

SUBMISSIONS RECEIVED

on

Proposed Plan Change 4A (Groundwater and North Otago Volcanic Aquifer)

to the

Regional Plan: Water for Otago



12 November 2010



SUBMISSION FORM
Proposed Plan Change 4A
(Groundwater and North Otago Volcanic Aquifer)
to the Regional Plan: Water for Otago
Form 5, Clause 6 of the First Schedule, Resource Management Act 1991.

1

Office use only

Full name of submitter: James Robert O'Gorman

Name of organisation (if applicable):

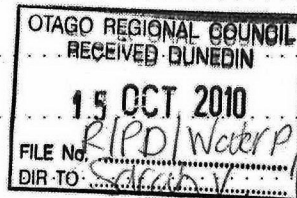
Postal address: P.O. KARANUI

Postcode:

Telephone: 0274 799 027

Fax:

Email:



I do not wish (circle preference) to be heard in support of my submission.

~~If others made a similar submission, I will consider presenting a joint case with them at a hearing. (Cross out if you would not consider presenting a joint case).~~

Signature of submitter: James O'Gorman Date: 14-10-10
 (or person authorised to sign on behalf of person making submission).

Please note that all submissions are made available for public inspection.

The parts of the proposed plan change that my submission relates to are:

(Give clear references if possible e.g. reference number, policy x, rule y)

The entire plan is flawed in that it is GUARANTEED to increase contamination in soil and water in the catchment

My submission is:

(Include whether you support, oppose, or wish to have amended the parts identified above, and give reasons)

- Stop and reassess that which you have first clean up what you have already before you abuse the environment further
- The water from these aquifers is already heavily contaminated. Clean it up before you allocate it

I oppose this plan change

I seek the following decision from the local authority:

(Give precise details e.g. changes you would like made)

1. Abandon the plan change and wait until you have cleaned the river systems throughout Otago before any further water allocations.
2. Follow the guidance (when it is available) of the land and water for an report; this plan does not.
3. Remove from office those officers whose decisions continue to bring toxic outcomes to the environment.
4. Do not increase any allocations at all, throughout the catchment.
5. Do not give rights for 35 years in resource consents.
6. Increase quality measurements of soil and water throughout the catchment, test at least monthly.
7. Educate the farmers that high salt index chemical fertilisers are the reason their soil biology is failing and leaching into our groundwater and streams.
8. Bring back the frogs.

SUBMISSIONS MUST BE RECEIVED BY 5.00 PM, MONDAY 18 OCTOBER 2010.

This form denies me my privacy if I fold and post as directed - Shame on you!

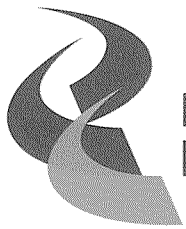
Please fold and secure with a small piece of tape.

FreePost Authority ORC 1722



Otago Regional Council
Private Bag 1954
Dunedin 9054

Attention Policy Team



SUBMISSION ON THE OTAGO REGIONAL COUNCIL'S PUBLICLY NOTIFIED PROPOSED PLAN CHANGE 4A (GROUNDWATER AND NORTH OTAGO VOLCANIC AQUIFER) TO THE REGIONAL PLAN: WATER FOR OTAGO UNDER CLAUSE 6 OF THE FIRST SCHEDULE, RESOURCE MANAGEMENT ACT 1991

OTAGO REGIONAL COUNCIL
RECEIVED DUNEDIN
18 OCT 2010
FILE NO. *Reg/Pol/Dec/*
DIR TO *SV*
MRP
Water/4A/03

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

Submission on: Proposed Plan Change 4A (Groundwater and north Otago Volcanic Aquifer)

Name: Dunedin City Council

Address: Dunedin City Council
C/- Consent & Compliance Officer, Water and Waste Services
PO Box 5045
Dunedin 9058

The Dunedin City Council wish to make a submission on Proposed Plan Change 4A (Groundwater and North Otago Volcanic Aquifer) to the Regional Plan: Water for Otago.

1. The specific provision(s) of the Proposed Plan Change that the Dunedin City Council's Water and Waste Services submission relates to are as follows:

- A Policy 6.4.8
- B Policy 6.4.10AB
- C Policy 6.4.10AC
- D Rule 12.2.2A.1
- E Schedule 3B

For consistency and reference the above headings are retained throughout the submission.

2. The Dunedin City Council's Water and Waste Services submission is that:

General Submission

The Dunedin City Council is generally **supportive** of Proposed Plan Change 4A insofar as it appreciates that such a Plan Change is necessary for achieving the purposes of the Resource Management Act 1991 and ensuring the sustainable development and protection of groundwater resources within the Otago Region. However, the Dunedin City Council is concerned about the potential impact of the proposed changes upon its lawfully established groundwater takes used for Community Water Supplies.

A Policy 6.4.8

The Dunedin City Council **supports** Policy 6.4.8 in its exemption of community water supplies which are identified in Schedules 1B and 3B from minimum flow requirements. This provides an improved degree of certainty to the Dunedin City Council in its ability to continue to supply water to the residents of its district during periods of low flow or reduced aquifer levels.

The Dunedin City Council seeks the following decision:

- Retain Policy 6.4.8 as proposed.
-

B Policy 6.4.10AB

The Dunedin City Council **opposes** Policy 6.4.10AB as it relates to the impact it will have upon community water supplies.

While the intent of the policy to protect aquifers from over-depletion during periods of low recharge is understood and supported in principle, the proposed policy may adversely impact upon a community water supplier's ability to provide water for human health and safety.

The Dunedin City Council seeks the following decision:

- Recognition of the adverse impact restriction will have upon community water supplies, and an exemption from the requirement to adhere to restriction levels in order to provide water for human health and sanitation during periods when restrictions are in force.

