

**FURTHER SUBMISSIONS BY Z ENERGY LIMITED, BP OIL NEW ZEALAND LIMITED AND
MOBIL OIL NEW ZEALAND LIMITED (“THE OIL COMPANIES”) ON PROPOSED PLAN
CHANGE 4B (GROUNDWATER ALLOCATION) TO THE REGIONAL PLAN: WATER FOR
OTAGO**

To: Otago Regional Council
70 Stafford Street
Dunedin

By E-Mail: policy@orc.govt.nz

Name of further submitter:

Z-Energy Ltd
PO Box 2091
WELLINGTON

BP Oil NZ Ltd
PO Box 892
WELLINGTON

Mobil Oil NZ Ltd
PO Box 1709
AUCKLAND

Hereafter referred to as the “Oil Companies”.

- 1. The Oil Companies further submissions are as contained in the attached Table.**
- 2. The Oil Companies are making further submissions as a person that has an interest in the proposed plan that is greater than the interest of the general public.**
- 3. The Oil Companies do wish to be heard in support of their further submissions.**
- 4. If others make similar submissions the Oil Companies may be prepared to consider presenting a joint case with them at any hearing.**

Dated at AUCKLAND this 30th day of June 2014

Signature on behalf of the Oil Companies:



David le Marquand
Authorised to Sign on Behalf of the Oil Companies

Address for service:

BURTON PLANNING CONSULTANTS LIMITED

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Takapuna

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Attention: David le Marquand

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FURTHER SUBMISSIONS BY Z ENERGY LIMITED, BP OIL NEW ZEALAND LIMITED AND MOBIL OIL NEW ZEALAND LIMITED (“THE OIL COMPANIES”) ON PROPOSED PLAN CHANGE 4B (GROUNDWATER ALLOCATION) TO THE REGIONAL PLAN: WATER FOR OTAGO

Sub. #	Provision	Relief Sought	Support/Oppose	Reasons
6/7 Federated Farmers	Rule 12.0.1.3	That the following word change is made or similar: ... is a prohibited activity, unless all of the water taken: (3 (1)) Is allocated as surface water under Policy 6.4.1A; or (4 (2)) Is taken for <u>temporary</u> dewatering at a site to allow a construction or structure maintenance activity.	Support	The Oil Companies do not oppose the intent of the submission although it is noted that there is no definition of “temporary’ in the plan. The common ordinary meaning would therefore apply. The intent of the exclusion is for temporary construction and maintenance activities.
13/7 Kai Tahu Ki Otago Ltd	Overlay E7.11 Air Quality – Industry Transition	The following amendment to Rule 12.0.1.3(2) is sought: “Unless all the water taken” ... Is taken for dewatering at a site to allow a construction or structure maintenance activity <u>where all the water taken is returned to the aquifer or a connected surface water body</u> ”	Oppose	The Oil Companies do not support the proposed amendment. It is not always possible to return all water to an aquifer or connected surface water e.g. where it would need to pass through a treatment system prior to discharge. It is not necessary to condition the exclusion further in the rule as issues around the extent and location for returning water to the aquifer or related surface water system will be addressed through the consent process.

Further Submission on Proposed Plan Change 4B (Groundwater allocation) to the Regional Plan: Water for Otago

To: Otago Regional Council
Private Bag 1954
Dunedin 9054

By email: policy@orc.govt.nz

Submitters Name: Holcim (New Zealand Limited)

Address: c/- Anderson Lloyd Lawyers
PO Box 13831
Christchurch 8141
Attention: Mark Christensen / Sarah Eveleigh

Telephone: 03 379 0037

Fax: 03 379 0039

Email: mark.christensen@andersonlloyd.co.nz
sarah.eveleigh@andersonlloyd.co.nz

1. This further submission is filed by Holcim (New Zealand) Limited in response to submissions made in respect of Proposed Plan Change 4B (Groundwater allocation) to the Regional Plan: Water for Otago. The further submissions are outlined in Annexure 1.
2. Holcim (New Zealand) Limited represent a relevant aspect of the public interest; and have an interest in the proposal greater than the interest the general public has. Holcim holds consents to take groundwater which may be affected by the proposed plan change on renewal.
3. Holcim (New Zealand) Limited wishes to be heard in support of its submission and if others make a similar submission would consider presenting a joint case with them at the hearing.



