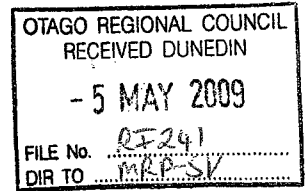


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Form 6

Further submission on publicly notified proposal for policy statement or plan

Clause 8 of First Schedule, Resource Management Act 1991



To: Otago Regional Council

Name of submitter: Dunedin City Council (Water and Waste Services)

This is a further submission in support of and in opposition to submissions on a proposed change to the following plan (the proposal):

Proposed Plan Change 1C (Water Allocation and Use) Regional Plan: Water for Otago

Introduction

The Dunedin City Council submitted on Plan Change 1C as part of its responsibilities under various pieces of legislation relating to the provision of public water supplies. In order to continue to fulfil those responsibilities a number of submissions from other parties have been considered and the need for further submissions identified.

The specific submissions to the proposal that our further submission relates to are as follows:

1. Mount Cardrona Station Limited (Submitter 28)

Mt Cardrona Station Limited submitted as follows in relation to Policy 6.4.11:

"Support the change made to Policy 6.4.11 but also request that this policy be further amended to include the following "To provide for the suspension of taking of water or the imposition of significant water use restrictions in the case of water takes for community or public water supply purposes at the minimum flows or aquifer restriction levels set under this Plan". The similar amendment should be made to Rule 12.1.4.9"

We support this submission because the imposition of water use restrictions for community or public water takes is preferable to the suspension of such takes during low flows as it recognises that the provision of water is fundamental to ensuring the health and safety of people and communities, the importance of which is recognised in section 5 of the Act.

We seek that the part of Mt Cardrona Station Limited's submission in relation to Policy 6.4.11 and Rule 12.1.4.9 be allowed and that these provisions be amended as per the submission.

2. Kakanui Riverwatch Society Inc (Submitter 30)

Kakanui Riverwatch Society Inc submitted as follows in relation to Policy 6.4.0B:

"6.4.C [sic] Bearing in mind that water is going to become scarcer and more valuable, rather than freeing up the movement of consents we think they should become more restrictive."

We oppose this submission because the ability to transfer consents to different locations as water becomes scarcer and more valuable is crucial so that water can be utilised by the most efficient and/or highest value users.

We seek that the part of Kakanui Riverwatch Society Inc's submission in relation to Policy 6.4.0B be disallowed and that the philosophy of that section of the submission is not integrated into the Regional Plan: Water for Otago.

3. Otago Water Resource Users Group (“OWRUG”) (Submitter 41)

OWRUG submitted as follows in relation to the Explanation to Policy 6.4.0C:

“4.4 Explanation [of Policy 6.4.0C]: second paragraph –

- (a) *The consideration to be made by the Council in deciding on the consent application is not solely “efficiency”. The consideration covers all of the matters listed (a)-(d) which are not exclusive.*
- (b) *We request that the paragraph be amended to read:*
 - (i) *“The Council may decline a consent application if it ~~considers~~ taking from another source of water is achievable and is a more efficient appropriate allocation of the water resource.”*

We **oppose** this submission because we do not consider that it is within the Otago Regional Council’s jurisdiction to determine consent applications based on whether alternatives are ‘more appropriate’. Council decisions on specific takes should be solely on the basis of effects of the activity that has been applied for on the environment.

We seek that the part of OWRUG’S submission relating to changes to the second paragraph of the explanation of Policy 6.4.0C be **disallowed** and that the suggested amendments are not included in the Regional Plan: Water for Otago.

4. TrustPower Limited (Submitter 51)

TrustPower Limited submitted as follows in relation to Policy 6.4.0C:

5.2 *...TrustPower **supports in part** Policy 6.4.0C though requests that it be clarified that the first-in-first-served approach under the RMA is unaffected by this Policy. TrustPower also request that further recognition of HEPS be included in this policy due to the importance placed on renewable energy by the RMA, the value of investment in infrastructure, and section 7(b) of the RMA which requires the efficient use and development of natural and physical resources.*

5.3 *Relief sought:*

- (i) *Insert under Policy 6.4.0C the following text:*
 - (e) *the impact on existing hydroelectric power schemes within the catchment where water is to be exported from.*
- (ii) *Clarify that the first-in-first-served approach under the RMA is unaffected by this Policy.*
- (iii) *Any similar amendments to like effect.*
- (iv) *Any consequential or other amendments that stem from the amendment of Policy 6.4.0C as proposed in this submission including to amend the rules (such as Rule 12.1.4.8) to give effect to this submission.*

