



Federated Farmers of New Zealand

Further Submission on Otago Regional Council Plan Change 3B (Pomahaka Catchment Minimum Flow)

7 October 2014



FURTHER SUBMISSION TO OTAGO REGIONAL COUNCIL ON PLAN CHANGE 3B (POMAHAKA CATCHMENT MINIMUM FLOW)

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
Private Bag 1954
Dunedin 9054*

Name of further submitter: Federated Farmers of New Zealand

Contact person: Kim Reilly
Regional Policy Manager, South Island

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

This is a further submission in response to submission/s made on the following proposed plan change 3B (Pomahaka Catchment Minimum Flow)

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
Director General of Conservatoin	#9	Pomahaka Catchment Map	Submitter sought a minimum flow of at least 84% of the Waipahi River 7-Day MALF at the confluence of the Waipahi with the Pomahaka River, and any associated consequential amendment to any relevant minimum and allocation limit rules, maps and schedules.	Oppose	Any such determinations must undergo a thorough community consultation process so that those directly affected by such decisions have the ability to have input into these matters.
Otago Fish & Game Council (and other individual submitters who have lodged similar submissions)	#4 #s 10,11, 12	Irrigation season minimum flow of 3600 l/s	Submitter sought a higher summer minimum flow of 3800 l/s based on the river's diverse values and community support particularly in relation to trout fishing. Submitter considers that the proposed summer minimum flow of 3600 litres per second provides 99% surety of supply for irrigators, whilst only providing for 84% of MALF for the river. This is not a water short area and nor does it have a history of over-allocation. A fairer balance of risk between the health of the river and out of stream uses can be achieved with a summer minimum flow of 3800 litres per second.	Oppose in part	The ORC science team have carried out substantial work to reach the figure of 3,600 litres per second and this has been put to the community as part of multiple workshop discussions. We have concerns that a higher figure has not been adequately discussed at community level.



Otago Regional Council

Private Bag 1954

Dunedin 9016

08/10/2014

Form 6 - Further submission in support of, or in opposition to, submission on publicly notified proposed policy statement or plan, change or variation

(Clause 8 of Schedule 1, Resource Management Act 1991)

To: Otago Regional Council

Name of person making further submission: Otago Fish and Game Council

This is a further submission on Proposed Plan Change 3B (Pomahaka catchment minimum flow) to the Regional Plan Water (RPW)

The Otago Fish and Game Council (Fish and Game) is the statutory manager of sports fish and game within the Pomahaka and Waipahi catchments. This includes the whole catchment, whereas the Otago Regional Council jurisdiction excludes some tributary streams to the Waipahi, such as the Kaiwera Stream. This is an interest greater than that of the public generally.

Otago Fish and Game makes the following further submission.

Statutory managers of freshwater sports fish, game birds and their habitats

Otago Region

Cnr Hanover & Harrow Sts, PO Box 76, Dunedin 9054, New Zealand. Telephone (03) 477 9076 Facsimile (03) 477 0146
www.fishandgame.org.nz

Submitter name / Submitter number / reference	Support / Opposition	Reasons
Ian Breeze – 1 / #4	Support	This submitter's position on the proposed October to April minimum flow is the same as Otago Fish and Game's position
Ian Breeze – 1 / #6	Support in part	Otago Fish and Game does not oppose agricultural intensification when this is designed and managed correctly but supports this submitter's desire to see an effective primary allocation limit placed on the river
Robert Wyatt – 2 / #4	Support	This submitter's position on the proposed October to April minimum flow is the same as Otago Fish and Game's position
Brian Turner – 3 / #1	Support	Mr Turner's observations about the deterioration of the Pomahaka River over the past 50 years are an accurate reflection of the effects of unconstrained land use and water allocation. The proposed plan change, along with the recently operative plan change 6A will go some way to rectifying this.
Mike Weddell – 5 / #1	Support	This position is the same as Otago Fish and Game's position.
Mike Weddell – 5 / #4	Support	This position is the same as Otago Fish and Game's position for recommending a slightly higher minimum flow of 3800 litres per second.
Mike Weddell – 5 / #5	Support	This position is the same as Otago Fish and Game's position.
Mike Weddell – 5 / #6	Support	This position is the same as Otago Fish and Game's position.
Mike Weddell – 5 / #7	Support	This position is the same as Otago Fish and Game's position.
Mike Weddell – 5 / #9	Support	A supplementary allocation block size of 500 litres per second is consistent with the

