

OTAGO REGIONAL COUNCIL  
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**FURTHER SUBMISSION IN SUPPORT OF, OR OPPOSITION TO, SUBMISSIONS  
 ON PROPOSED PLAN CHANGE 2 (REGIONALLY SIGNIFICANT WETLANDS) TO THE OTAGO REGIONAL PLAN -  
 WATER FOR OTAGO**  
*UNDER CLAUSE 8 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991*

To: policy@orc.govt.nz

From: Contact Energy Limited  
 Level 1  
 Harbour City Tower  
 29 Brandon Street  
 P.O. Box 10-742  
 WELLINGTON

Attention: Rosemary Dixon  
 Special Counsel - Environment

Phone: (04) 462 1284  
 Fax: (04) 463 9261  
 Email: [rosemary.dixon@contactenergy.co.nz](mailto:rosemary.dixon@contactenergy.co.nz)



**Further Submissions organised by Provision (following the order in the Summary of Submissions)**

Name of Original Submitter	Submitter Number	Support / Oppose	Reasons
<b>7.139 Policy 10.4.1A - Definition of a Regionally Significant Wetland</b>			
Treble Cone Investments Ltd	2	Support in part	Contact Energy Limited (Contact) opposes the entire definition of a Regionally Significant Wetland (which includes all wetlands over 800m above sea level). The reason for this is the lack of robustness in the assessments undertaken to classify all of these wetlands as being regionally significant and the resulting implications of the objectives, policies and rules of Proposed Plan Change 2 (PPC 2).
Solid Energy New Zealand Ltd	5	Oppose in part	Contact supports Solid Energy's seeking of more robustness around the inclusion of wetlands higher than 800m above sea level as Regionally Significant Wetlands. However, for the reasons outlined in Contact's submission, the Decision Requested by Solid Energy does not go far enough to provide the robustness that should be provided by the Regional Plan.
Cardrona Alpine Resort	15	Support in part	Contact opposes the entire definition of a Regionally Significant Wetland (which includes all wetlands over 800m above sea level). The reason for this is the lack of robustness in the assessments undertaken to classify all of these wetlands as being regionally significant and the resulting implications of the objectives, policies and rules of PPC 2.
Meridian Energy Ltd	32	Support in part	Contact opposes the entire definition of a Regionally Significant Wetland (which includes all wetlands over 800m above sea level). The reason for this is the lack of robustness in the assessments undertaken to classify all of these wetlands as being regionally significant and the resulting implications of the objectives, policies and rules of PPC 2.
TrustPower Ltd	40	Oppose in part	Contact supports TrustPower's seeking of more robustness around the inclusion of wetlands higher than 800m above sea level as Regionally Significant Wetlands. However, for the reasons outlined in Contact's submission, the Decision Requested by TrustPower Ltd does not go far enough to provide the robustness that should be provided by the Regional Plan.
Department of Conservation (DOC)	42	Oppose	PPC 2's definition of a Regionally Significant Wetland is not consistent with Part 2 of the RMA and does not give effect to the NPS for Freshwater Management.