Such an exemption would only be applicable if all practicable water conservation measures (as agreed with the Territorial Authority) are implemented and no alternative source of water supply of equivalent quality and quantity can be practicably utilised to provide water for human health and sanitation during periods when restrictions are in force. This may entail the requirement to create a new policy. The following wording for a new policy is suggested:

"Community water supply takes listed in Schedule 4B will be exempt from the requirement to adhere to restriction levels in order to provide water for human health and sanitation purposes during periods when restrictions are in force. Such an exemption is only applicable if all practicable water conservation measures (as agreed with the Consenting Authority) are implemented and no alternative source of water supply of equivalent quality and quantity can be practicably utilised to provide water for human health and during periods of restriction."

C Policy 6.4.10AC

The Dunedin City Council **opposes** Policy 6.4.10AC as it relates to the impact it will have upon community water supplies.

While the intent of the policy to protect aquifers from contamination and seawater intrusion is understood and supported in principle, provisions within the policy advocating for the setting of aquifer restriction levels and restricting takes may adversely impact upon a community water supplier's ability to provide water for human health and safety.

The Dunedin City Council seeks the following decision:

- Recognition of the adverse impact restriction will have upon community water supplies, and an exemption from the requirement to adhere to restriction levels in order to provide water for human health and sanitation during periods when restrictions are in force.

Such an exemption would only be applicable if all practicable water conservation measures (as agreed with the Territorial Authority) are implemented and no alternative source of water supply of equivalent quality and quantity can be practicably utilised to provide water for human health and sanitation during periods when

restrictions are in force. This may entail the requirement to create a new policy. The following wording for a new policy is suggested:

"Community water supply takes listed in Schedule 4B will be exempt from the requirement to adhere to restriction levels in order to provide water for human health and sanitation purposes during periods when restrictions are in force. Such an exemption is only applicable if all practicable water conservation measures (as agreed with the Consenting Authority) are implemented and no alternative source of water supply of equivalent quality and quantity can be practicably utilised to provide water for human health and during periods of restriction."

D Rule 12.2.2A.1

The Dunedin City Council **opposes** the provisions within Rule 12.2.2A.1 which make the taking and use of groundwater for community water supplies listed in Schedule 3B, up to any volume or rate authorised as at 28 February 1998 a controlled activity.

Since the notification of the Regional Plan: Water for Otago on 28 February 1998, resource consents held by the Dunedin City Council to take and use groundwater for community water supplies have been renewed, (ie the Mosgiel Water Supply in 2007). The outcome of this renewal process has been an increase in the volume of water granted as primary allocation to account for population growth. This consented volume exceeds that which was consented at 28 February 1998.

Policy 6.4.2A, recently added under Plan Change 1C, allows for existing primary allocations of water used for community water supplies to be granted more water than has been allocated in the past where there is evidence that growth is reasonably anticipated. This shows a clear acknowledgement within the Regional Plan that irrespective of measures to improve the efficiency, community water supplies will in general experience increasing demand through population growth. Consequently it is appropriate to acknowledge that the volume of water consented for abstraction by community water supplies listed in Schedule 3B in the future is unlikely to be less than the volume required at the time Plan Change 4A was notified.

Therefore, as Rule 12.2.2A.1 makes reference to Schedule 3B, which has been modified under this plan change to include the Mosgiel Water Supply, the Dunedin City Council considers it appropriate to consider the taking of any volume or rate for Schedule 3B community water supplies authorised at 18 September 2010 (the date of notification of Plan Change 4A) a controlled activity.

Of note, Rule 12.2.2A.1 makes reference to Section 93 and Section 94(1) of the RMA, both of which have been repealed by Section 76 of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 and replaced by Sections 95A and 95E, respectively.

The Dunedin City Council seeks the following decisions:

- Amend the wording Policy 12.2.2A.1 as follows:

*"The taking and use of groundwater for community water supply, up to any volume or rate authorised as at ~~28 February 1998~~ 18 September 2010, by any take identified in Schedule 3B is a **controlled** activity."*
- Consequential amendments to Rule 12.2.2A.1 resulting from the repealing of Section 93 and 94(1) of the Resource Management Act 1991 by Section 76 of the Resource Management (Simplifying and Streamlining) Amendment Act 2009.

E Schedule 3B

The Dunedin City Council **supports** the inclusion of the 'Mosgiel Water Supply' in Schedule 3B.

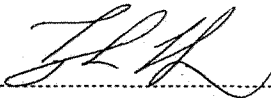
The Dunedin City Council seeks the following decisions:

- Retain Schedule 3B as proposed.
-

3. The Dunedin City Council wishes to be heard in support of its submission.

4. If other parties make a similar submission, the Dunedin City Council would be prepared to consider presenting a joint chase with them at any hearing.

Signature:



Date:

15 October 2010

Address for Service:

C/- Consent & Compliance Officer
Water and Waste Services
Dunedin City Council
PO Box 5045
Dunedin 9058

Telephone:

(03) 477 4000

Facsimile:

(03) 474 3468



SUBMISSION FORM
Proposed Plan Change 4A
(Groundwater and North Otago Volcanic Aquifer)
to the Regional Plan: Water for Otago

Form 5, Clause 6 of the First Schedule, Resource Management Act 1991.

OTAGO REGIONAL COUNCIL
 RECEIVED DUNEDIN
 18 OCT 2010
 FILE No. Reg Pol/Per/Water/4A/03
 DIR TO SV MRP

3

Office use only

Full name of submitter: John Joseph Laing
 Name of organisation (if applicable): Waitaki Coast Care
 Postal address: Postal Delivery Centre
 Kakanui
 Postcode:
 Telephone: 03 4395 337
 Fax:
 Email: john.laing@rocketmail.com

I wish (do not wish) (circle preference) to be heard in support of my submission.
 If others made a similar submission, I will consider presenting a joint case with them at a hearing.
 (Cross out if you would not consider presenting a joint case).

