

Summary of Orari Water Society Position – June 2013

Policy or Rule	Original Submission	S42A Position	OWS Position Now
General submission	Identified that if ECan's testing of consent scenarios brought about any issues about its practical application, then any necessary amendments should be made to the plan's provisions to ensure the plan functions as intended.	There is no comment by the S42A writer on this matter	Given ECan did not carry out this review, OWS has considered various scenarios and proposes amendments to policies 14.4.1, 14.4.2, 14.4.9 and Rule 5.128 to address practical considerations arising, as explained below in each of these policies or rule comments and evidence referenced
General submission	Identified that a mechanism to review environmental flows and reliability of supply was required, based on additional scientific data to verify the model.	There is no comment by the S42A writer on this matter	OWS maintains this position and has subsequently developed a policy to reflect the request of the submission. This policy is detailed in the evidence of Richard de Joux, para 39 which is based on consultation with DOC through the Steering Group, with a minor amendment
General submission	The need for cross-referencing and changes that may be required to this chapter as a result of changes to the Section 4	The S42A writer recommends cross-referencing is included and does not comment on the need to consider changes to Chapter 4 and the effect they may have on the sub-chapter	OWS continues to support the need for cross-referencing and consideration of changes to Chapter 4. Comment on a particular rule affected by this is in the evidence of Keri Johnston, para 64-67 Rule 5.128
14.4.1	Suggested more flexible approach be adopted to when RSIL water is used versus Orari water taking into account the need to consider environmental benefits to the Orari of using RSIL water later in the season when Orari flows are likely to be low	S42A writer considers clarification is unnecessary, however interprets the policy incorrectly	Maintains clarification is required or even deletion as per the evidence of Keri Johnston, para 68-72
14.4.2	As for 14.4.1, consideration of when	S42A writer considers clarification	This policy is fine if the above policy is deleted or

	RSIL water should be used versus Orari water and the need to consider environmental benefits to the Orari	is unnecessary, however interprets the policy incorrectly	amended as proposed.
14.4.3	Sought that the flow rates of the TDC consent are included in Table 15	The S42A report writer considers this in the Table 15 section and recommends that this is not appropriate as no minimum flows apply and sits outside the allocation	Accept the S42A reports position to maintain policy and Table 15 as notified in relation to this matter
14.4.4	Sought additional wording to allow transfers to occur again once over-allocation is addressed	S42A writer considered the relief sought was consistent with Rule 14.5.1 (should be 14.5.4) and provides further reasoning	Accept that Rule 14.5.4 addresses this matter by prohibiting transfers until allocations in Table 15 are met. Accept policy as notified
14.4.5	Maintain policy as notified	S42A writer recommends to retain policy without amendment	Agree to policy as notified
14.4.6	Maintain policy as notified	S42A writer recommends to retain policy without amendment	Agree to policy as notified
14.4.7	Maintain policy as notified	S42A writer recommends to retain policy without amendment	Agree to policy as notified
14.4.8	Submission seeks additional policy to ensure equity of use of the B block amongst users	The S42A writer considers this is not clear how this water would be accessed and that clarification is required at the hearing	Still seek the addition to the policy in a slightly different format and further explanation is provided in the evidence of Keri Johnston, para 53-58
14.4.9	The submission seeks a minor amendment to replace the word "amounts" with "allocations". The explanation explains the reasoning behind the conjunctive use zone	The S42A writer agrees to the amendment proposed to replace amounts with allocations	Agree to OWS amendment being included but, having now reviewed consent scenarios in the context of how the plan may be used, OWS considers further clarification of this policy is required to actually reflect the intent. This is discussed in the evidence of Keri Johnston, para 58-63
14.4.10	Maintain policy as notified	The S42A writer agrees to a minor typo correction	Agree with the correction made by S42A writer
14.4.11	Maintain policy as notified	The S42A writer agrees to a minor clarification proposed to clarify	Agree with the correction made by the S42A writer to clarify this applies only to irrigation

		stock water races are excluded	
14.4.12	Maintain policy as notified	The S42A writer agrees to remove the reference to diverting water and include a condition related to maintained residual flows	Accept the amendment made by the S42A writer given diversion is now not required to be included with the definition of dam.
14.4.13	Sought clarification regarding how minimum flows were to be applied if an existing minimum flow applied on a tributary	The S42A writer explained why this clarification was not considered necessary.	Accept the S42A writer's position for the policy to remain as worded based on the explanation.
New policies 14.4.14-16	No position in original submission as new policies proposed by another submitter	The S42A writer considers additional policies are not required	OWS agrees in principal with the proposed policies. However the additional review policy being proposed by OWS basically achieves the principles of the policies being proposed by this other submitter. This policy is detailed in the evidence of Richard de Joux, para 39 which is based on consultation with DOC through the Steering Group, with a minor amendment
Rule 14.5.1	Supported in part by deleting and replacing with Rule 5.128 provided dams had permitted activity status	The S42A writer recommended this rule is deleted	OWS maintains its position that it agrees to deleting this rule only if Rule 5.128 is permitted, if not this rule needs to be amended. See the evidence of Keri Johnston para 64-67
Rule 14.5.2	Maintain rule as notified	The S42A writer recommends to retain rule as notified	Agree to rule as notified
Rule 14.5.3	Maintain rule as notified	The S42A writer recommends to retain rule as notified	Agree to rule as notified
Rule 14.5.4	Maintain rule as notified	The S42A writer recommends to retain rule as notified	Agree to rule as notified
Rule 14.5.5	Maintain rule as notified	The S42A writer recommends to retain rule as notified	Agree to rule as notified
14.6.1: Table 15 (General, Orari,	Maintain table as notified subject to Schedule 13 remaining under current wording using average rates then the allocation needs to be amended to	The S42A writer recommends to retain table as notified except with minor amendments to clarify wording around the "3 years from	Agree to the changes proposed by the S42A writer. OWS supports the remainder of the Table remaining in its current form based on the reasons explained in the evidence provided by

Ohapi Creek, Rhodes Creek)	reflect this. If any changes made to Table 15, then the entire “package” needs to be reconsidered to ensure the outcomes achieved. Include relevant flows rates from Policy 14.4.3	operative” to “the date the plan becomes operative” as wells as correct the Ohapi restrictions from 1,100l/s to 1,000 l/s.	Richard de Joux, Greg Ryder and Keri Johnston. This is particularly the case given the review policy proposed in the evidence of de Joux, para 39 which emphasises the need to review the flow regime in column 3 this table within 3 years
14.4.8	Support	The S42A writer recommends to retain rule as notified	Agree to rule as notified
Definitions	Maintain wording as notified	The S42A writer does not comment but OWS is aware of a further submission made by the Orari Steering Group to clarify the definitions of A permit, B permit, Allocation and Orari Conjunctive Use Zone	OWS has proposed clarification of Policy 14.4.8 as per the evidence of Keri Johnston para 53-58 rather than the definitions. Both parties are seeking the same outcome through different mechanisms.