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**FURTHER SUBMISSIONS IN SUPPORT OF OR IN OPPOSITION TO
SUBMISSIONS ON A PROPOSED PLAN CHANGE UNDER CLAUSE 8 OF
THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991**

TO: Otago Regional Council
Private Bag 1954
DUNEDIN 9054

OTAGO REGIONAL COUNCIL
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Attention: Policy Team

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

Name: Pioneer Generation Ltd (Pioneer)

Address: PO Box 275
ALEXANDRA 9340

Contact person: Deborah Crawford (Investigation and Planning Manager)
Ph: 03 440 0115
dxo@pioneergen.co.nz

Further submissions from Pioneer Generation Ltd on Proposed Plan Change 1C are attached to this document.

Pioneer Generation Ltd wishes to be heard in support of its submission.



Signature: Deborah Crawford
Investigation and Planning Manager

Date: 5 May 2009

Address for Service: Pioneer Generation Ltd
PO Box 275
ALEXANDRA 9340

Attn: D Crawford

Telephone: 03 440 0115

Facsimile: 03 448 3639

Submitter	Sub. Ref	Provision submitted or	Summary of Submission	Support/ Oppose	Submitter's Justification
Federated Farmers of New Zealand (Inc)	42/10	Policy 6.4.0B	Add bullet point to existing bullet point in list in Explanation as follows: <ul style="list-style-type: none"> - <i>Voluntary approach initiated by consent holders</i> - <i>Opportunities for shared investment in and optimal use of water storage infrastructure.</i> 	Support	Pioneer supports the concept of voluntary co-operation to create opportunities to effectively manage and share water within a catchment and the potential benefits of doing so.
Oceana Gold (New Zealand) Limited	49/10	Policy 6.4.0B	The wording of the Policy or Explanation should make it explicit that such shared use and management groups are voluntary and that any member that has opted into a group may also opt out.	Support	Pioneer supports the concept of co-operation to create opportunities to effectively manage and share water within a catchment and supports clarification of the voluntary nature of such co-operation.
Oceana Gold (New Zealand) Limited	49/10	Policy 6.4.0B	That the wording of the Policy or Explanation make it clear that the Council will be open to assisting such groups and aid in the controlling and steering of the group dynamics to ensure proper and fair.	Support in part	Pioneer agrees that there may be a risk that the majority of a group may perceive their activities to be more important than others and lobby allocation to be weighed on their side leading to some users gaining and others losing, but believes this risk is removed if the groups are voluntary as members choose to participate. For example Pioneer is already involved in voluntary cooperative management schemes with community irrigation schemes.
Trustpower Limited	51/10	Policy 6.4.0B	Insert the following text within the Explanation: <i>"Decisions made through the implementation of this Policy cannot adversely impact the rights held by existing consents unless the consent holder agrees"</i>	Support	Pioneer supports the clarification of impacts of water user group decisions being on the consents held and obtained by their voluntary members.

			<p><i>"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"</i></p> <p>Any similar amendments.</p>		
Trustpower Limited	51/25	Policy 6.4.12A	<p><i>"Decisions made through the implementation of this Policy cannot adversely impact the rights held by existing consents unless the consent holder agrees"</i></p> <p><i>"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"</i></p> <p>Any similar amendments.</p>	Support	Pioneer supports the clarification of impacts of water user group decisions being on the consents held and obtained by their voluntary members.
Contact Energy Limited	52/10	Policy 6.4.0B	<p>Add after the paragraph addressing Infrastructure in the Explanation a new paragraph as follows or to like effect:</p> <p><i>"In the implementation of this Policy adverse effect on the availability of water for hydro-electric generation should be considered and avoided (such as in moving the point of take within an area)"</i></p>	Support	Pioneer shares concerns that the importance of existing non-consumptive users such as hydro electric generators should not be overlooked, as often the same water can be used for both consumptive and non-consumptive uses rather than just consumptive.
Trustpower Limited	51/3	Issue 6.2.3	Amend Explanation to include hydro-electricity.	Support in part	The need for acknowledgement of the importance of non-consumptive users of water such as hydro electric generation is inline with Pioneer's submission.
Trustpower Limited	51/12	Policy 6.4.1	<p>That the following text be inserted into the Explanation:</p> <p><i>"In setting allocation quantities the Council will take account of and provide for takes"</i></p>	Support in part	Pioneer supports the protection of existing water takes such as hydro electric generation and recognition of the impact that consumptive uses can have on non-

