plan: Water for Otago. Otago Regional Council, Dunedin.



SUBMISSION FORM
Proposed Plan Change 1B: Minimum Flows
to the Regional Plan: Water for Otago
December 2008

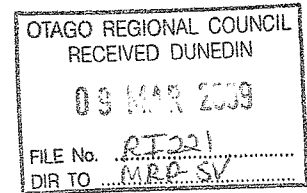


Form 5, Clause 6 of the First Schedule, Resource Management Act 1991

Full name of submitter: Geoff Taylor

Name of organisation (*if applicable*): **Luggate Creek Community and Guardians (representing the Luggate Community Association, Farmers and interested parties associated with The Luggate Creek) present and represented at the workshops held with the ORC.**

Postal Address:
Number/Street: 157 Shortcut Rd
Suburb: R.D.2
Town/City: Wanaka
Postcode:



Telephone: 03 443 8552

Fax: 03 4438252

Email: jillswool@clear.net.nz

Contact person: Geoff Taylor

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

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

Date: 9/3/2009

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

Signatures are not required for submissions made electronically.

Submissions must be received by 5pm, Monday 9 March 2009.

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

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

Proposed Plan Change 1B (Minimum Flows) Luggate Creek

Proposed Plan Change 1C Water Allocation and Use Luggate Creek

My submission is:

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

This submission cannot support in full this minimum flow level of the Luggate Creek on the basis of the information provided and agreed to at the presentations and workshops, which used to set this flow level, has since varied.

That specifically being, the ORC allowing or reinstating additional waters takes from the Luggate Creek which we were informed were to be deleted and would not therefore come into this calculated figure.

I seek the following decision from the local authority:

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

A re-evaluation of this flow needs to take place if water take figures vary from what was presented to include this change and or any conditions of use of this take.

This is also applicable to any future applications and how they may affect the Luggate Creek.

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

Please send submissions to:

Email: policy@orc.govt.nz

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

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

Deliver: 70 Stafford Street, Dunedin; or

William Fraser Building, Dunorling Street, Alexandra; or

The Station, 1st Floor, Cnr Shotover and Camp Streets, Queenstown



Department of Conservation
Te Papa Atawhai

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9 March 2009

The Chief Executive
Otago Regional Council
Private Bag 1954
DUNEDIN 9054

OTAGO REGIONAL COUNCIL RECEIVED DUNEDIN 09 MAR 2009 FILE No. <u>RI221</u> DIR TO <u>M.R.P. SV</u>

Dear Graeme

Proposed Plan Change 1B (Minimum Flows)

Please find attached the Director-General of Conservation's submission on Plan Change 1B (Minimum Flows) to the Regional Plan: Water for Otago.

We have undertaken a thorough examination of the methods used to set the proposed flows on Luggate Creek, Trotters Creek and the Waianakarua River. We consider the methods used to be flawed, and hence we do not have confidence in these flows. We also note that the methods used are inconsistent with comments from the Environment Court in both case C71/2002 and case C79/2002.

Yours sincerely

Jeff Connell
Conservator
Otago Conservancy

Form 5
Submission on publicly notified proposal for policy statement or plan

Clause 6 of First Schedule, Resource Management Act 1991

To **The Chief Executive
Otago Regional Council
Private Bag 1954
DUNEDIN 9054**

Name of submitter: **The Director-General of Conservation**

This is a submission on the following Proposed Plan Change 1B Minimum Flows to the Regional Plan: Water for Otago (the proposal):

The specific provisions of the proposal that my submission relates to are:

As set out in Attachment One

My submission is:

As set out in Attachment One

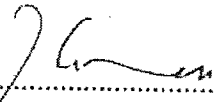
I seek the following decision from the Otago Regional Council:

- a) That Plan Change 1B be retained or amended as set out under the headings "Decision sought" in Attachment One or to like effect; and
- b) That any other consequential amendments to the Plan required to explain or give effect to these changes be made.

I wish ~~(or do not wish)~~ to be heard in support of my submission.

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

~~* Delete if you would not consider presenting a joint case.~~


.....
Signature of submitter
Jeffery Edward Connell

Conservator

Otago Conservancy

Department of Conservation

Pursuant to a delegation from the Director General of Conservation

9 March 2009
.....

Date

(A signature is not required if you make your submission by electronic means.)

Address for service of
submitter:

PO Box 5244
DUNEDIN 9016

Telephone:

(03) 477 0677

Fax/email:

(03) 477 8626

Contact person: *[name and
designation, if applicable]*

Bruce Hill
Community Relations Officer- Planning
Ph (03) 474-6959
Email fbhill@doc.govt.nz

ATTACHMENT ONE

Additions are shown in double underline, deletions are shown in ~~double strikethrough~~.