M Christensen / S Eveleigh
Counsel for Holcim (New Zealand Limited)

Dated 7 July 2014

ANNEXURE 1

Submitter	Sub ID	Parts of the submission supported or opposed	Reasons	Support / Oppose
Federated Farmers NZ	6	Ref 7 - Rule 12.0.1.3	Inclusion of the word "temporary" introduces uncertainty regarding application of the rule and is unnecessary. Where the assessed maximum annual take exceeds the aquifer's maximum allocation limit, dewatering activities should be provided for as a discretionary activity.	Oppose
Kai Tahu Ki Otago	13	Ref 6 - Rule 12.2.3.4	Inclusion of "the volume of groundwater that has been taken under the existing consent in at least the preceding five years" as an assessment matter is opposed. While historic use may be a relevant consideration when determining allocation on renewal, it should not be a determining factor. Other factors for consideration could include whether the volume of water allocated represents an efficient use of water and whether there are circumstances which make re-consenting of the existing consented volume appropriate. There should be no time period included in the assessment matter, as this information may not be available.	Oppose
Kai Tahu Ki Otago	13	Ref 7 - Rule 12.0.1.3	The exception to the prohibited activity rule for dewatering activities should not include a requirement that all water taken is returned to the aquifer or a connected surface body of water. Where the assessed maximum annual take exceeds the aquifer's maximum allocation limit, dewatering activities should be provided for as a discretionary activity.	Oppose
Oceana Gold	16	Ref 7 - Rule 12.0.1.3	It is not clear whether mine-pit dewatering is included in the dewatering exception currently provided in the rule. Holcim supports its inclusion in the exception.	Support



**FURTHER SUBMISSION BY CONTACT ENERGY LIMITED IN SUPPORT OR OPPOSITION TO SUBMISSIONS
ON PROPOSED PLAN CHANGE 4B (GROUNDWATER ALLOCATION)
UNDER CLAUSE 8 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991**

To: Chief Executive
Otago Regional Council
Private Bag 1954
70 Stafford Street
DUNEDIN 9054

policy@orc.govt.nz

Name of Submitter: Contact Energy Limited

Contact Person: Rosemary Dixon

Address for Service: Contact Energy Limited
Level 1
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29 Brandon Street
PO Box 10742

WELLINGTON 6143

Telephone: 0-4-462 1284

Facsimile: 0-4-463 9261

Email: rosemary.dixon@contactenergy.co.nz

Contact Energy Limited (Contact) submitted on Proposed Plan Change 4B (Groundwater Allocation).

Contact wishes to make further submissions in support or opposition to submissions on Proposed Plan Change 4B (Groundwater Allocation).

Contact's further submissions are as set out in the table attached.

Contact wishes to be heard in support of its submissions and further submissions.

Yours faithfully

CONTACT ENERGY LIMITED

A handwritten signature in black ink, appearing to read 'Rosemary Dixon', written in a cursive style.

Rosemary Dixon

Special Counsel - Environment

DDI: 04 462 1284

Fax: 04 463 9261

Email: rosemary.dixon@contactenergy.co.nz

PROPOSED PLAN CHANGE 4B – GROUNDWATER ALLOCATION

FURTHER SUBMISSION BY CONTACT ENERGY LIMITED

Name of Submitter	Sub #	Ref	Provision	Page #	Support or Oppose	Reasons
Dunedin City Council	2	1	Policy 6.4.10A	34	Support	Support the need for clarification.
Central Otago Winegrowers	4	1	Policy 6.4.10A	34	Support in part and oppose in part	Support the allocation limits being based on the best data available, however due to a lack of specificity in the relief sought, the outcome is unclear should the submission be accepted.
Fonterra Co-operative Group Ltd	5	1	Policy 6.4.10A	34	Support in part and oppose in part	Support the need for clarification. Any references to “unconsented takes”, particularly where they are to be included within allocation limits (or other provisions) should only relate to lawfully established and operated unconsented takes (i.e. takes under s.14(3)(b) of the RMA or Permitted Activities under the Plan).
Federated Farmers NZ	6	1	Policy 6.4.10A	35	Oppose	The submission seeks an allocation limit based on, inter alia, “nominal water use” and that “reflects the nature of water use activity”. Such an outcome may be contrary to actual availability and/or allow inefficient uses of water.
Horticulture NZ	7	1	Policy 6.4.10A	35	Support	Support the distinction between consumptive and non-consumptive takes and the need for clarity in relation to what constitutes the “volume available for taking”.
Dunedin City Council	2	2	Policy 6.4.10A1	36	Support	For the reasons stated in the submission.
Fonterra Co-operative Group Ltd	5	2	Policy 6.4.10A1	36	Oppose	The outcome is unclear should the submission be accepted. In any event, the Plan should not provide for over-allocation being created by the granting of consents.
Federated Farmers NZ	6	2	Policy 6.4.10A1	36	Support in part and oppose in part	Support the intention of the submission whereby the most up to date information is used and held outside of the Plan on the ORC website. Oppose any interpretation and/or implication that the taking of water for irrigation (for example) is a non-consumptive use of water.
Horticulture NZ	7	2	Policy 6.4.10A1	37	Oppose	It is appropriate that the policy seeks to avoid over-allocation.
Fonterra Co-operative Group Ltd	5	9	Policy 6.4.10A2	38	Oppose	The reference to a higher volume being justified in the circumstances may result in over-allocation being exacerbated, rather than remedied.
Federated Farmers NZ	6	9	Policy 6.4.10A2	38	Oppose	The focus on uses of water and reliability of supply would appear to over-ride any assessment as to the actual availability of the water in question and whether or not such a take will result in over-allocation.