Signature of submitter: *Laing* Date: 14.10.2010
 (or person authorised to sign on behalf of person making submission).

Please note that all submissions are made available for public inspection.

The parts of the proposed plan change that my submission relates to are:

- (Give clear references if possible e.g. reference number, policy x, rule y)
- P15 3.2 Current groundwater quality.
 - P21 4.3 Determination of groundwater recharge.
 - P35 5.2.1 National Environmental Standards
 - P36 5.3.1 State of the Environment monitoring
 - P51 6.5 Groundwater modelling discussion.
 - P57 7.2 Groundwater quality management.

My submission is:

(Include whether you support, oppose, or wish to have amended the parts identified above, and give reasons)

- 3.2 - Nitrate-nitrate nitrogen concentrations in the aquifer are a health concern.
- 4.3 - Recharge patterns are complex and irregular.
- 5.2.1 - Kakanui township draws water supply from the Kakanui River within the aquifer.
- 5.3.1 - Monitoring is integral in groundwater management.
- 6.5 - Recharge is haphazard.
- 7.2 - Human activity has raised nitrate-nitrogen concentrations.

Please turn over



SUBMISSION FORM
Proposed Plan Change 4A
(Groundwater and North Otago Volcanic Aquifer)
to the Regional Plan: Water for Otago

Form 5, Clause 6 of the First Schedule, Resource Management Act 1991.

Office use only

Full name of submitter: John Joseph Laing
 Name of organisation (if applicable): Waitaki Coast Care
 Postal address: Postal Delivery Centre
Kakanui Postcode:
 Telephone: 03 4395337 Fax:
 Email: john.laing@rocketmail.com

I wish (do not wish) (circle preference) to be heard in support of my submission.

If others made a similar submission, I will consider presenting a joint case with them at a hearing.
 (Cross out if you would not consider presenting a joint case).

Signature of submitter: (Laing) Date: 14-10-2010
 (or person authorised to sign on behalf of person making submission).

Please note that all submissions are made available for public inspection.

The parts of the proposed plan change that my submission relates to are:

(Give clear references if possible e.g. reference number, policy x, rule y)

- 8.1. P60 - seawater intrusion risk.
- 8.2 P60 - Groundwater level pumping restrictions.
- 8.3 P61 - Groundwater volume allocation limit.
- 8.4 P61 - Elevated groundwater nitrate management.
- 8.5. P61 - Bore construction.

My submission is:

(Include whether you support, oppose, or wish to have amended the parts identified above, and give reasons)

- 8.1 - support.
- 8.2 - strongly oppose any relaxing of restrictions
- 8.3 - strongly oppose increasing the allocation limit.
- 8.4 - support any measure to clean up and reduce pollution of the aquifer.
- 8.5 - support better management of aquifer.

I seek the following decision from the local authority:

(Give precise details e.g. changes you would like made)

Before considering any allocation limit
increase collection of aquifer data so a
precise and correct decision is made. Present
water extractors need to be better monitored,
on what they are taking.

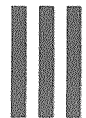
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SUBMISSIONS MUST BE RECEIVED BY 5.00 PM, MONDAY 18 OCTOBER 2010.

Please fold and secure with a small piece of tape.

Fold

FreePost Authority ORC 1722



Otago Regional Council

Private Bag 1954
Dunedin 9054

Attention Policy Team

When reading the North Otago Volcanic Aquifer Study it is apparant that the aquifer is

- 1) polluted
- 2) recharged by complex patterns that are not fully understood or studied.
- 3) not fully monitored by water extractors or O.R.C.
- 4) being eyed for future irrigation water.

When I attended the 2 workshops on the aquifer the Science being promoted by the O.R.C. didn't match the opinions, feedback, stories, observations, anecdotes and issues being expressed by the community present.

Read the "Theme of Meeting Notes from Workshop 1 - 09-09-09".

The O.R.C. appear to be determined to increase consents to take water from the aquifer up to 7Mm³ by combining two aquifers inspite of of concerns being raised by present consent holders and other workshop participants.

Consent holders and other workshop participants expressed concern about the lack of data

to base decisions on. Data is compromised without declaration of volume used by extractors. to provide data for the science to accurately inform everyone.

What I find quite alarming is the fact that consents are given for 35 years! If more water is allocated on little data for 35 years it would appear to me to be a good chance of the aquifer to be over allocated.

We are all in this together. The greatest problem is not knowing.

Form 5

Submission on publicly notified proposal for policy statement or plan

Clause 6 of First Schedule, Resource Management Act 1991

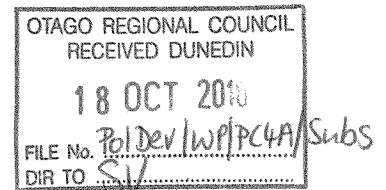
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To **The Chief Executive**

 Otago Regional Council

 Private Bag 1954

 DUNEDIN 9054



Name of submitter: The Director-General of Conservation

This is a submission on the Proposed Plan Change 4A (Groundwater and North Otago Volcanic Aquifer) to the Regional Plan: Water for Otago (the Proposal).

The specific provisions of the Proposal that my submission relates to are:

As set out in Attachment One.

My submission is:

As set out in Attachment One.

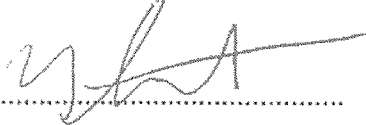
I seek the following decision from the local authority:

- a) That the Proposal be retained or amended as set out under the headings "Decisions sought in Attachment One or given full effect to;
- b) That any other consequential amendments to the Regional Plan: Water for Otago required to explain or give full effect to these changes be made.

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

* If others make a similar submission, I will consider presenting a joint case with them at a hearing.