			<i>associated with hydro-electric generation to prevent any derogation of existing rights".</i>		consumptive uses. Non-consumptive uses such as hydro electric generation can work in conjunction with consumptive uses and should be taken into account and provided for to enable this to occur.
Contact Energy Limited	52/12	Policy 6.4.1	Amend to acknowledge that cumulative consumptive takes reduce water available for the non-consumptive use of electricity generation.	Support.	Pioneer supports the acknowledgement of the potential impact of consumptive takes on non-consumptive uses such as hydro electric generation and the need to ensure the two types of uses can work cooperatively.
Contact Energy Limited	52/12/	Policy 6.4.1	Amend the Principal reasons to include the availability of water for hydro electric generation	Support	This is in synergy with Pioneer's submissions that there needs to be greater acknowledgement of non-consumptive uses such as hydro electric generation in the Plan and greater recognition of the ability of coordinated use of consumptive and non-consumptive uses to make the best use of water.
Otago Water Resource Users Group	41/78	Rule 12.1.4.8	That proposed deleted paragraphs (g) and (h) not be deleted.	Support	Pioneer considers that these Rules assist with transition on the expiry of deemed permits and supports this submission.
Trustpower Limited	51/78	Rule 12.1.4.8	Retain Rules 12.1.4.8 (g) and (h)	Support	Pioneer considers that these Rules assist with transition on the expiry of deemed permits and supports this submission.
Contact Energy Limited	52/9	Policy 6.4.0A	Add a further clause to the last sentence of the Principal Reasons for Adopting : <i>"this will enable more people to benefit from water available for consumptive use and water to be retained for hydro-electric power generation."</i>	Support.	This is in synergy with Pioneer's submission and is therefore supported.
Trustpower Limited	51/11	Policy 6.4.0C	Insert the following text <i>"(e) the impact on existing hydroelectric power</i>	Support	This submission seeks to place emphasis on the importance of renewable energy and is

			<i>schemes within the catchment where water is to be exported from”.</i>		therefore supported.
Trustpower Limited	51/11	Policy 6.4.0C	Clarify the first-in-first-served approach under the RMA is unaffected by this Policy.	Support.	This submission seeks to place emphasis on the importance of renewable energy and is therefore supported.
Contact Energy Limited	52/11	Policy 6.4.0C	Delete the last sentence from the first paragraph so that it reads as follows <i>“...require adequate water supply”</i> Add a fourth paragraph to the Explanation as follows or to like effect <i>“In considering an application to take water and competing lawful local demands the council shall consider the need to avoid adverse effects on the availability and use of water for hydro-electric generation.”</i>	Support	This submission is in synergy with Pioneer’s submission relating to the importance of not unduly affecting non-consumptive uses such as hydro electric generation and is therefore supported.
Otago Water Resource Users Group	41/30	Policy 6.4.19	Reinstate this policy.	Support	This submission seeks to provide long term security of access to water and is in-line with Pioneer’s submission.
Federated Farmers of New Zealand (Inc)	42/30	Policy 6.4.19	Reinstate this policy.	Support.	Federated Farmers submission is similar to Pioneer’s submission and is therefore supported.
Trustpower Limited	51/30	Policy 6.4.19	Reinstate this policy.	Support.	Trustpower Limited’s submission is similar to Pioneer’s submission and is therefore supported.
Horticulture New Zealand	44/30	Policy 6.4.19	Retain Policy 6.4.19.	Support	Horticulture New Zealand’s submission is in synergy with Pioneer’s submission and is therefore supported.
Otago Water Resource Users group	41/31	Policy 6.4.20	Reinstate this policy.	Support.	The submission is similar to Pioneer’s submission and is therefore supported.
Otago Water Resource Users Group	41/32	Policy 6.4.21	Reinstate this policy.	Support.	This submission is similar to Pioneer’s submission and is therefore supported.