Name of Submitter	Sub #	Ref	Provision	Page #	Support or Oppose	Reasons
Horticulture NZ	7	9	Policy 6.4.10A2	39	Oppose	The outcome sought will allow, and possibly promote, continued and/or increased over-allocation.
Irrigation NZ Inc	11	9	Policy 6.4.10A2	40	Support in part and oppose in part	Support the underlying proposition that a default position is not ideal, however, the outcome is unclear and possibly impractical should the submission be accepted (particularly in relation to new policies and rules being developed and implemented).
Kai Tahu Ki Otago Ltd	13	9	Policy 6.4.10A2	41	Support	For the reasons stated in the submission.
Federated Farmers NZ	6	7	Rule 12.0.1.3	43	Oppose	The outcome sought will weaken the planning regime whereby the rules provide real 'teeth' to implement the policies.
Horticulture NZ	7	7	Rule 12.0.1.3	44	Oppose	The outcome sought will weaken the planning regime whereby the rules provide real 'teeth' to implement the policies.
Mintago Investments Ltd	12	7	Rule 12.0.1.3	44	Oppose	Prohibited activity status is necessary to give effect to the policy regime.
L&M Lignite Kaitangata Ltd	14	7	Rule 12.0.1.3	44	Oppose	The outcome sought will weaken the planning regime whereby the rules provide real 'teeth' to implement the policies.
Oil Companies	15	7	Rule 12.0.1.3	44	Support	For the reasons stated in the submission.
Oceana Gold (NZ) Ltd	16	7	Rule 12.0.1.3	45	Oppose	The outcome sought will weaken the planning regime whereby the rules provide real 'teeth' to implement the policies.
Dunedin City Council	2	5	Note box in 12.0	45	Support	For the reasons stated in the submission.
Lincoln University	8	5	Note box in 12.0	45	Support	For the reasons stated in the submission.
Kai Tahu Ki Otago Ltd	13	6*	Rule 12.2.3.4	47	Support	For the reasons stated in the submission, particularly the addition of the need to consider the effects of a groundwater take on surface water flows.
Fonterra Co-operative Group Ltd	5	3	Method 15.8.3.1	47	Support in part and oppose in part	Support the need for clarification and the appropriate accounting for "unconsented takes". Any references to "unconsented takes", particularly where they are to be included within allocation limits (or other provisions) should only relate to lawfully established and operated unconsented takes (i.e. takes under s.14(3)(b) of the RMA or Permitted Activities under the Plan).
Fonterra Co-operative Group Ltd	5	3*	Method 15.8.3.1	47	Oppose	Oppose any interpretation and/or implication that the taking of water for irrigation (for example) is a non-consumptive use of water.
Federated Farmers NZ	6	3	Method 15.8.3.1	48	Oppose	The focus on uses of water and reliability of supply would appear to over-ride any assessment as to the actual availability of the water in question and whether or not such a take will result in over-allocation.
Horticulture NZ	7	3	Method 15.8.3.1	48	Oppose	The focus on water use would appear to over-ride any assessment