6.4 Policies applying to the taking of water

1. The Director-General of Conservation (D-G) requests the following amendments be made to Policy 6.4.5, as the D-G considers that:
 - a. The method used to calculate the proposed minimum flows and therefore the primary allocation limits for the Trotters, Waianakarua and Luggate catchments is flawed, as the data set is inadequate; and
 - b. The use of surrogate flow recordings from catchments other than Trotters and the Waianakarua is inconsistent with:
 - i. Best practice; and
 - ii. Comments from the Environment Court in case C71/2002 (including but not limited to paragraphs 41-54) and case C79/2002 (including but not limited to paragraphs 15 and 184 - 187).

Decision sought

- 6.4.5 The minimum flows established by Policies 6.4.3, 6.4.4, 6.4.6.....
- (a)
- (b) In the case of any resource consent to take surface water from within the Taieri above Paerau and between Sutton and Outram, Shag, Kakanui, Water of Leith, Lake Hayes, Waitahuna, ~~Trotters, Waianakarua~~ and Lake Tukitoto.....
- (c) In the case of any existing resource consent to take surface water from the ~~Luggate catchment area~~, Manuherikia catchment,....

2. The D-G requests the following amendments be made to Policy's 6.4.5 "Explanation", so to give effect to the D-G's comments in 1) above.

Decision sought

Explanation

This policy provides for the application of minimum flows to consents as follows:

1. New takes are subject to minimum flows provisions when the consent is granted.
 2. For resource consents to take from rivers within catchments specified in Schedule 2A, except for the ~~Luggate~~, Manuherikia (upstream of Ophir).....
 3. For the ~~Luggate~~, Manuherikia (upstream of Ophir)....
3. The D-G requests the following amendment be made to the second paragraph of Policy's 6.4.5 "Principal Reasons for Adopting", so to give effect to the D-G's comments in 1) above.

Decision sought

Principal reasons for adopting

In the ~~Luggate catchment area~~, the Manuherikia catchment area (upstream of Ophir) and

12.1 The taking of surface water

1. The D-G requests the following amendment be made to rule 12.1.4.2 as the D-G considers that:
 - a. The method use to calculate the proposed minimum flows and therefore the primary allocation limits for the Trotters, Waianakarua and Luggate catchments is flawed, as the data set is inadequate; and
 - b. The use of surrogate flow recordings from catchments other than Trotters and the Waianakarua is inconsistent with:
 - i. Best practice; and
 - ii. Comments from the Environment Court in case C71/2002 (including but not limited to paragraphs 41-54) and case C79/2002 (including but not limited to paragraphs 15 and 184-187).

Decision sought

12.1.4.2 Taking of surface water as primary allocation in the following Schedule 2A catchment areas:

Lake Hayes (Map B1),
Shag (Map B3),
~~Trotters (Map B3)~~
~~Waianakarua (Map B3)~~
Taieri Catchment upstream of

2. The D-G requests the following amendments are made to rule 12.1.1.4 so to give effect to the D-G's comments in 1) above.

Decision sought

12.1.4.4 Taking of surface water as primary allocation applied for prior 28 February 1998 in the following Schedule 2A catchments:

~~Luggate Catchment (Map B1c)~~

(iii) The minimum flows set out in Schedule 2A of this Plan for the above catchments shall affect the exercise of every resource consent or other authority, of the kind referred to in paragraph (i) of this rule, in the ~~Luggate catchment area~~, Manuherikia catchment area (upstream of Ophir).....

(v) The minimum flows set in Schedule 2A for the ~~Luggate catchment area~~, Manuherikia catchment area (upstream of Ophir).....

2 Schedule of specified restrictions on the exercise of permits to take surface water

1. The D-G requests the following amendments be made to the proposed changes to Schedule 2A, 2 as the D-G considers that;
 - a. The method use to calculate the proposed minimum flows and therefore the primary allocation limits for the Trotters, Waianakarua and Luggate catchments is flawed, as the data set is inadequate; and
 - b. The use of surrogate flow recordings from catchments other than Trotters and the Waianakarua is inconsistent with:
 - i. Best practice; and
 - ii. Comments from the Environment Court in case C71/2002 (including but not limited to paragraphs 41-54) and case C79/2002 (including but not limited to paragraphs 15 and 184-187).

