

SUMMARY OF DECISIONS REQUESTED

(Original and Further Submissions)

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

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



14 September 2010

Preface

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

The Otago Regional Council received a total of six submissions and two further submissions on the Proposed Plan Change from a range of groups, organisations and individuals.

This document summarises the decisions requested in the six submissions and two further submissions received, by Provision.

INDEX TO SUBMITTERS

Submitter Number **Submitter Name** (Last Name, First Name or Organisation)

Original Submitters

1	Miller, Brian
2	Otago Canoe & Kayak Club
3	McAtamney, David
4	Oceana Gold (NZ) Ltd
5	Kyeburn Water Users Group
6	Dowling, Gerald (<i>late submission</i>)

Further Submitters

11	McAtamney, David
12	Kyeburn Water Users Group

TABLE OF CONTENTS

Provision	Page
Rule 12.1.4.4	5
Schedule 2A	5
Maps B2, B3, B4 and Map B Index	10
Matters Beyond Scope	11

Rule 12.1.4.4

NAME	NUMBER	REF	POSITION	DECISION REQUESTED	REASON FOR DECISION REQUESTED
Kyeburn Water Users Group	5	2	Support	That Rule 12.1.4.4 be retained.	It is desirable to have a catchment and monitoring site which recognise the distinct hydrological characteristics of the Kyeburn area and Tiroiti Catchment.

Schedule 2A

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

NAME	NUMBER	REF	POSITION	DECISION REQUESTED	REASON FOR DECISION REQUESTED
David McAtamney	11	1/3	Oppose	<i>No group or person should benefit from water at the expense of another. But we have to look at the facts that nature throws at us all periodically.</i>	<i>This submitter appears to presume that river flows to maintain a minimum flow will come from upstream water users. Appears to have no appreciation of the fact that in severely dry seasons, everybody is water-short except possibly organisations that have stored high flow water. Perhaps the submitter, along with the rest of the community, would be prepared to contribute financially to water storage schemes and achieve [no breaches of] minimum flows that way.</i>
Kyeburn Water Users Group	12	1/3	Oppose	<i>That the whole of the submission be disallowed.</i>	<p><i>The submission is outside the scope of PC3A on the following basis:</i></p> <p><i>PC3A only introduces the monitoring point at Tiroiti into the Otago Regional Plan: Water (Plan) and allows for a minimum flow to be imposed at that same monitoring point. The Rule imposing the suspension of water abstraction when a minimum flow is reached is already introduced pursuant to Rule 12.1.4.9 which is not the subject of PC3A. The scope of PC3A is therefore very limited.</i></p> <p><i>The submission deals with water quality. Objectives and policies relating to water quality are contained in Chapter 7 of the Plan.</i></p> <p><i>The level of change requested will require lengthy and detailed investigations into an appropriate 'water standard' in order to set the appropriate river level at which abstraction is suspended.</i></p> <p><i>The cross submission process allowed in respect of PC3A is wholly inadequate to address the level of change requested by the submission, and does not allow true public participation including (for example) involvement from organisations such as the Department of Conservation, Fish & Game and Federated Farmers.</i></p> <p><i>The changes requested by the submission should more appropriately be directed to the water quality objectives contained in Chapter 7 of the Plan. The Submitter had an opportunity to raise the requested changes at the time the provisions of Chapter 7 were notified. By lodging this submission with the changes requested, the Submitter is attempting to rehear a part of the Plan which has already progressed through a public consultation process and is now</i></p>