Name of Submitter	Sub #	Ref	Provision	Page #	Support or Oppose	Reasons
						as to the actual availability of water in question and whether or not such a take will result in over-allocation.
Irrigation NZ Inc	11	3	Method 15.8.3.1	49	Oppose	The basis upon which IRRICALC estimates the assessed annual take and its appropriateness for the purposes of the Plan are unknown.
Irrigation NZ Inc	11	3*	Method 15.8.3.1	49	Oppose	The focus on uses of water and reliability of supply would appear to over-ride any assessment as to the actual availability of the water in question and whether or not such a take will result in over-allocation.
Oceana Gold (NZ) Ltd	16	3	Method 15.8.3.1	50	Oppose	As no specific relief was stated, the outcome is unclear should the submission be accepted.
Fonterra Co-operative Group Ltd	5	11	Definitions	51	Oppose in part	Any references to “unconsented takes”, particularly where they are to be included within allocation limits (or other provisions) should only relate to lawfully established and operated unconsented takes (i.e. takes under s.14(3)(b) of the RMA or Permitted Activities under the Plan).
Lincoln University	8	13	Definitions	52	Support	For the reasons stated in the submission.

* Denotes instances where the 'Reference' number in the Summary of Submissions has been repeated.

Further Submission on Proposed Plan Change 4B (Groundwater allocation) to the Regional Plan: Water for Otago

To: Otago Regional Council
Private Bag 1954
Dunedin 9054

By email: policy@orc.govt.nz

Submitters Name: Oceana Gold (New Zealand) Limited

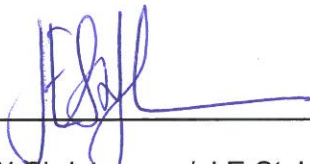
Address for service: C/- Anderson Lloyd Lawyers
P O Box 1959
Dunedin 9054
Attn: Jackie St John

Email: jackie.stjohn@andersonlloyd.co.nz

Phone: 03 467 7167

Fax: 03 477 3184

1. This further submission is filed by Oceana Gold (New Zealand) Limited in response to submissions made in respect of Proposed Plan Change 4B (Groundwater allocation) to the Regional Plan: Water for Otago. The further submissions are outlined in Annexure 1.
2. Oceana Gold (New Zealand) Limited wishes to be heard in support of its submission and if others make a similar submission would consider presenting a joint case with them at the hearing.



S W Christensen / J E St John
Counsel for Oceana Gold (New Zealand) Limited

Dated: 11 July 2014

ANNEXURE 1

Submitter	Submission No.	Parts of the submission supported or opposed	Reasons	Support / Oppose
Federated Farmers NZ	6	Ref 1 – Policy 6.4.10A	Support a policy approach that takes into account factors such as potential evapotranspiration and rainfall. Agree that the "calculation method within Method 15.8.3.1 does not consider location, climate, soils or the nature of the activity. These omissions could result in significant errors surrounding the outcome of the Method".	Support
Horticulture NZ	7	Ref 1 – Policy 6.4.10A	Agree that it is not clear whether "volume available for taking" includes non-consumptive takes. Agree that "non-consumptive takes should not be included in determining the maximum allocation limit". Agree that the methodology in Method 15.8.3.1 could overstate the annual take, which is of concern as this influences the amount of water available for allocation.	Support
Holcim (NZ) Ltd	9	Ref 2 – Policy 6.4.10A1	Support an approach where, on renewal, the volume of water taken under the existing consent is just one consideration when determining how much water should be re-consented.	Support
Fonterra	5	Ref 3 – Method 15.8.3.1	Support an amendment to Method 15.8.3 that provides for the netting out of water returned to the same source following abstraction (if that return flow has not been taken into account in setting of the allocation limit).	Support
Kai Tahu Ki Otago Ltd	13	Ref 6 – Rule 12.2.3.4	Broadening the restricted discretionary considerations to include "the volume of groundwater that has been taken under the existing consents in at least the preceding five years" is opposed. Adding a time period of 5 years creates an onerous obligation on applicants and information may not be available, therefore oppose inclusion of a time period. Historic use may be a relevant consideration but should not be a determining factor, and other factors such as efficiency of water use are equally relevant considerations.	Oppose
Federated Farmers NZ	6	Ref 7 – Rule 12.0.1.3	Oppose inclusion of word "temporary" as unnecessarily restrictive. This amendment introduces uncertainty – what is "temporary"?	Oppose
Holcim (NZ) Ltd	9	Ref 7 – Rule 12.0.1.3	Support an amendment to the rule to introduce an exception to the prohibited rule, where a consented volume of water within the same aquifer and equal to or greater than the volume sought is transferred or surrendered in conjunction with the application.	Support