We **oppose** this submission, should the original Dunedin City Council submission on Policy 6.4.0C not be accepted, for the following reasons:

- We acknowledge that the prioritisation of hydroelectric power scheme takes has virtue given the reasons stated by TrustPower Limited in their submission, however we are concerned that the amendment being suggested would result in hydroelectric power scheme takes being given priority over community water supply takes. The provision of water is fundamental to ensuring the health and safety of people and communities, the importance of which is recognised in section 5 of the Act.
- If TrustPower Limited’s submission is accepted and the original Dunedin City Council submission rejected, a situation could arise whereby an application for a community water supply take was declined due to it having an adverse effect on a hydroelectric power scheme in the same catchment. This situation could potentially occur in the Deep Stream catchment where one of the Dunedin City Council’s most important water takes (supplying a substantial part of the metropolitan population) is downstream of TrustPower Limited’s Deep Stream Hydroelectric Power Scheme intake. Currently

TrustPower Limited is required to maintain a minimum flow in Deep Stream to allow for continual public potable water supply at the Dunedin City Council Deep Stream intake. We have concerns that should hydroelectric power schemes be accorded priority over other takes (including those for community water supply) the Deep Stream water take may be at risk, jeopardising the health and safety of the metropolitan Dunedin population.

We seek that the part of TrustPower Limited's submission relating to Policy 6.4.0C be **disallowed** should the original Dunedin City Council submission on Policy 6.4.0C not be accepted.

5. Contact Energy Limited (Submitter 52)

Contact Energy Limited submitted as follows in relation to the Explanation to Policy 6.4.0C:

"51. *Add a fourth paragraph to the Explanation [of Policy 6.4.0C] as follows or to like effect (additional text shown underlined):*

"In considering an application to take water and competing lawful local demands the Council will consider the need to avoid adverse effects on the availability and use of water for hydro-electric generation."

We **oppose** this submission, should the original Dunedin City Council submission on Policy 6.4.0C not be accepted, for the following reasons:

- We acknowledge that the prioritisation of hydroelectric power scheme takes has virtue given the reasons stated by Contact Energy Limited in their submission, however we are concerned that the amendment being suggested would result in hydroelectric power scheme takes being given priority over community water supply takes. The provision of water is fundamental to ensuring the health and safety of people and communities, the importance of which is recognised in section 5 of the Act.
- While amendments to only the Explanation of Policy 6.4.0C (and not the policy itself) are sought, and are therefore of lesser effect than amendments to the policy, we have concerns that if Contact Energy Limited's submission is accepted and the original Dunedin City Council submission rejected, a situation could arise whereby an application for a community water supply take was declined due to it having an adverse effect on a hydroelectric power scheme in the same catchment. This situation could potentially occur in the Deep Stream catchment where one of the Dunedin City Council's most important water takes (supplying a substantial part of the metropolitan population) is downstream of TrustPower Limited's Deep Stream Hydroelectric Power Scheme intake. Currently TrustPower Limited is required to maintain a minimum flow in Deep Stream to allow for continual public potable water supply at the Dunedin City Council Deep Stream intake. We have concerns that should hydroelectric power schemes be accorded priority over other takes (including those for community water supply) the Deep Stream water take may be at risk, jeopardising the health and safety of the metropolitan Dunedin population.

We seek that the part of Contact Energy Limited's submission relating to the Explanation to Policy 6.4.0C be **disallowed** should the original Dunedin City Council submission on Policy 6.4.0C not be accepted.

6. Pioneer Generation Limited (Submitter 38)

Pioneer Generation Limited submitted as follows in relation to the Explanation to Policy 6.4.0C:

"h. *Add a fourth paragraph to the Explanation [of Policy 6.4.0C] as follows or to like effect (additional text shown underlined):*

"In considering an application to take water and competing lawful local demands the

Council will consider the need to avoid adverse effects on the availability and use of water for hydro-electric generation."