Name of Original Submitter	Submitter Number	Support / Oppose	Reasons
<b>8 Policy 10.4.1B - Schedule 9</b>			
TrustPower Ltd	40	Support in part	Contact opposes Schedule 9 due to its lack of robustness. However, like TrustPower, Contact opposes the removal of descriptive information on each listed wetland from the Regional Plan and opposes the use of a non-regulatory inventory. Contacts reasons are outlined in its submission.
<b>5 Objective 10.3.1 - Maintain or enhance wetlands</b>			
DOC	42	Oppose	It will not always be necessary or appropriate to enhance a wetland.
<b>9 Policy 10.4.2 - Priority on avoiding adverse effects</b>			
Otago Fish & Game Council (Fish & Game)	8	Oppose	The RMA does not endorse a hierarchy of avoidance followed by remediation and mitigation.
Otago Conservation Board	27	Oppose	The RMA does not endorse a hierarchy of avoidance followed by remediation and mitigation.
Meridian Energy Ltd	32	Support	Contact supports in principle the approach of Meridian as in-keeping with the RMA.
Clutha District Council	34	Support in part	Contact supports the reasoning in the submission but the proposed text still suggests a hierarchy of avoidance followed by remediation and mitigation.
TrustPower Ltd	40	Support	Contact supports in principle the approach of TrustPower as being consistent with the RMA.
DOC	42	Oppose	The RMA does not endorse a hierarchy of avoidance followed by remediation and mitigation.
OtagoNet Joint Venture	43	Support	Contact supports in principle the approach of OtagoNet JV as being consistent with the RMA.
Royal Forest and Bird Protection Society of NZ Inc (Forest and Bird)	47	Oppose	The RMA does not endorse a hierarchy of avoidance followed by remediation and mitigation.
<b>153 Chapter 10 - General</b>			
Transpower NZ Ltd	37	Oppose	Contact opposes parts of Chapter 10 as outlined in its submission.
Hawksbury Lagoon Inc	39	Oppose	The RMA does not endorse a hierarchy of avoidance followed by remediation and mitigation.
TrustPower Ltd	40	Support	Contact agrees that a change in human use may be sustainable and that this should be acknowledged.

Name of Original Submitter	Submitter Number	Support / Oppose	Reasons
Forest and Bird	47	Oppose	Contact opposes all aspects of Forest & Bird's submission under this reference. The explicit protection of wetlands that are not considered to hold values that make them regionally significant undermines the intent of PPC 2. Contact also considers that a policy stating that wetlands will be added to Schedule 9 is ultra vires. Even though a Plan Change process is indicated, the policy predetermines this by stating that they "will" be added to Schedule 9.
<b>22 Rule 12.1.1A.1 - Take and use of surface water from any Regionally Significant Wetland</b>			
Fish & Game	8	Oppose	Non-complying Activity status is inappropriate for the reasons outlined in Contact's submission.
Gavan James Herlihy	22	Oppose	Non-complying Activity status is inappropriate for the reasons outlined in Contact's submission.
Otago Conservation Board	27	Oppose	Non-complying Activity status is inappropriate for the reasons outlined in Contact's submission.
TrustPower	40	Support	Non-complying Activity status is inappropriate for the reasons outlined in Contact's submission.
Forest & Bird	47	Oppose	Non-complying Activity status is inappropriate for the reasons outlined in Contact's submission.
<b>45 Rule 12.2.1A.1 - Take and use of groundwater from any Regionally Significant Wetland</b>			
Gavan James Herlihy	22	Oppose	For the reasons discussed in Contact's submission.
Otago Conservation Board	27	Oppose	Non-complying Activity status is inappropriate for the reasons outlined in Contact's submission.
TrustPower	40	Support	Non-complying Activity status is inappropriate for the reasons outlined in Contact's submission.
<b>60 Rule 12.3.1A.1 - Damming or diversion of water: Regionally Significant Wetland</b>			
Gavan James Herlihy	22	Oppose	Non-complying Activity status is inappropriate for the reasons outlined in Contact's submission.
Otago Conservation Board	27	Oppose	Non-complying Activity status is inappropriate for the reasons outlined in Contact's submission.
Meridian Energy Ltd	32	Oppose	Non-complying Activity status is inappropriate for the reasons outlined in Contact's submission.
TrustPower Ltd	40	Oppose	Non-complying Activity status is inappropriate for the reasons outlined in Contact's submission.
Forest and Bird	47	Oppose	Non-complying Activity status is inappropriate for the reasons outlined in Contact's submission.