Kai Tahu Ki Otago Ltd	13	Ref 7 – Rule 12.0.1.3(2)	Oppose inclusion of word "all" as unnecessarily restrictive. This does not take into account evapotranspiration and other losses. Dewatering activities would be prohibited if not "all" of the water is returned to the aquifer or connected surface water body.	Oppose
"Oil Companies" Z, BP, Mobil	15	Ref 7 – Rule 12.0.1.3	Agree that takes relating to groundwater monitoring do not appear to be provided for in the rule. To eliminate uncertainty, support the submission that requests: either confirmation that reliance can be had on the definition of "bore" so that minor takes for groundwater quality monitoring or investigations will not be captured by the prohibited activity rule, or in the alternative, provision of an exclusion for groundwater monitoring and investigations.	Support

Further submission on Proposed Plan Change 4B (Groundwater allocation) to the Regional Plan: Water for Otago

To: Otago Regional Council
Private Bag 1954
Dunedin 9054

By email: policy@orc.govt.nz

Submitters Name: Mintago Investments Ltd

Address: c/- Anderson Lloyd Lawyers
PO Box 13831
Christchurch 8141
Attention: Mark Christensen / Alex Roberts

Telephone: 03 379 0037

Fax: 03 379 0039

Email: mark.christensen@andersonlloyd.co.nz
alex.roberts@andersonlloyd.co.nz

1. This further submission is filed by Mintago Investments Ltd (**Mintago**) in response to submissions made on Proposed Plan Change 4B (Groundwater allocation) to the Regional Plan: Water for Otago. The further submissions are outlined in **Annexure 1**.
2. Mintago operates the Earnsclough alluvial gold mine (the Earnsclough Mine) near Alexandra, Central Otago. The Earnsclough Mine operates in accordance with various resource consents, including Otago Regional Council (ORC) Consent 2000-410 which authorises the taking, for the purpose of mine pit dewatering, of up to 1,000 L/s of groundwater from the Earnsclough Terrace Aquifer. Mintago also holds groundwater permits to take and use water for the purpose of pasture irrigation. These permits are independent to Mintago's mining operations.
3. Mintago represents a relevant aspect of the public interest; and has an interest in the proposal greater than the interest the general public has.
4. Mintago wishes to be heard in support of its submission and if others make a similar submission would consider presenting a joint case with them at the hearing.



M Christensen / A Roberts
Counsel for Mintago Investments Ltd

Dated: 11 July 2014

ANNEXURE 1

Submitter	Sub ID	Parts of the submission supported or opposed	Reasons	Support / Oppose
Horticulture NZ	7	Ref 1 - Ensure that non-consumptive takes are not included in the maximum allocation limit.	Non-consumptive takes should not be taken into account in determining the maximum allocation limit as the water is returned to the aquifer. Mintago does not support mine-pit dewatering being included as a consumptive use.	Support
Fonterra Co-Operative Group Ltd	5	Ref 3 - Amend Method 15.8.3 to provide for the netting out of water returned to the same source following abstraction (if that return flow has not been taken into account in the setting of the allocation limit).	Mintago also supports the deletion of the word “immediately” but is concerned that the provision continues to refer to “all of the water” being returned and considers that consents that involve partial return should be taken into account. Mintago does not support mine-pit dewatering being included as a consumptive use.	Support
Fonterra Co-Operative Group Ltd	5	Ref 9 - Amend Policy 6.4.10A2 to clarify intent. Where an application is received to take groundwater by a person who already holds a resource consent to take that water, grant <u>any replacement consent at a maximum annual volume that corresponds to the highest take under the existing consent over no more water than has been taken under the existing consent,</u> in at least the preceding five years, <u>(unless a higher volume is justified in the circumstances) when:</u>	A case-by-case assessment of reallocation for any unused water allocation is appropriate. The Council should adopt a methodology that provides for a volume that is fair and reasonable for the use required, and in the circumstances. Historic use may not reflect medium or long-term needs and stages of a specific project, and should not be the determining factor. Other factors for consideration could include whether the volume of water allocated represents an efficient use of water and whether there are circumstances which make re-consenting of the existing consented volume appropriate.	Support in part
Holcim (NZ) Ltd	9	Ref 9 - Amendment to Policy 6.4.10A2 so that on renewal, the	A case-by-case assessment of reallocation for any unused water allocation is appropriate. The Council should adopt a methodology	Support in part