.....
Signature of submitter
Kenneth Murray Stewart
Community Relations Manager
Otago Conservancy
Department of Conservation
Pursuant to a delegation from the Director-General of Conservation



.....
18th October 2010

(A signature is not required if you make your submission by electronic means.)

Address for service of submitter:	PO Box 5244 DUNEDIN 9012
Telephone:	(03) 477 0677
Fax/email:	(03) 477 8626
Contact person: [<i>name and designation, if applicable</i>]	Bruce Hill Community Relations Officer Ph (03) 474-6959 Email fbhill@doc.govt.nz

ATTACHMENT ONE

Additions are shown in double underline, deletions shown in ~~double strikethrough~~.

1. Policy 6.4.10A **To enable the taking of groundwater**

The Director-General of Conservation (Director-General) requests that the following amendment be made to Policy 6.4.10A so that populations of threatened indigenous fish that inhabit waterways recharged in part from the following three aquifers are not adversely affected by overallocation.

Decision Sought

6.4.10A **To enable the taking of groundwater by:**

a) In each aquifer other than any in Schedule 2C or within 100 metres of a connected perennial surface water body, defining a quantity known as the maximum allocation volume, which is:

a)(i) For aquifers in Schedule 4A,

a)(ii) With the exception of those aquifers detailed in a)iii), for aquifers other than those in Schedule 4A....

a)iii) For the following aquifers:

1) Manuherikia claybound aquifer, the Manuherikia alluvium aquifer, the Dunstan Flat aquifer and the Earnscliffe Terrace aquifer;

2) The Maniototo tertiary aquifer; and the

3) Cardrona alluvial ribbon and Wanaka Basin Cardrona gravel aquifer;

either

a limit which is 35% of the calculated mean annual recharge: or

the sum of the maximum annual take for that aquifer at 10 April 2010, less any quantity in a consent where:

(A) All the water taken is immediately returned to the aquifer or connected surface water body;

(B) The consent has been surrendered or has expired (except where the quantity has been granted to the existing consent holder as a new consent);

(C) The consent has been cancelled (except where the quantity has been transferred to a new consent under Section 136(5));

(D) The consent has lapsed;

2. To enable the carrying through of the amendments sought in 1) above to policy 6.4.10A the Director-General requests the following amendment be made.

Decision Sought

Explanation- 6.4.10A To enable the taking of groundwater by:
6.4.10A Explanation (paragraph 2):

Sustainable allocation of groundwater will be achieved by considering as restricted discretionary activities, those applications where:

- (i) The individual take would not cause the cumulative take
- (ii) Relevant aquifer restriction levels (including those in Policy 6.4.10(a)iii) are met.

3. **Policy 6.4.10AB- To define restriction levels where needed to protect aquifer properties and water storage.**

The Director-General considers that groundwater restriction levels also have a significant role in assisting in sustaining the life supporting capacity of aquifers and therefore requests that the following amendment be made to Policy 6.4.10AB Explanation.

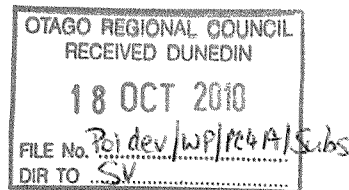
Decision Sought

Explanation

Groundwater restriction levels can be useful..... They can assist in avoiding land subsidence, aquifer compression, and reduced outflows to surface water and sustaining the life supporting capacity of aquifers.

4. **Schedule 4A Maximum allocation for groundwater takes from aquifers**

The Director-General supports the proposed maximum allocation of 5 million cubic metres per year from the North Otago Volcanic Aquifer as he considers this allocation will sustain the said aquifer's life supporting capacity. He also notes the proposed allocation is consistent with the relevant allocations in the proposed National Environmental Standard on Ecological Flows and Water Levels.



**Submission to Otago Regional Council on
Proposed Plan Change 4A to the Regional
Plan: Water for Otago
(Groundwater and North Otago Volcanic
Aquifer)**

From

Contact Energy Limited

18 October 2010

2

3

**SUBMISSION BY CONTACT ENERGY LIMITED ON PROPOSED PLAN CHANGE
4A TO THE REGIONAL PLAN: WATER FOR OTAGO
(Groundwater and North Otago Volcanic Aquifer)**

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
Harbour City Tower
29 Brandon Street
WELLINGTON

Telephone: 0-4-462 1284

Facsimile: 0-4-463 9261

Email: rosemary.dixon@contactenergy.co.nz

Contact Energy Limited ("Contact") wishes to be heard in support of this submission.

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

INTRODUCTION

1. Contact was formed in 1995 and acquired its initial portfolio of electricity and gas assets from ECNZ in early 1996. It has added substantially to those assets since then and is one of New Zealand's largest energy companies, generating about 26 per cent of the country's total electricity with 1,960 MW of installed capacity.
2. Contact has approximately 500,000 retail electricity customers, 70,000 reticulated natural gas customers and 54,400 LPG customers. It is listed on the New Zealand Stock Exchange and has about 83,000 shareholders and around 1,000 staff located around the country.

PLAN CHANGE 4A SHOULD RECOGNISE AND PROVIDE FOR EXISTING LAWFUL USES, SUCH AS HYDRO GENERATION

3. Water is an important resource to Otago's people and communities, particularly due to its use for hydro-electric power generation. In the Clutha River/Mata-au catchment, electricity is generated at Clyde and Roxburgh Power Stations which Contact owns and operates.
4. The generation capacity of Clyde is 432 MW, and of Roxburgh 320 MW. Between them they supply approximately 10% of New Zealand's electricity needs. These hydro facilities also contribute significantly to meeting New Zealand's security of supply requirements.
5. In helping meet this security of supply requirement, this power generation relies on flexibility, on the efficient use by others of water in the catchment and fundamentally on the availability of water.