Kawarau Station Ltd	47/32	Policy 6.4.21	It is not appropriate to delete this clause.	Support.	This submission recognises the status quo as being an appropriate mechanism for recognising priority rights attached to deemed permits and is supported by Pioneer.
Trustpower Limited	51/137	Policy 6.4.17	Insert the following text under Policy 6.4.17 <i>“(e) The written approval of existing consent holders shall be required where the transfer is upstream of those consent holders”.</i>	Support	This submission seeks to have recognised the negative impact on non-consumptive uses that consumptive takes transferred upstream of those non-consumptive takes can have. Pioneer supports the recognition of this issue. The Policy Planner deems this submission to be outside the scope of the Plan Change. Pioneer considers that there are grounds for its inclusion which will be addressed at the hearing.
Trustpower Limited	51/137	6.1 Introduction	Insert the following text under 6.1 Introduction: <i>“Hydro electric power schemes play a vital role in the regions social 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”.</i>	Support	This submission emphasises the importance of renewable energy schemes such as hydro electric generation and the need to protect such schemes. Pioneer supports this. The Policy Planner deems this submission to be outside the scope of the Plan Change. Pioneer considers that there are grounds for its inclusion which will be addressed at the hearing.
Contact Energy	52/137	6.2 Issues	Add the following Issues: <i>“The inefficient allocation and use of water within the Region can significantly reduce the benefits to be derived from the use of the resource, including its use for the generation of renewable energy.”</i> <i>“The cumulative effects of the taking of water</i>	Support.	The submission emphasises the importance of renewable energy such as hydro electric generation and the need to support such generation. Pioneer supports this. The Policy Planner deems this submission to be outside the scope of the Plan Change. Pioneer considers that there are grounds for

			<p><i>may:</i></p> <ul style="list-style-type: none"> <i>i) result in reductions of water quality and aquatic habitat</i> <i>ii) limit the availability of water for other actual and potential uses</i> <i>iii) compromise the generation of renewable energy."</i> 		its inclusion which will be addressed at the hearing.
Contact Energy Limited	52/137	Policy 6.4.0B	<p>The inclusion of two Objectives as follows: <i>"The continued availability of water currently (at the date of notification of this change) used for renewable energy generation".</i> <i>"Enable people and communities to provide for their social, economic and cultural wellbeing by providing water for hydro-electric generation."</i></p> <p>An Explanation for these Objectives as follows: <i>"Section 7(j) of the RMA provides for the generation of renewable energy as a matter of national importance. This legislative requirement is acknowledged in Objectives(relevant numbers)."</i></p>	Support	<p>This is similar to Pioneer's submission and therefore supported.</p> <p>The Policy Planner deems this submission to be outside the scope of the Plan Change. Pioneer considers that there are grounds for its inclusion which will be addressed at the hearing.</p>
Contact Energy Limited	52/137	Policy 6.4.0B	<p>The addition of a new Policy as follows or to like effect: <i>"The benefits to be derived from the use of water for the generation of renewable energy" when establishing allocation.</i></p>	Support	<p>This submission recognises that a policy is needed to identify the benefits of hydro-electric generation to carry through from the requested new Issues and Objectives. Pioneer supports this.</p> <p>The Policy Planner deems this submission to be outside the scope of the Plan Change. Pioneer considers that there are grounds for its inclusion which will be addressed at the hearing.</p>
Otago Fish and Game	21/137	Rule	The amended 12.1.2.4 and 12.1.2.5 could have	Oppose	Pioneer considers that only wetlands

Council		12.1.2.4 and 12.1.2.5	the identified wetland conditions amended to read: <i>"The water is not taken from any wetland identified in Schedule 9 or any wetland higher than 800 metres above sea level or any wetland greater than 1000m² in area."</i>		identified in the Plan should be captured by these rules. The Policy Planner deems this submission to be outside the scope of the Plan Change. Given Otago Fish and Game may dispute this exclusion Pioneer considers it appropriate to further submit on this point.
Otago Fish and Game council	21/137	Rule 12.1.2.6	The amended 12.1.2.6 could have the wetland condition (a) amended to read: <i>"The water is not taken from, nor is there any alteration of the water level of, any wetland identified in Schedule 9, or any wetland higher than 800m above sea level or any wetland greater than 1000m² in area"</i> and/or b) to read: <i>"The taking does not result in the lowering of the level of water in any lake, river or wetland; and"</i> .	Oppose	Pioneer considers that only wetlands identified in the Plan should be captured by these rules. The Policy Planner deems this submission to be outside the scope of the Plan Change. Given Otago Fish and Game may dispute this exclusion Pioneer considers it appropriate to further submit on this point.