		<p>volume of water taken under the existing consent is, at most, one consideration when determining how much water should be re-consented.</p>	<p>that provides for a volume that is fair and reasonable for the use required, and in the circumstances. Historic use may not reflect medium or long-term needs and stages of a specific project, and should not be the determining factor.</p> <p>Other factors for consideration could include whether the volume of water allocated represents an efficient use of water and whether there are circumstances which make re-consenting of the existing consented volume appropriate.</p>	
Irrigation New Zealand Incorporated	11	<p>Ref 9 – Policy 6.4.10A2 should require a technically robust water balance methodology to grant consent holders a volume that is fair and reasonable for their situation.</p>	<p>A case-by-case assessment of reallocation for any unused water allocation is appropriate. The Council should adopt a methodology that provides for a volume that is fair and reasonable for the use required, and in the circumstances. Historic use may not reflect medium or long-term needs and stages of a specific project, and should not be the determining factor.</p> <p>Other factors for consideration could include whether the volume of water allocated represents an efficient use of water and whether there are circumstances which make re-consenting of the existing consented volume appropriate.</p>	Support in part
Oceania Gold	16	<p>Ref 7 & 8 - Prohibiting new take applications and non-consumptive & dewatering takes</p>	<p>Mintago does not support mine-pit dewatering being included as a consumptive use.</p>	Support in part
Oceania Gold	16	<p>Ref 13 - Provide a suitable lead-in period before the new policies come into force to enable consent holders time to accurately measure water usage and gather the records required.</p>	<p>Should the policy be adopted, a grace period should be provided to allow activities to accurately measure consumptive and non-consumptive aspects of water takes as this information may not be available.</p>	Support
Kai Tahu Ki Otago	13	<p>Ref 7 - Rule 12.0.1.3</p>	<p>The exception to the prohibited activity rule for dewatering activities should not include a requirement that all water taken is returned to the aquifer or a connected surface body of water. Where the assessed maximum annual take exceeds the aquifer's maximum</p>	Oppose

			allocation limit, dewatering activities should be provided for as a discretionary activity.	
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Further Submission on the Proposed Plan Change 4B (Groundwater allocation) to the Regional Plan: Water for Otago

(Closing date: 11 July 2014 5pm)

To: Otago Regional Council
Private Bag
Dunedin

Fax: 03 479 0015
Email: policy@orc.govt.nz

Full Name of Further Submitter:
Horticulture NZ

Full Postal Address:
P O Box 10 232
Wellington, 6143

Attn: Chris Keenan

Telephone Number: 04 494 9973
Email: chris.keenan@hortnz.co.nz

Mobile: 027 668 0142

Horticulture NZ represents growers in the Otago Region so represents a relevant aspect of the public interest.

Horticulture NZ is not a trade competitor as per Clause 6 of the First Schedule of the Resource Management Act 1991.

I do wish to be heard in support of my submission

If others make a similar submission, I **would not** be prepared to consider preparing a joint case with them at any hearing.



.....
Signature of person making submission or person authorised to sign on behalf of person making submission.

Date:
11 July 2014

Submitter	Sub No.	Plan Provision	Support/ Oppose	Reason
Fonterra Co-op Group Ltd	5/1	Policy 6.4.10A	Support in part	There needs to be clarity as to how the policy will be applied so it needs to be clear what 'available for taking' includes.
Fonterra Co-op Group Ltd	5/2	Policy 6.4.10A1	Support in part	There needs to be clarity of the information about current levels of groundwater abstraction and consented volumes and how over-allocation may be addressed.
Fonterra Co-op Group Ltd	5/9	Policy 6.4.10A2	Support in part	There needs to be clarity as to how replacement consents will be considered and it should related to the highest take under the existing consent unless a higher volume is justified.
Federated Farmers of NZ	6/9	Policy 6.4.10A2	Support in part	There needs to be clarity to ensure that an appropriate method for assessing volumes for consent applications.
Irrigation NZ Inc	11/9	Policy 6.4.10A2	Support in part	There needs to be clarity to ensure that an appropriate method for assessing volumes for consent applications, however Horticulture NZ is concerned about the horticulture crop types suggested by the submitter.
Kai Tahu Ki Otago	13/9	Policy 6.4.10A2	Support in part Oppose in part	There needs to be clarity as to how over-allocation will be addressed but it need to be established through a Schedule 1 process.
Federated Farmers of NZ	6/7	Rule 12.0.1.3	Support in part	Horticulture NZ seeks that Rule 12.0.1.3 be non-complying activity.
Irrigation NZ Inc	11/6	Rule 12.2.3.2A	Oppose in part	Horticulture NZ seeks changes to Schedule 4D and to ensure certainty as to how volumes will be calculated.
Kai Tahu Ki Otago	13/6	Rule 12.2.3.2A	Support in part Oppose in part	There needs to be clarity as to how over-allocation will be addressed but it need to be established through a Schedule 1 process.
Fonterra Co-op Group Ltd	5/3	Method 15.8.3.1	Support in part	There needs to be clarity as to how the policy will be applied so it needs to be clear what 'available for taking' includes.
Federated Farmers of NZ	6/3	Method 15.8.3.1	Support in part	Horticulture NZ is concerned about the methodology in Method 15.8.31 and seeks changes.
Irrigation NZ	11/3	Method 15.8.3.1	Support in part	Horticulture NZ is concerned about the methodology in Method 15.8.31 and seeks changes.
Irrigation NZ	11/4	Schedule 4D	Support in part	Horticulture NZ considers that there needs to be greater clarity as to how Schedule 4D will be applied.