We **oppose** this submission, should the original Dunedin City Council submission on Policy 6.4.0C not be accepted, for the following reasons:

- We acknowledge that the prioritisation of hydroelectric power scheme takes has virtue given the reasons stated by Pioneer Generation Limited in their submission, however we are concerned that the amendment being suggested would result in hydroelectric power scheme takes being given priority over community water supply takes. The provision of water is fundamental to ensuring the health and safety of people and communities, the importance of which is recognised in section 5 of the Act.
- While amendments to only the Explanation of Policy 6.4.0C (and not the policy itself) are sought, and are therefore of lesser effect than amendments to the policy, we have concerns that if Pioneer Generation Limited's submission is accepted and the original Dunedin City Council submission rejected, a situation could arise whereby an application for a community water supply take was declined due to it having an adverse effect on a hydroelectric power scheme in the same catchment. This situation could potentially occur in the Deep Stream catchment where one of the Dunedin City Council's most important water takes (supplying a substantial part of the metropolitan population) is downstream of TrustPower Limited's Deep Stream Hydroelectric Power Scheme intake. Currently TrustPower Limited is required to maintain a minimum flow in Deep Stream to allow for continual public potable water supply at the Dunedin City Council Deep Stream intake. We have concerns that should hydroelectric power schemes be accorded priority over other takes (including those for community water supply) the Deep Stream water take may be at risk, jeopardising the health and safety of the metropolitan Dunedin population.

We seek that the part of Pioneer Generation Limited's submission relating to the Explanation to Policy 6.4.0C be **disallowed** should the original Dunedin City Council submission on Policy 6.4.0C not be accepted.

We wish to be heard in support of our further submission.

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


PP Tracey Willmott
Asset Strategy Team Leader
Dunedin City Council

4 May 2009
Date

Addresses for service of submitter:

(Please direct correspondence to both parties)

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Asset Strategy Team Leader
Dunedin City Council
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Moray Place
Dunedin 9058

Frances Lojkine
Senior Resource Planner
MWH NZ Ltd
P O Box 4
Dunedin 9054





Form 6
**Further submission 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

Name of persons making further submission: Michael and Christine Holland
MC Holland Farming Limited

OTAGO REGIONAL COUNCIL RECEIVED DUNEDIN	
- 5 MAY 2009	
FILE No.	R1241
DIR TO	MRP-SV

This is a further submission in opposition to a submission on a proposed change to the following plan (the proposal):

Proposed Plan Change 1C (Water Allocation and Use) Regional Plan: Water for Otago

The specific submission to the proposal that our further submission relates to is as follows:

1. The Director-General of Conservation (Submitter 48)

The Director-General of Conservation submitted as follows in relation to Policy 6.4.2A:

"The D-G supports proposed Policy 6.4.2A as it enables the more efficient use of water, but the D-G notes that the effectiveness of this policy will depend largely on the measurements of the previous take."

We **oppose** this submission. We have noted our concern with Policy 6.4.2A in our original submission. We also note the submissions made by Hamish Winter, Waitensea Limited, Henry Brown and M&J O'Connor Family Trust about the natural variability of irrigation needs in different years, and the potential effect of Policy 6.4.2A being that water would be taken unnecessarily in order to ensure sufficient historical use of an existing water permit. We do not consider this to be *'more efficient use of water'* as identified by the Director-General of Conservation.

We seek that the part of the Director-General of Conservation's submission in relation to Policy 6.4.2A be **disallowed** and that Policy 6.4.2A be removed as requested in our original submission.

We wish to be heard in support of our further submission.

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


PP Michael Holland
on behalf of
MC Holland Farming Ltd

5 May 2009
Date

Addresses for service of further submitter:

(Please direct correspondence to both parties)

Michael and Christine Holland
MC Holland Farming Ltd
437 Waianakarua Road
13 O RD
Oamaru 9495

Frances Lojkine
Senior Resource Planner
MWH NZ Ltd
P O Box 4
Dunedin 9054

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**Regional Plan: Water for Otago – Plan Change 1C (Water Allocation and Use)
Further Submission**

To: Otago Regional Council

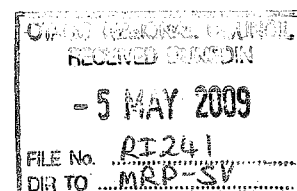
Name of Person Making Further Submission: **Queenstown Lakes District Council
(QLDC)**

This is a Further Submission in support of a submission on the following proposed Change to the Regional Plan: Water for Otago - Plan Change 1C (Water Allocation and Use).