Decision sought

2A Schedule of specific minimum flows for primary allocation takes in accordance with Policy 6.4.3, and

primary allocation limits in accordance with Policy
6.4.2(a)(i)

Catchment See maps B1-B5	Monitoring Site (with MS number) See Maps B1-B5	Minimum flow (litres per second)	Primary Allocation Limits in accord with Policy 6.4.2(a)(i)
Luggate catchment	SH6 Bridge (MS 11)	180 (November to April) 500 (May to October)	500 litres/sec Luggate catchment from mouth to headwaters
Trotters catchment	Matheson Weir (MS 12)	8 (October to April) 35 (May to September)	30 litres/sec Trotters catchment from mouth to headwaters
Waiakerua catchment	Browns Pump (MS 13)	200 (October to April) 400 (May to September)	100 litres/sec Waiakerua catchment from mouth to headwaters

2D **Schedule of matters to be considered when setting
minimum flows and allocation limits**

1. The D-G requests the following amendments be made 2D.1 so that the consideration of future proposed minimum flows gives full effect to:
 - a) Both the relevant parts of Section 6 and the Otago Regional Council's function as stated in section 30(1)(c)(iiia) of the Resource Management Act 1991; and
 - b) Objective 6.3.1 of the Regional Plan: Water for Otago.

Decision sought

2D.1 **When setting minimum flows in Schedule 2A for a
catchment, consideration shall ~~may~~ be given to the
following matters:**

- a) **Any relevant matter required to give full effect to
section 6 of the Resource Management Act;**

When setting minimum flows in Schedule 2A for a catchment, consideration may be given to the following matters:

- ~~(a)~~ (b) Any existing or previous minimum flow regime or residual flow;
- ~~(b)~~ (c) The 7-day mean annual low flow;
- ~~(c)~~ (d) Interaction among water bodies;
- ~~(d)~~ (e) Ecological values and natural character, including the need for flow variability
- ~~(e)~~ (f) Demand for water, including community water supplies;
- ~~(f)~~ (g) Environmental, social, cultural, recreational and economic costs and benefits from taking and using water;
- ~~(g)~~ (h) Any other relevant matter in giving effect to Part 2 of the Resource Management Act.

2. The D-G requests the following amendments be made to 2D.2 so that the consideration of future proposed primary allocation limits gives full effect to:

- a) Both the relevant parts of Section 6 and the Otago Regional Council's function as stated in section 30(1)(c)(iiia) of the Resource Management Act 1991; and
- b) Objective 6.3.1 of the Regional Plan: Water for Otago.

Decision sought

2D.2 When setting primary allocation limits in Schedule 2A for a catchment, consideration shall ~~may~~ be given to the following matters:

- (a) Any relevant matter required to give full effect to section 6 of the Resource Management Act;

When setting primary allocation limits in Schedule 2A for a catchment, consideration may be given to the following matters:

- ~~(a)~~ (b) Any existing or previous primary allocation limit;
- ~~(c)~~ (c) The amount of water currently taken as primary allocation;
- ~~(d)~~ (d) The 7-day mean annual low flow;
- ~~(e)~~ (e) The proposed minimum flow regime;
- ~~(f)~~ (f) Possible sources of water;
- ~~(g)~~ (g) Acceptable duration and frequency-of rationing among consented water uses; and
- ~~(h)~~ (h) Social and economic benefits of taking water;

(i) Any other relevant matter in giving effect to Part 2 of the Resource Management Act.

Maps section B: Proposed maps for Luggate, Trotters and Waianakarua catchments

1. The D-G requests the deletion of these plans. For reasons given previously the D-G considers that:
 - a) the method use to calculate the proposed minimum flows and therefore the primary allocation limits for the Trotters, Waianakarua and Luggate catchments is flawed; and
 - b) Is inconsistent with:
 - i. Best practice; and
 - ii. Previous comments from the Environment Court.

The D-G therefore considers that the creation of proposed new Map B1a and the proposed changes to Map B3 is not currently appropriate.

Decision sought

- a) Delete proposed new Map B1a; and
- b) Delete the proposed changes to Map B3 regarding the identification of the Waianakarua and Trotters catchments and their respective monitoring stations.

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OTAGO REGIONAL COUNCIL
RECEIVED DUNEDIN
09 MAR 2009
FILE No. R.F.221
DIR TO MRP-SK

OTAGO REGIONAL COUNCIL – PROPOSED PLAN CHANGE
TO REGIONAL PLAN: WATER FOR OTAGO

SUBMISSION BY OCEANA GOLD (NEW ZEALAND) LIMITED

SUBMISSION ON PROPOSED PLAN CHANGE 1B (MINIMUM FLOWS)

PARTS OF THE PROPOSED PLAN THAT SUBMISSION RELATES TO	OUR SUBMISSION IS	WE WOULD LIKE TO SEEK THE FOLLOWING DECISION FROM THE OTAGO REGIONAL COUNCIL
2D.1 page 6	This paragraph states that "when setting minimum flows in Schedule 2A for a catchment, consideration "may" be given to the following matters." It is our submission that using the word "may" in this context could create a measure of uncertainty for users as Council could change the matters that need to be considered without consultation with effected parties.	That the word "may" be deleted and the matters that would be considered in setting minimum flows are detailed in order of priority taking into consideration all those matters that would be considered by Council.
2D.2 page 6	Same as above	Same as above

Oceana Gold wishes to be heard in support of its submission.