NAME	NUMBER	REF	POSITION	DECISION REQUESTED	REASON FOR DECISION REQUESTED
					<p><i>operative.</i></p> <p><i>Even if the submission is within the scope of PC3A, KWUG is of the opinion that it is disproportionate to introduce a water standard and associated suspension point only at the Tiroiti monitoring point. The submission contains no reason as to why Tiroiti should be singled out as the sole monitoring point subject to additional water quality requirements. A change of the nature contemplated by the submission requires introduction by way of separate Plan Change to ensure consistency of application and full public participation in the setting of water standards.</i></p>
Otago Canoe and Kayak Club	2	3	Amend	We seek (a minimum flow) beginning at 8 cumecs (8000 l/s) as measured at Tiroiti, for kayaking recreational flow requirements.	The proposed minimum flows at Tiroiti are set to meet the needs of: sports fish reproduction, native fish reproduction and fishery recreation interests. The proposal does not meet the needs of recreational kayakers. Flat lining minimal flows does nothing to enhance the river. Instead it embeds an industrial irrigation agribusiness infrastructure, which takes the river further beyond recovery from its natural state.
<i>David McAtamney</i>	<i>11</i>	<i>2/3</i>	<i>Oppose</i>	<i>No group or person should benefit from water at the expense of another. But we have to look at the facts that nature throws at us all periodically.</i>	<i>This submitter appears to presume that river flows to maintain a minimum flow will come from upstream water users. Appears to have no appreciation of the fact that in severely dry seasons, everybody is water-short except possibly organisations that have stored high flow water. Perhaps the submitter, along with the rest of the community, would be prepared to contribute financially to water storage schemes and achieve [no breaches of] minimum flows that way.</i>
David McAtamney	3	3	Amend	Reduce the minimum flow at Tiroiti to no more than 1.075 cumecs (1075 l/s) or suggest a bankable, reliable, local knowledge plan to support the proposed minimum flow.	<p>When the minimum flow at the Green Bridge of 1 cumec (1000 l/s) at Waipiata is breached, the Kyeburn is most often at an extreme low flow and cannot provide any more water than is flowing at its confluence with the Taieri.</p> <p>Taking on the Kyeburn and Swinburn is severely reduced at the same time as the Green Bridge (Waipiata) reaches 1 cumec (1000 l/s). Most of the small takes are not possible, or have just enough for limited stock water.</p> <p>I concede that in dry seasons when minimum flows may breach, take</p>

NAME	NUMBER	REF	POSITION	DECISION REQUESTED	REASON FOR DECISION REQUESTED
					<p>consents are still live, but are at seriously reduced take.</p> <p>How do you transport that water from where it is being taken, to the Kyeburn-Taieri confluence, considering that when all reduced takes are returned to the riverbed they become very slow moving underground water unable to contribute to Tiroiti levels?</p> <p>Water users do not wish to release takes to support a measurement anywhere downstream just to see it disappear to groundwater within a few hundred metres. It becomes no use to anyone nor supports a minimum flow. Everyone loses as it is an impossible equation. Also you cannot take away domestic, and stock water, or people's right to farm through droughts. After all, Otago Regional Council policy is no area shall be stranded dry.</p> <p>The Otago Regional Council has set the recommended minimum flow of 1.15 cumecs (1150 l/s) at Tiroiti from information from a graph prepared by the Hydrologist who has researched Council records. A graph of coloured dots representing rainfall, prepared by one person, that pays no attention to the flow and very unique topography of the Kyeburn and Swinburn, is not enough information as it does not allow for the records over the last century to have any bearing on these tributaries. I also consider the evaporation and the severe heat and light on a burning hot shingle riverbed has not been addressed either.</p>
Oceana Gold New Zealand Limited	4	3	Support	Approve the proposal to establish a new minimum flow for the Taieri River.	It will improve the management of water allocation in the Taieri catchment.
David McAtamney	11	4/3	Oppose	<i>No group or person should benefit from water at the expense of another. But we have to look at the facts that nature throws at us all periodically.</i>	<i>This submitter appears to presume that river flows to maintain a minimum flow will come from upstream water users. Appears to have no appreciation of the fact that in severely dry seasons, everybody is water-short except possibly organisations that have stored high flow water. Perhaps the submitter, along with the rest of the community, would be prepared to contribute financially to water storage schemes and achieve [no breaches of] minimum flows that way.</i>
Kyeburn Water Users Group	5	3	Oppose	That the proposed minimum flow in	The proposed minimum flow will directly impact on the use and