Name of Original Submitter	Submitter Number	Support / Oppose	Reasons
<b>66 Rule 12.3.31 - damming or diversion of water - restricted discretionary activity</b>			
Forest and Bird	47	Oppose	The matters over which discretion is retained appropriately address the potential effects on wetlands. The changes sought by Forest and Bird undermine the intent of PPC 2.
<b>156 Chapter 12 general</b>			
DOC	42	Oppose in part Support in part	Contact opposes DOC's submission in that Contact considers that Non-complying Activity status is inappropriate for the reasons outlined in Contact's submission.  Contact supports DOC's submission in that Contact considers that Restricted Discretionary Activity status is appropriate at 12.3.3.1(i).
NZ Railways Corp (NZRC)	46	Support in part	Contact supports NZRC in principle, in that the positive effects of existing structures and resources should be included in the consideration of applications for resource consents to continue use of those structures and resources.
<b>161 Protection general</b>			
TrustPower Ltd	40	Support	Contact supports in principle the approach taken in this submission. It is appropriate that hydro generation is adequately recognised and its ongoing operation safeguarded, as well as being in accordance with the National Policy Statement for Renewable Electricity Generation 2011 (NPSREG) that recognises the "need to develop, operate, maintain and upgrade renewable generation activities" and "the benefits of renewable generation" as matters of national significance. There needs to be consistency of activity status for renewable generation activities.
<b>10 Financial contributions policy (Policy 10.4.2A and Ch. 17)</b>			
Fish & Game	8	Oppose	The proposed new policy 10.4.2A should be amended to clarify that not every residual effect not avoided, remedied or mitigated is required to be addressed by way of financial contribution or environmental compensation but only those effects remaining above a certain threshold – being more than minor effects. Appropriate clarification of the circumstances, purpose and method of determining the contribution amount should also be provided.  Provision for offsetting effects should be given recognition throughout the objectives, policies and rules of PPC 2.

Name of Original Submitter	Submitter Number	Support / Oppose	Reasons
Clutha District Council	34	Oppose	The proposed new policy 10.4.2A should be amended to clarify that not every residual effect not avoided, remedied or mitigated is required to be addressed by way of financial contribution or environmental compensation but only those effects remaining above a certain threshold – being more than minor effects. Appropriate clarification of the circumstances, purpose and method of determining the contribution amount should also be provided.
Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, te Runanga o Otakou, and Hokonui Runanga	38	Oppose	It is not appropriate that an assessment and determination as to whether effects are able to be avoided, remedied or mitigated is made by stakeholders. Iwi concerns are addressed in sections 6 and 7.
DOC	42	Oppose	The proposed new policy 10.4.2A should be amended to clarify that not every residual effect not avoided, remedied or mitigated is required to be addressed by way of financial contribution or environmental compensation but only those effects remaining above a certain threshold – being more than minor effects. Appropriate clarification of the circumstances, purpose and method of determining the contribution amount should also be provided.
Forest and Bird	47	Oppose	Financial contributions are a legitimate and appropriate tool. Contact supports the use of financial contributions, and in particular environmental off-setting, subject to the changes sought in its submission.
<b>200 Schedule 9</b>			
Fish & Game	8	Oppose	Schedule 9 in PPC 2 lacks robustness in the assessments undertaken to classify all of the wetlands as being regionally significant. Contact seeks that Schedule 9 not be approved.
The Yellow-eyed Penguin Trust	26	Oppose	Schedule 9 in PPC 2 lacks robustness in the assessments undertaken to classify all of the wetlands as being regionally significant. Contact seeks that Schedule 9 not be approved.
Otago Conservation Board		Oppose	Schedule 9 in PPC 2 lacks robustness in the assessments undertaken to classify all of the wetlands as being regionally significant. Contact seeks that Schedule 9 not be approved.
<b>277 Schedule 9 - Lake Tuakitoto Wetland (#77, Map F43)</b>			
DOC	42	Oppose	Schedule 9 in PPC 2 lacks robustness in the assessments undertaken to classify all of the wetlands as being regionally significant. Contact seeks that Schedule 9 not be approved.