Maree Baker
Counsel for Oceana Gold

Date: 9 March 2009

Address for Service

Otago House, Cnr Moray Place and Princes Street,

Private Bag 1959, Dunedin

Telephone: 03 4715447

Fax/Email: 03 477 3184

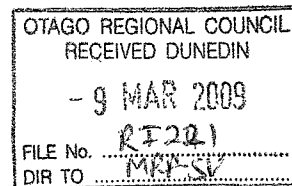
maree.baker@andersonlloyd.co.nz

Contact Person: M A Baker

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

64

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



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

Name: TrustPower Limited ('TrustPower')

Address: Private Bag 12023
Tauranga

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

Introduction and Overview of TrustPower

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

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

General Submission

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

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

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

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

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

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

Specific Submissions

Plan Change 1B (Minimum Flows)

Schedule 2D

Submission 1

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

Plan Change 1C (Water Allocation and Use)

Chapter 6 Water Quantity

Submission 2

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

6.1 Introduction

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

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

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

- 2.3 Relief sought:

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

Submission 3

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

Issue 6.2.3 and Objective 6.4.0A

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

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

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

- 3.3 Relief sought:

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

Submission 4

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

Policy 6.4.0B

- 4.2 Policy 6.4.0B has been developed with the intended purpose of promoting the shared use and management of water resources by water users within a particular area. Whilst the formation of groups to address water management may be beneficial in some cases TrustPower considers that any involvement in such groups should be voluntary and their ability to impact the exercise of existing consents should only be possible with the consent holder's agreement.

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

4.3 Relief sought:

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

Submission 5

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

Policy 6.4.0C

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

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

5.3 Relief sought:

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

Submission 6

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

Policy 6.4.1

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

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

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

- 6.3 Relief sought:

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

Submission 7

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

Policy 6.4.1A

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

- 7.3 Relief sought:

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

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

Submission 8

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

Policy 6.4.2A

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

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

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

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

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

- 8.3 Relief sought:

- (i) Insert a clause (and appropriate explanatory text) within Policy 6.4.2A as follows:

In addition, when considering applications for the renewal of takes for hydro-electric power generation it shall be recognised that it is not appropriate to treat HEPS in the same way as other uses and regard should also be had to the inherent efficiency of takes for HEPS, the value of investment associated with its physical resources and the

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

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

Submission 9

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

Submission 10

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

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

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

Submission 11

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

Submission 12

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

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

Submission 13

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

Policy 6.4.13

- 13.2 TrustPower **opposes** Policy 6.4.13 as it lacks sufficient detail about the scope and extent of 'Council recognised rationing regimes' to fully assess their actual and potential impact on TrustPower's existing HEPS. As a minimum any rationing regime needs to appropriately recognise and provide for the nature of water use associated with HEPS and the need to recognise and maintain security of supply, particularly given the value of infrastructure investment.

- 13.3 Relief sought:

- (i) Insert an 'exemption' to Policy 6.4.13 as follows:
Takes associated with uses that are not consumptive (for example hydroelectric power generation) are to be excluded from any rationing regime.
- (ii) Insert within the Explanation section:
As a reflection of the importance placed on renewable electricity generation under Part 2 of the Resource Management Act and the fact that these uses are not consumptive in nature, such takes will not be subject to the controls developed under Policy 6.4.13.
- (iii) Any similar amendments to like effect.
- (iv) Any consequential or other amendments that stem from the amendment of Policy 6.4.13 including to amend the rules (such as Rule 12.1.4.8) to give effect to this submission.

Submission 14

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

Policy 6.4.17

- 14.2 This policy allows consent holders to apply to transfer consents (both in location and ownership) to take water. TrustPower has significant concerns with this policy as it could lead to a situation where a take could be transferred upstream of an existing HEPS thereby reducing the amount of water available to satisfy the consents held for that scheme. It is appropriate that this policy include reference to a requirement for written approval from existing consent holders where the transfer is upstream of existing lawfully established users.

TrustPower submits in **opposition** of this policy unless existing rights are afforded better protection.

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

Submission 15

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

Chapter 12 Rules: Water Take, Use and Management

Submission 16

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

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

Submission 17

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

Rule 12.1.4.8(g) and (h)

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

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

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

17.3 Relief sought:

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

Submission 18

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

Rule 12.1.4.8(xii)

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

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

18.3 Relief sought:

- (i) Delete Rule 12.1.4.8(xii).