Relationship of Plan Change 4A to hydro generation

6. Most aquifers share a hydrological connection with adjoining surface water bodies. The plan change acknowledges this (see Policy 6.4.1A, Explanation). The degree of connection varies in significance with location.
7. Groundwater takes have the potential to affect the quantity of water available in surface water bodies because of this hydrological connection. There is a risk that groundwater takes may cumulatively impact upon the availability of water for existing uses, such as hydro-electric generation.
8. Contact considers that the Water Chapter dealing with quantity of water for groundwater needs to acknowledge and provide for existing lawful uses and their need for water, specifically hydro-generation.

Ensuring that water is available for hydro generation is appropriate and necessary

9. Section 7(j) of the Resource Management Act 1991 (RMA) provides for the generation of renewable energy, such as hydro generation, as a matter of national importance. Section 7(j) of the RMA requires all persons exercising functions and powers under the RMA to have particular regard to the benefits to be derived from the use and development of renewable energy.
10. The Otago Regional Policy Statement (RPS) recognises the importance of existing and potential hydro-generation from the Region (see for example, Chapter 12.1, paragraph 12.2.2). Objective 12.4.3 encourages use of renewable resources to produce energy. Policy 12.5.2 (a) encourages energy production facilities drawing on the region's renewable energy resources. Method 12.6.3 is to "develop policies and strategies that

encourage and promote the use and development of renewable energy resources".
Under the RMA ORC is required to "give effect to" its RPS (s.67(3)(c) RMA).

11. The corollary is that Change 4A should recognise and provide for hydro-generation where appropriate.

PROPOSED PLAN CHANGE 4A: SCHEDULE 4C

12. Schedule 4C.1 provides a list of relevant matters to be considered when setting maximum allocation volumes for aquifers not currently the subject of specific allocation. A proposed or existing maximum allocation volume is a consideration for the subsequent setting of restriction levels in Schedule 4B for an aquifer (Schedule 4C.2).
13. Although Schedule 4C.1 identifies the interaction with surface water bodies as an issue, this could be read as relating solely to the ecological values of such water bodies. The Schedule needs to identify the potential cumulative effect on surface water uses, including hydro generation as a matter for consideration.

Relief sought

14. **Add** to Schedule 4C as follows or to like effect (new text underlined):

4C.1 *When setting maximum allocation volumes in Schedule 4A for an aquifer, consideration will be given to the following matters:*

...

(d) *Interaction with surface water bodies and their values, including the potential for groundwater takes to have a cumulative adverse effect on existing lawful surface water uses such as hydro-electric generation.*

15. Any other consequential changes as are necessary to give effect to the relief sought above.



Rosemary Dixon

Special Counsel - Environment

Contact Energy Limited

Date: 18 October 2010

Form 5
Submission on publicly notified proposal for policy statement or plan

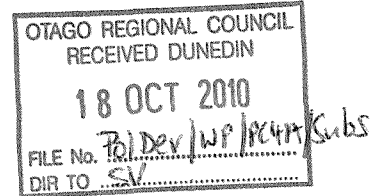
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Clause 6 of First Schedule, Resource Management Act 1991

To **OTAGO REGIONAL COUNCIL**

Name of submitter: **CLUTHA DISTRICT COUNCIL**

This is a submission on a proposed change to the following plan (the **proposal**):



Regional Plan: Water for Otago (Proposed Plan Change 4A Groundwater and North Otago Volcanic Aquifer).

The specific provisions of the proposal that our submission relates to are:

Provisions relating to community water supplies.

Our submission is:

We seek **amendments** to these provisions, to better provide for security of supply, as set out below.

Community water schemes need security of supply, as they provide for the health of communities and stock. Rural supplies also provide environmental benefits, by providing more efficient stock water supplies and avoiding direct stock access to waterways. Therefore we consider that such supplies (excluding any component for irrigation) should have absolute protection under the Water Plan.

Accordingly, we **support** the addition of the Clydevale / Pomahaka take to Schedule 3B, and the provision for "connected" groundwater takes for community supply as per Schedule 3B to be exempt from minimum flow requirements.

However, the relevant Rule 12.2.2.A1 limits the volume / rate of the exemption to that authorized at 28 Feb 1998. The background information says that for the Clydevale / Pomahaka Scheme this would be the combined total for the two previous consents, but this is not clearly carried through into the rule. We **request** that this be made explicit in the rule, or preferably, the restriction be removed.

To address this issue in a more general way, we also **request** an addition to Policy 6.4.8 to recognize that where a take is relocated to a new source where there is less allocation pressure, then the existing rights to exemption from minimum flows should be retained. This would cover Clydevale / Pomahaka, and facilitate any future similar moves.

To ensure consistency and certainty, we **request** that the new Waipahi Water Supply be added to Schedule 1B.

To reflect community water supply values appropriately, we **request** that Schedules 1B and 3B

apply to all identified community water supplies and that all references to it only applying to supplies in place at 28 February 1998 be deleted.

We **oppose** the removal of the reference in the explanation for Policy 6.4.8 to “while ensuring sufficient supply under low flow conditions so that human health and safety are not compromised”. The key purpose of community water supplies is to provide for health and safety, and it would be dangerous and inappropriate to try to ignore this.

We seek the following decision from the local authority:

Policy 6.4.8

- Add “Where a community water supply intake is relocated to a point where the same or more water is available for allocation, then the existing rights under Schedules 1B or 3B shall transfer to the new location.”
- Retain the phrase “while ensuring sufficient supply under low flow conditions so that human health and safety are not compromised” in the explanation.