QLDC supports the submission of: **Waitaki District Council**

The particular parts of the submission that QLDC supports are:

1. Issue 6.2.3 Integrated Catchment Management
2. Policy 6.4.0C Local Source and Local Use
3. Proposed new Objective 6.3.2A
4. Policy 6.4.2A Historically Accessed Water



The reasons for QLDC's support are:

It is important that growth projections and associated future needs of the community are recognised. The purpose of the RMA (Section 5) includes meeting the reasonably foreseeable needs of future generations. The District Plan makes provision for growth through its land use provisions. Sections 30 & 31 of the RMA seek to achieve an integrated approach to the management of natural and physical resources, this includes co-ordination between District and Regional Plans.

QLDC is a manager of significant community water supplies throughout Queenstown Lakes District. It wishes to promote sustainable use and management of water resources. This includes measures that will enhance the reliability and quality of water supply for the local community, both now and in the future.

The following decision is sought from the local authority:

Include recognition within the Plan that catering for identified future growth needs forms an integral part of providing and maintaining adequate community water supplies.

QLDC wishes to be heard in support of its Further Submission, and would be willing to consider making a joint case at the Hearing.

Signed:

Dated: 5 May 2009

Philip Pannett – General Manager Policy and Planning

Address for Service: Queenstown Lakes District Council, 10 Gorge Rd, Private Bag 50072, Queenstown 9348.

**Regional Plan: Water for Otago – Plan Change 1C (Water Allocation and Use)
Further Submission**

To: Otago Regional Council

Name of Person Making Further Submission: **Queenstown Lakes District Council (QLDC)**

This is a Further Submission in support of a submission on the following proposed Change to the Regional Plan: Water for Otago - Plan Change 1C (Water Allocation and Use).

.....

QLDC supports the submission of: **Dunedin City Council**

The particular parts of the submission that QLDC supports are:

1. Issue 6.2.3 Integrated Catchment Management
2. Policy 6.4.0C Local Source and Local Use
3. Proposed new Objective 6.3.2A
4. Policy 6.4.2A Historically Accessed Water

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Include recognition within the Plan that catering for identified future growth needs forms an integral part of providing and maintaining adequate community water supplies.

QLDC wishes to be heard in support of its Further Submission, and would be willing to consider making a joint case at the Hearing.

Signed:

Dated: 5 May 2009

Philip Pannett – General Manager Policy and Planning

Address for Service: Queenstown Lakes District Council, 10 Gorge Rd, Private Bag 50072, Queenstown 9348.

Form 6

Further submission in support of submission on publicly notified proposed policy statement or plan
Clause 8 of the First Schedule of the Resource Management Act 1991

**Regional Plan: Water for Otago – Plan Change 1C (Water Allocation and Use)
Further Submission**

To: Otago Regional Council

Name of Person Making Further Submission: **Queenstown Lakes District Council
(QLDC)**

This is a Further Submission in support of a submission on the following proposed Change to the Regional Plan: Water for Otago - Plan Change 1C (Water Allocation and Use).

.....

QLDC supports the submission of: **Central Otago District Council**

The particular parts of the submission that QLDC supports are:

1. Policy 6.4.0C Local Source and Local Use
2. Policy 6.4.2A Historically Accessed Water

The reasons for QLDC's support are:

It is important that growth projections and associated future needs of the community are recognised. The purpose of the RMA (Section 5) includes meeting the reasonably foreseeable needs of future generations. The District Plan makes provision for growth through its land use provisions. Sections 30 & 31 of the RMA seek to achieve an integrated approach to the management of natural and physical resources, this includes co-ordination between District and Regional Plans.

QLDC is a manager of significant community water supplies throughout Queenstown Lakes District. It wishes to promote sustainable use and management of water resources. This includes measures that will enhance the reliability and quality of water supply for the local community, both now and in the future.

The following decision is sought from the local authority:

Include recognition within the Plan that catering for identified future growth needs forms an integral part of providing and maintaining adequate community water supplies.

QLDC wishes to be heard in support of its Further Submission, and would be willing to consider making a joint case at the Hearing.

Signed:

Dated: 5 May 2009

Philip Pannett – General Manager Policy and Planning

Address for Service: Queenstown Lakes District Council, 10 Gorge Rd, Private Bag 50072, Queenstown 9348.

Form 6

Further submission in support of submission on publicly notified proposed policy statement or plan
Clause 8 of the First Schedule of the Resource Management Act 1991

Addresses of Submitters to be served copy of Further Submission:

Waitaki District Council

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Dunedin City Council

Tracey Willmott
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Frances Lojkine
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Central Otago District Council

PO Box 122
Alexandra

Attention: Jonathan Gadd