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

Chapter 15: Methods Other than Rules

Submission 19

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

Method 15.2.2 Water

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

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

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

- 19.3 Relief sought:

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

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

Submission 20

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

Method 15.8

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

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

20.3 Relief sought:

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

Chapter 16: Information Requirements

Submission 21

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

16.3.1

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

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

21.3 Relief sought:

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

Submission 22

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

16.3.1.4A

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

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

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

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

22.3 Relief sought:

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

Submission 23

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

Appendix 2A: Water Management Groups


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

23.3 Relief sought:

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

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

Signature:



Laura Peddie
Environmental Officer
TrustPower Limited

Date:

9th March 2009

Address for service:

TrustPower Limited
Private Bag 12023
Tauranga

Attn: Laura Peddie

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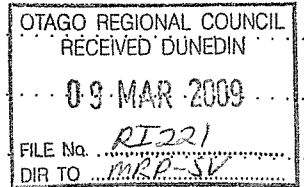
SUBMISSION FORM
Proposed Plan Change 1B Minimum Flows
to the Regional Plan: Water for Otago

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

65

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Full name of submitter: John Joseph Laing
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Postcode: _____
Fax: _____
Contact Person: John Laing



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

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

Signature of submitter: *J Laing*
(or person authorised to sign on behalf of person making submission).

Date: 09.03.2009.

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

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

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

Proposed Plan Change 1B Minimum Flows -
Form 5, Clause 6 of the First Schedule RMA 1991
Waianakarua River - Schedule 2 Policy 6.4.3, and
Policy 6.4.2.(a)(i)

My submission is:

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

I oppose the above changes to the Regional Plan-
Water for Otago.

I wish to have it amended to 350 litres
per second during the months (October - April)
and have the Primary Allocation Limit
raised to 300 litres per second.

I seek the following decision from the local authority:

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

I ask that the changes be given for the following reasons.

- The river mouth closes over at 200 L per second.
- Water quality decreases hugely below 300 L per second.
- Fish + invertebrate life in the river decreases at 200 L per second.
- Dairy farming is a very recent arrival in this catchment and traditional river users have been using the Waianakaua Catchment for years prior to their arrival.
- Dairy farmers will pollute + have already done so to this catchment.
- At the consultation meetings there was strong

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

to levels below 300 L per second.

- The O.R.C. are supporting economic development over in stream values.

Please fold and secure with a small piece of tape.

FreePost Authority ORC 1722



Otago Regional Council
Private Bag 1954
Dunedin 9054

Attention Policy Team



SUBMISSION FORM
Proposed Plan Change 1B Minimum Flows
to the Regional Plan: Water for Otago

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

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OTAGO REGIONAL COUNCIL
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E-mail: **BONNOCO @ FarmSide .co.NZ**
Contact Person: **MICHAEL**

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

If others made a similar submission, I will consider presenting a joint case with them at a hearing.
(Cross out if you would not consider presenting a joint case). I own and farm both sides of the South branch of the Waianakarua River immediately west of SH1. Farming mainly hill beef with some dairy grazing. My primary Water Permit No 2062-776 allows part of my property to be irrigated.
Signature of submitter: *[Signature]* Date: **9 MARCH 2009**
(or person authorised to sign on behalf of person making submission).

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

(Give clear references if possible e.g. reference number, policy x, rule y)
Proposed Plan Change 1B minimum Flows Schedule 2
Waianakarua River - oppose.

(Include whether you support, oppose, or wish to have amended the parts identified above, and give reasons)
The proposed minimum flow data for the Waianakarua River appears to be based on the Browns pump site information which has only been installed in 2005 - not enough information to use to set minimum flow. Previous to that intermittent manual reading.
Set minimum flow at 150 L/S. (15 September to 30 May) O.R.C. observations show native species are looked after at this minimum level. The National Angling Survey 1994/96 considers this river not a significant sports fishery. Therefore the management objective for the Waianakarua River is to sustain the diverse native fish community that now exists

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

1. Minimum flow to be set at 150 L.S. - 15 Sept. to 30 May. This period gives the best results from irrigation. There has never been a minimum flow on this river. Irrigation has been happening over 40 years yet the river still rates 8 out of 77 for water quality. It has been shown that native fish survive at this flow.

2. Information from 'Browns site' since its installation in 2005 is far too short to use to set minimum flow. Need more time to obtain more accurate data.

No consideration has been given to the social and economic impact that may occur at imposing minimum flows that would restrict days of non irrigation.

We seek that Council undertake comprehensive flow monitoring over a period of at least 5 years before implementing minimum flow provisions on consent holders.

We also seek the extension of the irrigation period from mid September to 30 May to coincide with the warmer months that now exists.

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

Please fold and secure with a small piece of tape.