Rule 12.1.3.1

- Paragraph 1, delete “, up to any volume or rate authorised as at 28 February 1998,”

Rule 12.1.6 – Principal reasons for adopting

- Paragraph 4, delete “existing”

Rule 12.2.2A.1

- Paragraph 1, delete “, up to any volume or rate authorised as at 28 February 1998,”

Rule 12.2 – Principal reason for adopting

- Paragraph 5, delete “existing”, amend “1B” to “3B”

SCHEDULE 1B: WATER SUPPLY VALUES

- Paragraph 1, 1st sentence, delete “existing”
- Paragraph 1, 2nd sentence, delete “have come to”

Schedule 1B

- Add “Waipahi River Waipahi Water Supply at G45: 196488”

Proposed addition to Schedule 3B

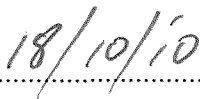
- Amend reference 13, Clydevale-Pomahaka Water Supply by deleting “volume as at 28/2/98: 2082 m³/day”

We wish to be heard in support of our submission.

If others make a similar submission, we will consider presenting a joint case with them at a hearing.



.....
Signature of submitter
(or person authorised to sign
on behalf of submitter)



.....
Date

Address for service of submitter: PO Box 25, Balclutha 9240

Telephone: 03 419 0200

Fax/email: murray.brass@cluthadc.govt.nz

Contact person: *[name and designation, if applicable]* Murray Brass, Planning and Environment Manager

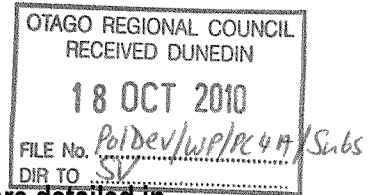
**SUBMISSION ON PROPOSED PLAN CHANGE 4A – Groundwater and North Otago Aquifer
TO THE REGIONAL PLAN – Water for Otago**

TO: Otago Regional Council

SUBMISSION ON: Proposed Plan Change 4A to the Regional Plan – Water for Otago

NAME: Horticulture New Zealand

ADDRESS: PO Box 10 232
WELLINGTON



1. Horticulture New Zealand’s submission, and the decisions sought, are detailed in the attached schedules:

- Schedule 1 Chapter 6 Water Quantity
- Schedule 2 Chapter 12 Rules
- Schedule 3 Chapter 15 Methods other than Rules
- Schedule 4 Schedules

2. Horticulture New Zealand wishes to be heard in support of this submission.

3. Background to Horticulture New Zealand and its RMA involvement:

3.1 Horticulture New Zealand was established on 1 December 2005, combining the New Zealand Vegetable and Potato Growers’, New Zealand Fruitgrowers’ and New Zealand Berryfruit Growers Federations, and also includes Olives New Zealand.

3.2 This submission is made by Horticulture New Zealand in conjunction with North Otago Vegetable Growers Association.

3.3 On behalf of its 7,000 active grower members Horticulture New Zealand takes a detailed involvement in resource management planning processes as part of its National Environmental Policies. Horticulture New Zealand works to raise growers’ awareness of the RMA to ensure effective grower involvement under the Act, whether in the planning process or through resource consent applications. The principles that Horticulture New Zealand considers in assessing the implementation of the Resource Management Act 1991 (RMA) include:

- The effects based purpose of the Resource Management Act,
- Non-regulatory methods should be employed by councils;
- Regulation should impact fairly on the whole community, make sense in practice, and be developed in full consultation with those affected by it;
- Early consultation of land users in plan preparation;
- Ensuring that RMA plans work in the growers interests both in an environmental and “right to farm” sense.

Thank you for the opportunity to comment on the Proposed Plan Change 4A.



Chris Keenan
Manager, Resource Management and Environment

Date: 18 October 2010

Address for Service:

Chris Keenan
Manager – Resource Management and Environment
Horticulture New Zealand
P O Box 10-232
WELLINGTON
Phone: DDI (04)470 5669
(04) 472 3795
Facsimile: (04) 471 2861
Mobile 027 668 0142
Email: chris.keenan@hortnz.co.nz

SCHEDULE ONE: Chapter 6 – Water Quantity

1.1 Policy 6.4.10AB Setting restriction levels

Policy 6.4.10AB is proposed to provide a framework for establishing restrictions in groundwater takes to protect an aquifer from over depletion. It is accepted that there may be a need to set restriction levels, however there are concerns with the approach.

The key to setting a minimum level, and hence restrictions, is the extent of the recharge. While an aquifer level may be reduced during the summer the recharge will return it to higher levels. There needs to be clear reasons why a restriction would be set significantly higher than the extent of the recharge volume.

Decision Sought: Add to the Explanation that the extent of the aquifer recharge volumes will be an important part of establishing restriction levels.

1.2 Policy 6.4.10AC Avoid aquifer contamination

Plan Change 4A introduces a policy to avoid contamination of aquifers from a range of sources. Point d) refers to setting aquifer restriction levels.

Policy 6.4.10AB introduces a new policy to define restriction levels **where needed** to protect aquifer properties. The explanation to the policy clearly identifies that restrictions are not anticipated on all aquifers.

Policy 6.4.10AC d) should therefore be 'Setting aquifer restriction levels where needed' to reflect the intent of Policy 6.4.10AB.

Decision Sought: Amend Policy 6.4.10AC d) to read: Setting aquifer restriction levels where needed.

1.3 Policy 6.4.10AC Avoid aquifer contamination

Policy 6.4.10AC f) requires monitoring of groundwater quality and levels but the explanation provides no guidance as to who is to undertake the monitoring. It is assumed that this will be undertaken by the Council but the policy should make it clear who is to undertake such monitoring.

Decision Sought: Amend Policy 6.4.10AC Explanation by adding a new sentence as follows:

Monitoring of groundwater quality and levels will be undertaken by Otago Regional Council.

SCHEDULE TWO: Chapter 12 - Rules Groundwater

2.1 Permitted Activity Rule 12.2.2.2

Changes are proposed to simplify and streamline the permitted activity rules for taking of groundwater, to generally provide for permitted takes of 25m³/day. Those areas where the current volume is 10 m³ /day will benefit, while those where the current volume is 30 m³ /day are penalised.

In addition the structure of the rule has not been amended to reflect the proposed change. It would be much clearer if clause e) was renumbered as clause a) so it is clear at the outset what the permitted volume is.