Name of Original Submitter	Submitter Number	Support / Oppose	Reasons
<b>399 Schedule 9 - All other wetlands not otherwise listed</b>			
DOC	42	Oppose	Schedule 9 in PPC 2 lacks robustness in the assessments undertaken to classify all of the wetlands as being regionally significant. Contact seeks that Schedule 9 not be approved.
<b>14 Policy 10.4.6 - Promotion of wetlands</b>			
TrustPower	40	Support in part	Contact's primary position is that Schedule 9 be not approved as an inventory, particularly one that can be updated without a further public process. Contact therefore supports in part the submitter's suggestion that Schedule 9 provide general information on wetland values.
<b>151 Wetland inventory</b>			
Waitaki District Council	14	Oppose	PPC 2 removes all descriptive information on each listed wetland and proposes that a separate non-regulatory inventory be developed instead. This inventory could be updated by Council at any time. Contact opposes this approach as being ultra vires as it allows for a non-public and non-contestable process to assign values to a wetland at any time. It also removes certainty for Plan users and decision makers. This is not appropriate, particularly when it is these values that are the very reason that the non-complying activity category is applied to anything more than a very minor use of, or effect on, a wetland.
<b>400 Schedule 9 - Wetland values in Schedule 9</b>			
Otago Conservation Board	27	Support	PPC 2 removes all descriptive information on each listed wetland and proposes that a separate non-regulatory inventory be developed instead. This inventory could be updated by Council at any time. Contact opposes this approach as being ultra vires as it allows for a non-public and non-contestable process to assign values to a wetland at any time. It also removes certainty for Plan users and decision makers. This is not appropriate, particularly when it is these values that are the very reason that the non-complying activity category is applied to anything more than a very minor use of, or effect on, a wetland.

Name of Original Submitter	Submitter Number	Support / Oppose	Reasons
TrustPower Ltd	40	Support	PPC 2 removes all descriptive information on each listed wetland and proposes that a separate non-regulatory inventory be developed instead. This inventory could be updated by Council at any time. Contact opposes this approach as being ultra vires as it allows for a non-public and non-contestable process to assign values to a wetland at any time. It also removes certainty for Plan users and decision makers. This is not appropriate, particularly when it is these values that are the very reason that the non-complying activity category is applied to anything more than a very minor use of, or effect on, a wetland.
OtagoNet JV	43	Support	PPC 2 removes all descriptive information on each listed wetland and proposes that a separate non-regulatory inventory be developed instead. This inventory could be updated by Council at any time. Contact opposes this approach as being ultra vires as it allows for a non-public and non-contestable process to assign values to a wetland at any time. It also removes certainty for Plan users and decision makers. This is not appropriate, particularly when it is these values that are the very reason that the non-complying activity category is applied to anything more than a very minor use of, or effect on, a wetland.
154 Plan general			
Meridian Energy Ltd	32	Support	Supported for the reasons given in the submission and because the relief sought is consistent with the NPSREG to which ORC is required to give effect.
TrustPower Ltd	40	Support	Supported because the ORC Water Plan is required to give effect to the NPSREG.
OtagoNet JV	43	Support	Supported for the reasons given in the submission.

Contact has an interest in PPC 2 greater than the interest of the general public.

Contact wishes to be heard in support of its submission and this further submission and would not be prepared to consider presenting a joint case at any hearing.



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**Rosemary Dixon**  
**Special Counsel - Environment**

23 September 2011

Address for service:

Contact Energy Limited  
Level 1  
Harbour City Tower  
29 Brandon Street  
P.O. Box 10-742  
WELLINGTON

Attention: Rosemary Dixon

Telephone No: (04) 462 1284  
Facsimile No: (04) 463 9261  
Email: [rosemary.dixon@contactenergy.co.nz](mailto:rosemary.dixon@contactenergy.co.nz)