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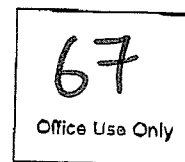
FreePost Authority ORC 1722





SUBMISSION FORM
Proposed Plan Change 1B: Minimum Flows
 to the Regional Plan: Water for Otago
 December 2008

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



Full name of submitters: See signatories attached

Name of organisation: Coastal Otago River Communities

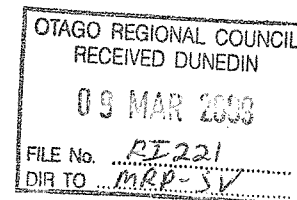
Postal Address: Maurice Corish, Moeraki, RD2, Palmerston, Otago
 Postal Code 9482

Telephone: 03 4394184

Fax: N/A

Email: paschal@orcon.net.nz

Contact person: Maurice Corish



We wish to be heard in support of this submission. Individual signatories to this group submission may choose to submit a separate submission as well under their own name.

Date: 9 March 2009

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

Mainly proposed plan provision Schedule 2A Trotters catchment Reference #5 and Schedule 2D Reference #7

Our submission is:

The technical report (Management flows for Aquatic Ecosystems in Trotters Creek ORC, Aug 2006) provides the following information regarding the flows for maximum habitat and the flow when significant habitat reduction may be observed.

Fish Species	Flow for Max. Habitat (L/s)	Flow when significant habitat decline (L/s)
Common bully, whitebait species, upland bully and juvenile brown trout	120	70 - 10
Longfin eel	60	35
Blue gill bullies	250	75
Koaro	200	35
Canterbury galaxiids	35	10
Adult brown trout	300	90

The data shows significant reduction in habitat for native species occurs at flows between 70 and 10 L/s. This implies it is best to keep flows above this range as much as possible.

However, Council proposes to set the following minimum flow regime

Period	Flow (L/s)
Oct to April	8
May to Sept	35

A key element of maintaining species numbers and diversity appears to be maintaining sufficient flow to provide adequate flushing, food productivity and connectivity to the ocean.

The report also indicates that flow estimates (including MALF) are based on very little reliable data.

And there appears to be little information on the extent to which the natural flow regime and the aquatic composition of the creek have already been or are being altered as a result of other factors including catchment landuse change (e.g. exotic coniferous tree afforestation) and water allocation.

As locals who periodically use and enjoy the Trotters Creek, we are aware that it is special because it has a significant area of original native bush, a diversity of fish life and very clean clear water, particularly in the upper reaches.

Accordingly, we submit that Council needs to adopt a precautionary approach to setting the minimum flow.

I seek the following decision from the local authority:

1. Based on the above information, the undersigned consider that the 8 L/s Oct to April minimum flow is inadequate to sustain the aquatic values required by the RMA and associated plan provisions. The need for a significantly higher minimum flow was the clear and unanimous message from the recent ORC community consultation meeting on this proposed plan change.
2. We therefore propose that, until such time as a lower level can be reliably demonstrated as safe, the May to Sept minimum flow be retained year round. Otherwise the future of the fish species and the aesthetic values of the stream are put at serious and unnecessary risk of irreversible harm.
3. We also believe policies are needed to ensure that the Creek has adequate flow variability to maintain habitat and provide for key aquatic function in case of consents for supplementary take being sought in the future.

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

Please send submissions to:

Email: policy@orc.govt.nz

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





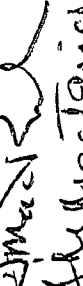
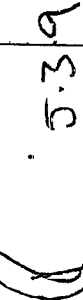
Fax: (03) 479 0015 (Attn: Policy Team)

Deliver: 70 Stafford Street, Dunedin; or

William Fraser Building, Dunorling Street, Alexandra; or

The Station, 1st Floor, Cnr Shotover and Camp Streets, Queenstown

I support the Trotters Creek Catchment Community Submission on Proposed Plan Change 1B (Minimum Flows) for Trotters Creek.

Name	Address	Telephone/Email	Signature
Russell Allan RITCHIE	4 North Street Moeraki	439-4418	 43309
Rob Campbell	54 Kaika Road Moeraki	439 4333	 4/3/09
Colleen Dooley	47 Derby Street Hampden 9410	4394694	C. Dooley 4.3.09
Maurice CORISH	22 Teahy St. Moeraki	439 4184	 4.3.09
SCOTT DUNAVAN	P.O. BOX 6, HAMPDEN 9412	027-290-3643	
MacTevis Family	1122, Palmerston, Otage	03 439 4824 digold@es.co.nz	 A. MacTevis
CATHERINE WALLACE	55 NICOLSON RD HAMPDEN 9410	439 4599	C Wallace
R. Tanaka	55 Nicolson Rd Hampden 9410		 5.3.9

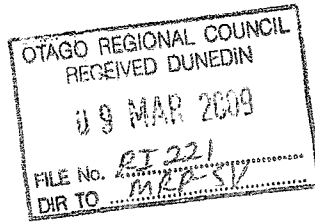
W
P
F

I support the Trotters Creek Catchment Community Submission on Proposed Plan Change 1B (Minimum Flows) for Trotters Creek.