NAME	NUMBER	REF	POSITION	DECISION REQUESTED	REASON FOR DECISION REQUESTED
				<p>Schedule 2A be amended to 0 l/s until significant further detailed investigation is undertaken as to the ecological and community requirements for water within the Tiroiti Catchment.</p>	<p>enjoyment of our farm land within the Tiroiti Catchment.</p> <p>The process by which the Otago Regional Council has calculated the proposed minimum flow fails to recognise the hydrological characteristics of the Tiroiti Catchment. Accordingly, the proposed minimum flow conflicts with Policy 6.4.0.</p> <p>The process by which the minimum flow for the Tiroiti Catchment was assessed and calculated contains a number of unverified assumptions and methods, including but not limited to:</p> <ul style="list-style-type: none"> (a) The minimum flow is set on the basis that the Tiroiti Catchment forms part of a normal 'downstream flow' catchment, rather than a distinct catchment area with localised rainfall events and significant surface water flows; (b) An assumption following (a) above that the proposed minimum flow must be complementary to the Waipiata minimum flow and Sutton minimum flow; (c) An assumption that all water taken in the Kyeburn is taken during low flow periods for the Tiroiti Catchment; (d) The proposed minimum flow is established by way of correlation with Waipiata flows, the calculation of which shows that there are specific distinct inputs within the Tiroiti Catchment, which call this method of setting the proposed minimum flow into question. (e) An assumption that a minimum flow lower than 1000 l/s for the Tiroiti Catchment will guarantee less water for those users downstream of Tiroiti, without establishing the effect of other hydrological inputs for the Sutton monitoring point. <p>The Section 32 Report has failed to adequately take into account the benefits and costs of the proposed minimum flow and any alternatives. The Section 32 Report has also failed to identify the risk to us and the broader Kyeburn community of proceeding to implement the proposed minimum flow, with insufficient information as to the distinct hydrological characteristics of the Tiroiti Catchment.</p> <p>The introduction of the proposed minimum flow without appropriate</p>

NAME	NUMBER	REF	POSITION	DECISION REQUESTED	REASON FOR DECISION REQUESTED
					evaluation and investigation is contrary to the objective of enabling the sustainable use and development of Otago's water bodies. By failing to adequately investigate the appropriate minimum flow for the Tiroiti Catchment, the Council will in fact be imposing a minimum flow that is overly conservative, disproportionate, and contrary to Policy 5.4.3 and Part 2 of the Resource Management Act 1991.
Gerald Dowling	6	3	Did not specify	I question whether the minimum flow figure should be as great as 1150 l/s.	<p>I do not have the knowledge to oppose that figure (1150 l/s), but believe it to be at the extreme upper range of potential minimum flow figures.</p> <p>Calendar year 2010 followed on from a very dry and slow spring, when generally irrigation flows available to farmers were below the normal expected flows. This pattern carried on during summer, when it was obvious that water available for irrigation was well below that required to maintain optimum pasture production, which in turn provides suitable pasture feed quality to fatten livestock and provide the necessary winter feed, both growing as winter feed crops and harvested as hay or silage.</p> <p>Setting the arbitrary minimum flow figure at a level which can only be supported by demanding farmers reduce their water take, knowing that that demand would significantly reduce seasonal farm production would be an unreasonable demand on farm production and consequent reduction in farm and region profitability.</p>

Maps B2, B3, B4 and Map B Index

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

Beyond the Scope

NAME	NUMBER	REF	POSITION	DECISION REQUESTED	REASON FOR DECISION REQUESTED
Otago Canoe and Kayak Club	2	5	Not Applicable	We seek (a minimum flow) beginning at 12 cumecs (12,000 l/s) as measured at Sutton and 15 cumecs (15,000 l/s) as measured at Outram, for kayaking recreational flow requirements.	The proposal does not meet the needs of recreational kayakers. Flat lining minimal flows does nothing to enhance the river. Instead it embeds an industrial irrigation agribusiness infrastructure, which takes the river further beyond recovery from its natural state.