The Section 32 Report identifies that the intent is to be consistent with the permitted surface water volumes of 25m³/day. The effects on an aquifer are different to those on surface water and there should be effects based reasons for the change other than a desire for consistency. There is no indication of a technical reason to restrict takes within current 12.2.2.2 c) to 25m³/day. The effect of the change is that a user operating within the 30m³/day would have to apply for a consent if the take is to exceed 25m³/day. This could be a considerable cost for no demonstrated resource management reason.

Decision Sought: Retain Rule 12.2.2.2 b) and c) and e) as currently provided for in the Regional Plan: Water for Otago; or
Amend Proposed Rule 12.2.2.2 e) to 30,000 litres per day and relocate the clause as clause a) and renumber subsequent clauses.

2.2 Rule 12.2.2A.1 Controlled Activity Community water supply

The addition of clause a) to consider a restriction level is supported. However the matter of control should also enable Council to consider how the water restriction may be met. It is considered that an application for community water supply should specify measures that would be taken to meet restrictions that may be imposed.

Decision Sought: Amend Rule 12.2.2A.1 a0 to read: The need to observe a restriction level and how that level may be met.

2.3 Rule 12.2.3.4 Restricted Discretionary Activity considerations.

It is proposed to add three new clauses to Rule 12.2.3.4 including:

- Maximum allocation volume for the aquifer; and
- Mean annual recharge of that aquifer; and
- The effect of the take on the physical properties of the aquifer.

Unless there is a maximum allocation volume specified in the plan the current default level is 50% of mean annual recharge of that aquifer. It is unclear why both would be required to be considered as part of a consent application.

It is also considered that the effect of the take on the physical properties of the aquifer could lead to extensive requirements as part of a consent application. The Section 32

Report identifies that restriction levels and maximum allocation volumes are set to protect the physical properties of an aquifer. Where there is not a restriction level and the default applies there Report identifies that Council should be able to consider the effect of an individual take on the properties of the aquifer.

However the current wording in Rule 12.2.3.4 c) is not limited to where the default applies.

In addition it is considered that the Council should clearly specify the matters that would be considered under clause c) so it is clear to an applicant the extent to information required because 'Physical properties of the aquifer' is open to interpretation as to what may be required.

Decision Sought: Amend Rule 12.2.3.4 as follows:

- a) Maximum allocation volume for the aquifer; **or**
- b) Mean annual recharge of that aquifer; and
- c) The effect of the take on the physical properties of the aquifer

Specify the physical properties that would be considered under clause c).

SCHEDULE THREE: Chapter 15 – Methods other than Rules

3.1 15.8.3 Methodology for calculating assessed maximum annual take for groundwater

The purpose of establishing an assessed maximum annual take is to be able to establish the difference between the take level and the maximum allocation volume, and hence how much water is available for allocation.

Method 15.8.3 sets out a methodology for establishing the assessed maximum annual take, especially where volumes may not be specified on a consent, therefore making a determination of the annual take somewhat problematic.

The proposed methodology is supported to the extent that it does not take the 'worst case' scenario which would severely limit the amounts available for allocation, even though the amounts of a worst case scenario may never be taken.

While a methodology is need to assess volumes there are concerns about extrapolating litres/sec into an annual volume. If the consented amounts are inaccurate then the inaccuracy is being extrapolation from potentially per second to per year. A small error per second becomes a very large error per year and then aggregated up across the whole district. There should be provision for adjustments if such extrapolations clearly indicate unrealistic figures that consequently distort the assessed volumes. Such figures may need to be ground-truthed to establish the robustness of the derived figures.

When applied in conjunction with a restrictions level the physical properties of the aquifer are protected so the 'balanced' approach as proposed is supported.

The method should make it clear that the purpose is to establish the assessed maximum annual take and not be used to limit an individual consent.

Decision Sought: Add an additional point d) to Method 15.8.3 as follows:
Where volumes have been calculated on weekly or litres/ second the volumes will be ground-truthed and adjusted if required to reflect actual usage volumes.

Add to the Explanation: The purpose of the method is to establish the assessed maximum annual take and will not be used to limit an individual consent.

SCHEDULE FOUR: Schedules

4.1 Schedule 4A Maximum allocation volumes for groundwater from aquifers

Plan Change 4A seeks to set a maximum volume for the North Otago Volcanic Aquifer of 5 Mm³ /year.

Currently the default volume of 50% of mean annual recharge is 10 Mm³ /year.

The technical recommendation is to set a volume of 7 Mm³ /year.

The Section 32 Report states that the assessed annual take would be about 4 Mm³ /year, leaving a small amount for further takes.

The justification for not using the technical recommendation of 7 Mm³ /year appears to be that it does not consider wider matters such as social and economic benefits of taking and using water. However by proposing a 5 Mm³ /year volume it would seem that such matters have not been taken into account as the economic benefits would support the 7 Mm³ /year volume. The volume is seen to balance 'community concerns' and the technical recommendations. However the nature of the 'community concerns' appear to be more related to the ability to fully exercise a consent because of shallow or poorly constructed bores and interference from bores, rather than insufficient water. It is considered that future users should not be penalised because some bores may be shallow or poorly constructed. By limiting the volume for that reason provides no incentive for such bores to be better constructed.

The Technical Group has in all likelihood already struck a balance in making their recommendation that the sustainable allocation limit should be set at 7 Mm³/year. These groups often err on the side of caution, so to add a further level of cautionary measures seems to be overly conservative in the guise of taking a balanced approach. A balanced approach would be assessing the current consent level as 4 Mm³/year, a maximum sustainable yield of 10 Mm³/year and recommending an allocation limit of 7 Mm³/year. This would support a balanced cautionary approach by implementing the Technical Group's recommendation of 7 Mm³/year, which is already 30% below the aquifers 50% mean annual recharge.