		Regional Plan: Water.
Murray Neilson – 6/#4	Support	Otago Fish and Game supports this submitter’s request to amend the proposed irrigation season minimum flow from 3600 litres per second as notified to 3800 litres per second.
Federated Farmers – 7/#7	Neutral	Otago Fish and Game supports the hydrological science undertaken by the Otago Regional Council that determined that 13 cumecs was an appropriate supplementary allocation minimum flow, which provides for substantial flow variability prior to this flow being reached.
Federated Farmers – 7/#14	Neutral	The plan change should be reasonable for the community to implement as there has been no history of overallocation in this catchment, with the demand for water only increasing substantially in the last two years.
Federated Farmers – 7/#15	Support in part	A minimum flow of 3600 litres per second provides about 99% surety of supply. This is above the industry average of 90% surety of supply, and thus meets community needs as well as the needs of the environment. Otago Fish and Game appreciates the recognition of the regionally significant trout fishery by Federated Farmers.
Adrian McIntyre – 8/#4	Support	Otago Fish and Game supports this submitter’s request to amend the proposed irrigation season minimum flow from 3600 litres per second as notified to 3900 litres per second as this closely matches our own position. It is also consistent with the high value and regionally significant trout fishery present.
Adrian McIntyre – 8/#14	Support	Otago Fish and Game supports plan change 3B, as well as this

		submitter.
Director General of Conservation -9/#1	Support	Inclusion of the word "Pomahaka" in this policy and this rule provides greater clarity.
Director General of Conservation -9/#2	Support	The issue of jurisdiction and boundaries needs to be clarified.
Director General of Conservation -9/#4	Support	Support, Otago Fish and Game have stated our desire for a higher minimum flow of 3800 litres however.
Director General of Conservation -9/#5	Support	This position is the same as Otago Fish and Game's position.
Director General of Conservation -9/#6	Support	This position is the same as Otago Fish and Game's position.
Director General of Conservation -9/#7	Support	Otago Fish and Game supports the hydrological science undertaken by the Otago Regional Council that determined that 13 cumecs was an appropriate supplementary allocation minimum flow, which provides for substantial flow variability prior to this flow being reached.
Director General of Conservation -9/#9	Support	A supplementary allocation block size of 500 litres per second is consistent with the Regional Plan: Water.
Director General of Conservation -9/#10	Support	Otago Fish and Game did not submit specifically on groundwater but support the Director General's position.
Director General of Conservation -9/#13	Support	For further clarity
Director General of Conservation – 9/#16	Support	Otago Fish and Game does not believe that this matter is beyond the scope of the plan change, as giving effect to the minimum flows and limits proposed in this plan change relies on a timely review of existing resource consents within the catchment. Section 68(7) of the RMA indicates that a plan may state how the rule will affect the exercise of existing resource consents for

		<p>activities that contravene the rule, and how existing consent holders will comply with the rule. Note that a “may” in this case does not indicate that the Council must undertake these, but it does provide some scope for the consideration of this matter raised by the Director General of Conservation. Therefore, the ORC would be unwise to rule the matter out of scope at this point in the process. It needs to be heard by the hearing panel as it is a matter of some consequence.</p> <p>It is also reasonable for the purposes of the effectiveness of the plan change and the implementation of the National Policy Statement on Freshwater Management to indicate to consent holders when such a review might take place as they have business decisions to make based on these conditions and any review.</p> <p>Otago Fish and Game, like the Director General of Conservation, would also like certainty that this plan change to establish a minimum flow is effective and won't be overridden by existing consents that remain unreviewed.</p>
Director General of Conservation – 9/#17	Support	This is a minor change for consistency with other parts of the plan and should be inconsequential
Director General of Conservation – 9/#18	Support	Minor and inconsequential changes as suggested by the Director General of Conservation.
Daniel Rietveld – 11/#4	Support	This position is the same as Otago Fish and Game's position.
Alan McIntyre – 12/#4	Support in part	Otago Fish and Game supports the sentiment of a higher minimum flow for the river

		raised by this submitter but does not believe that a minimum flow set above the 7-day mean annual low flow for the river is sustainable.
Gordon McManus – 14/#13	Support	This position is the same as Otago Fish and Game’s position.
Kai Tahu ki Otago – 14/#1	Support	This position is the same as Otago Fish and Game’s position.
Kai Tahu ki Otago – 14/#18	Support	No reason is necessary for minor and inconsequential changes.
Otago Anglers Association – 15/#14	Support	This position is the same as Otago Fish and Game’s position.
Mark Barrett – 16/#14	Support	This submitter requests for the ORC to “listen to Fish and Game”, and naturally, Otago Fish and Game agrees with this!
Clutha District Council – 17/#16	Support in part	Provided that the rates of take and the overall (expected) annual and seasonal allocation of these community water supplies can be supplied by the Clutha District Council or the operators of the schemes, Fish and Game supports their inclusion into Schedule 1B.

I wish to be heard in support of my further submission at any hearing convened.

Yours sincerely,



Peter Wilson
Environmental Officer
Otago Fish and Game Council

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