Federated Farmers of New Zealand

Further Submission on Otago Regional Council's Plan Change 4B – Groundwater Allocation

9 July 2014



FURTHER SUBMISSION TO OTAGO REGIONAL COUNCIL ON PLAN CHANGE 4B (GROUNDWATER ALLOCATION)

Form 6

Further submission in support of, or in opposition to, submission on publicly notified proposed policy statement or plan

Clause 8 of First Schedule, Resource Management Act 1991

To: *Otago Regional Council*
policy@orc.govt.nz

Name of further submitter: Federated Farmers of New Zealand

Contact person: Kim Reilly
Regional Policy Manager, South Island.

Address for service: kreilly@fedfarm.org.nz
PO Box 5242
Dunedin 9058

This is a further submission in response to submission/s made on the following proposed plan change – Plan Change 4B (Groundwater Allocation)

The following pages detail the specifics in relation to our support or opposition to various submissions lodged. Our further submissions include the particular parts of each submission supported or opposed alongside our reasons for that position and what decision we seek from the local authority.

I wish to be heard in support of my further submission.

Note to person making further submission

A copy of your further submission must be served on the original submitter within 5 working days after making the further submission to the local authority.

Where Federated Farmers submitted on the same variation point as any other submitter it stands by its original submission.

This Further Submission provides Federated Farmers views on points raised by other submitters.

Submitter Name	Sub No.	Section of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason for submission
Central Otago Winegrowers	4 – 1	Policy 6.4.10A	Allocation amounts need to be reworked - need to put a hold on allocation volumes until the Aqualinc report has been re-addressed with input from growers and using more accurate data	Support in part	There needs to be greater consideration of location, climate, soils and the nature of the activity.
Horticulture NZ	7 – 1	Policy 6.4.10A	Need to ensure that non-consumptive takes are not included in the maximum allocation limit	Support in part	Consistency with other provisions and ensuring that where water is predominantly returned to the aquifer, that this is excluded from calculations
Horticulture NZ	7 - 9	Policy 6.4.10A2	Concerns with use of 5yr data – seek wording amendment to reliance on highest actual usage over the preceding 10yrs	Support in part	This enables a more accurate account of NZ's climatic and cropping cycles and systems
Irrigation NZ	11 – 9	Policy 6.4.10A2	Policy should require a technically robust water balance methodology to grant irrigators a volume that is fair and reasonable for their situation	Support in part	This enables a more accurate account of NZ's climatic and cropping cycles and systems
Dunedin City Council	2 – 5	NOTE BOX in 12.0	Amend advice note so that current allocation status of all aquifers is made publicly available on the ORC website	Support	This enables plan users to make more informed decisions and to have access to clear and current information
Lincoln University	8 – 5	NOTE BOX in 12.0	Make the allocation status of the Region's aquifers publicly available and establish an online tool to provide accurate and up-to-date picture of the Region's aquifers allocation status	Support	This enables plan users to make more informed decisions and to have access to clear and current information
Oceana Gold (NZ) Ltd	16 – 5	NOTE BOX in 12.0	That status of aquifers be made publically available on ORC website and on request.	Support	This enables plan users to make more informed decisions and to have access to clear and current information
Fonterra	5 – 3	Method 15.8.3.1	Seek clarification of the position of unconsented groundwater takes to ensure that domestic and stock watering are excluded	Support	Clarification needed to ensure that domestic and stock dewatering needs are not captured under this regime
Irrigation NZ	11 – 3	Method 15.8.3.1	Seeks a daily water balance model such as IRRICALC to estimate the assessed annual take and a new method to set out parameters to be used when establishing an annual or seasonal volume for irrigation.	Support in part	The methodology proposed within plan contravenes the requirements for efficiency of water use allocation and fails to consider location, soils or the nature of the activity.
Fonterra	5 - 11	DEFINITIONS	Seek clarification of unconsented groundwater takes	Support in part	Provides more certainty and clarification for plan users