As indicated in the Section 32 Report the effect of the volume will be dependent on how the assessed maximum annual take volume is established. If the worst case scenario methodology is used there would be no scope for new takes in the area.

Decision Sought: Amend Schedule 4A North Otago Volcanic Aquifer to 7 Mm³ /year.

4.2 Schedule 4B Restriction levels for groundwater takes

Changes are proposed to Schedule 4B to identify the North Otago Volcanic Aquifer as a single unit and to amend the restriction volumes accordingly. However the Section 32 Report does not provide details as to how the restriction levels for the North Otago Volcanic Aquifer have been established. In the absence of the rationale it is difficult to determine whether the levels are appropriate.

For instance: data is not provided on how often such levels may be anticipated to be

obtained given current consented and assessed maximum allocation volumes and the relationship of the restriction levels to annual recharge volumes.

Decision Sought: Provide rationale for restriction levels for groundwater takes in Schedule 4B for the North Otago Volcanic Aquifer and amend if technical rationale supports lower levels.

- 4.3 Schedule 4C Matters to be considered when setting maximum allocation volumes and restriction levels for aquifers.

Schedule 4C sets out the matters that would be considered when setting maximum allocation volumes and restriction levels for aquifers and supports Policy 6.4.10A and new Policy 6.4.10AB and applies Method 15.8.3.

Generally the matters listed are supported, however there should be greater consideration of the relationship between the annual recharge volume and the minimum volume before restrictions apply. As stated in respect to Policy 6.4.10AB the key to setting a minimum level, and hence restrictions, is the extent of the recharge. While an aquifer level may be reduced during the summer the recharge will return it to higher levels. There needs to be clear reasons why a restriction would be set significantly higher than the extent of the recharge volume.

Of note is the consideration of physical properties of the aquifer which comment has been made in the context of Rule 12.2.3.4 above.

Decision Sought: Retain matters identified in Schedules 4C1 and 4C2 but amend 4C.2 c) by adding “and the extent to which the aquifer recovers from maximum allocation volumes.”



SUBMISSION FORM
Proposed Plan Change 4A
(Groundwater and North Otago Volcanic Aquifer)
to the Regional Plan: Water for Otago
Form 5, Clause 6 of the First Schedule, Resource Management Act 1991.

8

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Full name of submitter: Max Stuart Wilson + Cheryl Anne Wilson

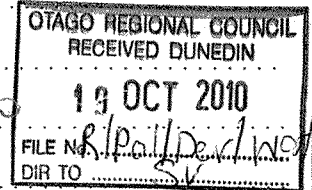
Name of organisation (if applicable):

Postal address: 141 Roundhill Road R.D. 19D Oamaru

Postcode:

Telephone: 03-4395510 Fax: 03-4395510

Email: cf-findlay@farmconsulting.co.nz



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030

I wish to be heard in support of my submission.

If others made a similar submission, I will consider presenting a joint case with them at a hearing.
 (Cross out if you would not consider presenting a joint case).

Signature of submitter: [Signature] Date: 15/10/2010
 (or person authorised to sign on behalf of person making submission).
James Findlay

Please note that all submissions are made available for public inspection.

The parts of the proposed plan change that my submission relates to are:

(Give clear references if possible e.g. reference number, policy x, rule y)

3.1.3. "Setting a maximum allocation volume for the North Otago Volcanic Aquifer"

My submission is:

(Include whether you support, oppose, or wish to have amended the parts identified above, and give reasons)

I support option 2 where the allocation is set at 7mm³/year.

Option 5 as recommended is unnecessary when the other changes are made.

I seek the following decision from the local authority:

(Give precise details e.g. changes you would like made)

Fall from option 5 in paragraph 3.1.3
+ implement option 2

Fold

SUBMISSIONS MUST BE RECEIVED BY 5.00 PM, MONDAY 18 OCTOBER 2010.

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Fold

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Dunedin 9054

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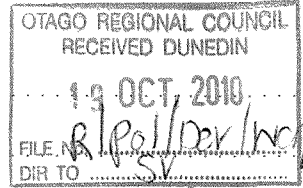


SUBMISSION FORM
Proposed Plan Change 4A
(Groundwater and North Otago Volcanic Aquifer)
to the Regional Plan: Water for Otago

Form 5, Clause 6 of the First Schedule, Resource Management Act 1991.

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Full name of submitter: **KENNETH JOHN KEEN**

Name of organisation (if applicable):

Postal address: **BLINK BONNIE 6 O.R.D. OAMARU**

Postcode: **9495**

Telephone: **03-4395525**

Fax:

Email: **KZKEEN@ACTRIX.CO.NZ**

I wish / do not wish (circle preference) to be heard in support of my submission.

If others made a similar submission, I will consider presenting a joint case with them at a hearing.
 (Cross out if you would not consider presenting a joint case).

Signature of submitter: *K J Keen*

Date: **15 October 2010**

(or person authorised to sign on behalf of person making submission).

Please note that all submissions are made available for public inspection.

The parts of the proposed plan change that my submission relates to are: **Proposed Plan Change 4A Groundwater + Nth. Otago Aquifer**

4B

My submission is:

(Include whether you support, oppose; or wish to have amended the parts identified above, and give reasons)

My submission is to have the restriction levels to not include community water supplies.

My reasons are simply that a community can not dry off their cows and not use as much water as they were accustomed to, even though they can and do conserve water if requested.

I seek the following decision from the local authority:

(Give precise details e.g. changes you would like made)

The MAHENO WATER COMMITTEE INCORPORATED
BORE to be exempt from such a harsh regime
as indicated in Schedule 4B.



SUBMISSIONS MUST BE RECEIVED BY 5.00 PM, MONDAY 18 OCTOBER 2010.

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Otago Regional Council
Private Bag 1954
Dunedin 9054

Attention Policy Team