Name	Address	Telephone/Email	Signature
Margan Toher	2RD Parkersston Otago	027 222 5067	<i>Margan Toher</i>
MURRAY JUDGE	HERBERT	03 439 5660	HERBERT
BRONNYN JUDGE	HERBERT	03 439 5660	

4 of 4

Otago Regional Council,
Private Bag 1954,
Dunedin 9054.



6th March, 2009.

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Attn: Policy Committee.

Proposed Plan Change (Minimum Flow) to Trotter's Creek.

It has come to our attention that the ORC is looking at reducing the minimum flow of Trotter's Creek, the watercourse that flows into the Pacific just 5 minutes south of Hampden.

We have applied to the ORC for a copy of the document pertaining to Trotter's Creek, but so far it has not been forthcoming. Hence the information in this appeal of ours, lacks the detail that perhaps it should have.

The ORC has determined the wildlife in the creek and the flow rates that are required to maintain the creek as a healthy habitat for this wildlife. The minimum flow rate recommended within the ORC document is set at 20 litres per second. The proposed change seeks to reduce this recommendation to 8 litres per second. That is less than a plastic household bucket of water to be set as a desirable minimum flow in a waterway. Your own information states some of the creatures dwelling within the Creek's water are going to suffer from loss of a natural environment at flows of 80 litres per second.

The need to take water from the Creek at present is to service the irrigation of only one farm. There may yet be other farmers waiting in the wings wishing also to be able to take water from the Creek at some time in the future. With the area of pine forests in the catchment growing as well as the pine trees themselves growing, there is established data to show that the amount of runoff from the catchment into the waterway is being diminished.

The waterway itself is a small one, and it requires all the help it can get to maintain itself and its inhabitants in a healthy condition. Hence this letter from us voicing our concern at the prospect of a waterway being "developed" that has little or no room for fluctuations in and impediments to its natural flow.

One of us would be willing to speak on this matter to the Council if they so wished.

Yours Sincerely,

TREVOR and ELIZABETH NORTON.
16 Lancaster St, Hampden. 9410. Ph 03 4394887



SUBMISSION FORM
Proposed Plan Change 1B Minimum Flows
to the Regional Plan: Water for Otago

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

69

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Full name of submitter: Graeme John Thompson

Name of organisation (if applicable):

Postal address: 27 Bute St Moeraki 2RD Palmerston

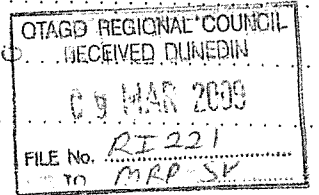
Postcode:

Telephone: 034394900

Fax: 034394900

Email:

Contact Person:



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

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

Signature of submitter: [Signature] Date: 9-3-09

(or person authorised to sign on behalf of person making submission).

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

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

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

Changing minimum flows in Trotter George Creek

My submission is:

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

I oppose. I have been farming in South Otago for over 40 years. I started work at D.S. Matheson's in 2007. The irrigation on his property is a vital part for finishing lambs. In 2007-2008 season all lambs would have been sold as steers if not for irrigation. If there was no irrigation there would be no work for me.

I seek the following decision from the local authority:

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

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Otago Regional Council
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Dunedin 9054

Attention Policy Team

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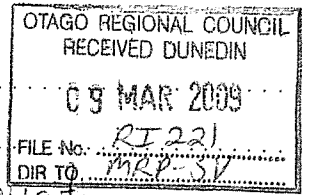


SUBMISSION FORM 1B: Minimum Flows
Proposed Plan Change ~~16~~ Water Allocation and Use
to the Regional Plan: Water for Otago

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

70

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Full name of submitter: Elizabeth & Anthony Paul
 Name of organisation (if applicable): Liz & Paul Bartlett
 Postal address: McLay Rd. or 125 Main Rd. Naikouani
Dunback Postcode: _____
 Telephone: 03 4657960 Fax: _____
 Email: _____ Contact Person: Paul Bartlett

I wish to be heard in support of my submission.

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

Signature of submitter: [Signature] Date: 23.09
 (or person authorised to sign on behalf of person making submission).

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

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

The entire plan.

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

Trotters Creek is a healthy, free flowing creek that begins on our property at the Retreat. This creek has served the needs of the people that live alongside it for many years. There appears to be adequate flow to sustain current use. We would like to support the status quo.