**FURTHER SUBMISSIONS OF FONTERRA CO-OPERATIVE GROUP LIMITED ON
SUBMISSIONS ON THE PROPOSED PLAN CHANGE 4B TO THE REGIONAL
PLAN: WATER FOR OTAGO**

To Otago Regional Council

1. Name of person making further submission:

Fonterra Co-operative Group Limited.

2. These further submissions are in support of or in opposition to (as specified in the attached table) submissions on the following proposed plan (the proposal):

Proposed Plan Change 4B to the Regional Plan: Water for Otago.

3. Fonterra is a person who has an interest in the proposal that is greater than the interest the general public has:

Fonterra's shareholders produce, and the co-operative collects and processes, considerable volumes of milk annually from the Otago Region. The provisions of Plan Change 4B to the Regional Plan: Water for Otago will affect the current and future volumes of water available for milk production and processing in the Region.

4. The attached table sets out:

- (a) The submissions or parts of submissions that Fonterra supports or opposes;**
- (b) Fonterra's reasons for support or opposition; and**
- (c) The relief sought by Fonterra in relation to those submissions or parts of submissions.**

5. Fonterra wishes to be heard in support of its further submissions.

Sue Ruston
Environmental Policy Manager

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Submitter Name	Submitter Number	Reference	Submission	Support/ Oppose	Reasons	Relief Sought
Federated Farmers of New Zealand	6	7	That takes exceeding the Maximum Allocation Limit (MAL) should be non – complying rather than prohibited when the MAL has been set under Policy 6.4.10A1 (b) (i.e. aquifers not listed in Schedule 4A)	Support	Prohibited activities should only apply when there is absolute certainty about the appropriateness of the threshold standard (limit)	Accept the relief sought by Federated Farmers or other such relief would give effect to the submission point
Lincoln University	8	5	Make notice of allocation status of the Region's aquifers publicly available. Establish an on line tool to provide accurate and up-to-date picture of the Region's aquifers' allocation status.	Support	Transparency and ease of plan use require information on the MALs and level of current allocation to be readily available	Accept the relief sought by Lincoln University (and other submitters)
Contact Energy Ltd	10	5	Amend Change 4B to require each aquifer's MAL (for those aquifers not listed in Schedule 4A) and Assessed Maximum Annual Take for all aquifers, as calculated by the Otago Regional Council, to be made publicly available such as by listing on the ORC website	Support	Transparency and ease of plan use require information on the MALs and current allocation to be readily available	Accept the relief sought by Contact (and other submitters)
Irrigation NZ	11	9	Policy 6.4.10A2 should grant replacement takes on the basis that they should receive no more water than required for the purpose of the take. This involves a technically robust water balance methodology to grant irrigators what is fair or reasonable.	Support	That principle (encompassed in Policy 6.4.0A of the regional plan) should be part of the decision-making mix under Policy 6.4.10A2 rather than a sole reliance on considering the last 5 years' water usage.	Accept the relief sought by irrigation NZ (at least to the extent the principle is acknowledged in Policy 6.4.10A2)
Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga (Kāi Tahu)	13	9	The proposed plan change is silent on how over-allocation will be addressed. There is no explicit mechanism in the plan change to reduce the annual take to the maximum allocation limit. Policy 6.4.10A2 should provide for phased reduction.	Support in part	Fonterra agrees that Change 4B should expressly address the question of how it will address any existing over allocation. Fonterra does not, however, agree that Change 4B needs to address the issue of over allocation that might occur if and when a MAL is set in Schedule 4A that is lower than the default limit (50% of mean annual recharge) because any over-allocation that occurs can, and should, be addressed at the time of the plan change to introduce a new Schedule 4B MAL)	Accept the relief to the extent that Policy 6.4.10A2 be worded to make clear that the purpose of reductions secured at consent replacement is to reduce over allocation.