*The title deeds of our property there is a water right registered for the property

I seek the following decision from the local authority:

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

Remain with the status quo

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Attention Policy Team



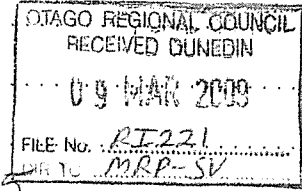
SUBMISSION FORM
Proposed Plan Change 1B Minimum Flows
to the Regional Plan: Water for Otago

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

71

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Full name of submitter: William Porteous McKerrow
 Name of organisation (if applicable): N/A
 Postal address: 123 McKerrow Road
11 O.P.D. Oamaru Postcode: 9495
 Telephone: 03 4394809 Fax: 03 4394809
 Email: N/A Contact Person: As Above



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

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

Signature of submitter: W McKerrow Date: 5/03/09
 (or person authorised to sign on behalf of person making submission).

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

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

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

Part 1B Minimum Flow Wairarapa River
Section 27

My submission is:

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

Oppose the proposed minimum flow of 200 ltrs per sec.
My observations of the river (after living on its
boundary for over 70 years) confirm that the instream life
can survive quite comfortably at flows below 200 ltrs per sec.
as the river has often dropped below this figure through
natural climatic changes with no adverse effects.

I seek the following decision from the local authority:

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

I would request that the minimum flow proposed be reduced to 150 ktrs per second for the reasons given in the attached submissions

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Attention Policy Team

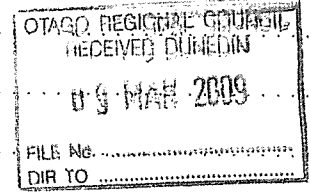


SUBMISSION FORM 1B: Minimum Flows
Proposed Plan Change ~~1B Water Allocation and Use~~
to the Regional Plan: Water for Otago

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

Office use only

Full name of submitter: William Porteous McKerrow
 Name of organisation (if applicable): NA
 Postal address: 123 McKerrow Road
11 BRD Oamaru Postcode: 9495
 Telephone: 03 4342805 Fax: 034342804
 Email: NA Contact Person: As Above



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

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

Signature of submitter: [Signature] Date: 5/03/09
 (or person authorised to sign on behalf of person making submission).

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

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

(Give clear references if possible e.g. reference number, policy x, rule y)
Plan change 1B Minimum Flows Waianakava
river - schedule 2 D

My submission is:

(Include whether you support, oppose, or wish to have amended the parts identified above, and give reasons)
Oppose proposed low flow of 200 Ltrs per sec. and
request this flow be amended to 150 Ltrs per sec with
a summer flow from mid september to mid may.

I seek the following decision from the local authority:

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

An amendment to reduce the minimum flow
from 200 ltrs per sec to 150 ltrs per sec or with a
summer flow from mid may to mid September.
See attached submission.

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

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FreePost Authority ORC 1722



Otago Regional Council
Private Bag 1954
Dunedin 9054

Attention Policy Team

I support fully, the submissions made by Messrs M O'Conner and M Holland, so will not repeat them. Being a third generation farmer, I have lived beside the Waianakara river for over 70 years. During that period I have witnessed massive floods, and prolonged periods of severe drought which have caused the flow in the river to drop below the proposed low flow of 200 kts per sec from natural causes. These low flows occurred long before any water was taken for irrigation purposes.

Over this period of time I have not observed any noticeable adverse effects on either the water quality or on the instream inhabitants of the river. It is well documented that the native fish and invertebrates can survive quite happily in flows of 150 kts per sec or less eg Trotters creek. The only inhabitant which prefers a higher minimum flow is the brown trout. This species however is not a native, having been introduced to the waterways and has never been resident in large numbers. I would suggest that the presence of brown trout

in the waterway would have a much greater adverse effect on the survival of the native species than would any low flow.

While there is a small population of trout in the river, it has never had a high reputation as a recreational fishing river. This was admitted at the earlier workshops by a keen fisherman, one Rodney Elder. The population of trout that are present seem to be capable of surviving by taking refuge in the many large and quite deep pools which exist over the length of the river.

When irrigation extraction began in the area 40-50 years ago those farmers taking water would cease operations on their own accord when before the flow became critical. It should be noted that those early consented takes on the south branch were much greater than those in operation at the present time.

It was interesting to note that those opposing the suggested low flows at the workshops were all either relatively new residents in the area or lived a great distance from the river. They therefore had very limited knowledge of the naturally occurring fluctuations in the flow.

It was also interesting to note that the few who did live on the river were many kilometres above the first point of take, which is only a short distance from the sea. The only consented take upstream is that of the Herbert-Waiānakeua rural water scheme which they all rely on for their domestic water supply.

The advent of irrigation, especially in the dairying industry has seen a marked increase in the number of staff employed in the area, and this has had a flow on effect on businesses, schools, sporting bodies and service clubs. It is essential for the survival of the rural community that these employment opportunities are preserved.

In conclusion, my objection would be met by amending the proposed low flow to 150 l/s per sec and extending the irrigation season at each end (this could be at a higher flow rate to assist fish in the spawning season

H/D/G/ema