

Regional Plan: Water for Otago

Amendment 3 NPS Freshwater Management 2020



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1 June 2021

This is a true and correct copy of Amendment 3, made by Otago Regional Council on 16 June 2021 to give effect to the NPS Freshwater Management 2020, to the Regional Plan: Water for Otago.

This Amendment to the Regional Plan: Water for Otago became operative on Tuesday, 1 June 2021.

The Common Seal of the Otago Regional Council was hereto affixed in the presence of:



Cr Andrew Noone
Chairperson



Cr Gretchen Robertson
Co-Chairperson, Strategy and Planning Committee



Chronicle of Key Events

Key event	Date notified	Date decisions released	Date operative
Regional Plan: Water	28 February 1998	7 July 2000	1 January 2004
Variation No. 1 to the Regional Plan: Water	3 October 1998	7 July 2000	1 January 2004
Waitaki Catchment Water Allocation Regional Plan	19 February 2005	30 September 2005	3 July 2006
Plan Change 1A to the Regional Plan: Water	17 August 2005	1 April 2006	1 August 2006
Plan Change 1B (Minimum Flows) to the Regional Plan: Water	20 December 2008	31 October 2009	1 March 2010
Plan Change 3A (Minimum Flow for Taieri River at Tiroiti) to the Regional Plan: Water	26 June 2010	8 December 2010	1 May 2011
Amendment 1 (NPS Freshwater Management) to the Regional Plan: Water	24 June 2011	24 June 2011	1 July 2011
Plan Change 1C (Water Allocation and Use) to the Regional Plan: Water	20 December 2008	10 April 2010	1 March 2012
Plan Change 4A (Groundwater and North Otago Volcanic Aquifer) to the Regional Plan: Water	18 September 2010	24 September 2011	1 March 2012
Plan Change 2 (Regionally Significant Wetlands) to the Regional Plan: Water	2 July 2011	12 May 2012	1 October 2013
Plan Change 6A (Water Quality) to the Regional Plan: Water	31 March 2012	20 April 2013	1 May 2014
Plan Change 3B (Pomahaka catchment minimum flow) to the Regional Plan: Water	16 August 2014	14 February 2015	1 June 2015
Plan Change 4B (Groundwater allocation) to the Regional Plan: Water	17 May 2014	13 December 2014	1 September 2015
Plan Change 4C (Groundwater management: Cromwell Terrace Aquifer) to the Regional Plan: Water	16 August 2014	13 December 2014	1 September 2015
Plan Change 3C (Waiwera catchment minimum flow) to the Regional Plan: Water	13 December 2014	8 August 2015	1 March 2016

Amendment 2 (NES Plantation Forestry) to the Regional Plan: Water	30 June 2018	30 June 2018	1 July 2018
Amendment 3 (NPS Freshwater Management 2020) to the Regional Plan: Water	5 June 2021	5 June 2021	1 June 2021

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Introduction to Amendment

The National Policy Statement for Freshwater Management 2020 (NPS-FM) came into force on 3 September 2020.

The purpose of Amendment 3 (NPS Freshwater Management) is to ensure consistency of plan administration with the National Policy Statement for Freshwater Management 2020 so that objectives and policies specified in the Plan give effect to mandatory provisions contained in the statement.

Clause 1.7 of the NPS-FM 2020 directs regional councils to amend regional plans by inserting the following specific provisions without the need for an RMA Schedule 1 process. The specific provisions are set out in NPS-FM 2020:

- Clause 3.22(1) (Natural Inland Wetlands)
- Clause 3.24(1) (Rivers)
- Clause 3.26(1)(2) (Fish Passage)

Under Section 55(2) of the Resource Management Act (1991) a regional council must amend plans to include specific objectives and policies set out in a national policy statement:

- as soon as practicable after the statement has come into effect;
- without using Schedule 1 process; and
- in accordance with the national policy statement.

Council resolved to make Amendment 3, with effect from 1 June 2021. This decision was publicly notified on 5 June 2021.

The following sections detail the operative provisions of Amendment 3 in order of chapters in the Water Plan. An updated version of the operative Water Plan, incorporating this amendment, is also available.

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Introduction



1.4 Process of Plan preparation

..... Plan Change 6AA was made operative on 16 May 2020.

Amendment 3 to the Regional Plan: Water for Otago included the addition of three new mandatory provisions, as directed by the National Policy Statement for Freshwater Management 2020. These provisions relate to natural inland wetlands, rivers, and fish passages. The amendment was made operative on 1 June 2021.

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Natural and Human Use Values of Lakes and Rivers



5.4 Policies identifying and protecting natural and human use values of lakes and rivers

5.4.2 A The loss of river extent and values is avoided, unless the council is satisfied:

- (a) that there is a functional need for the activity in that location; and**
- (b) the effects of the activity are managed by applying the effects management hierarchy.**

Advice note: Refer to clause 3.21 of the National Policy Statement for Freshwater Management 2020 for definitions on “loss of value”, functional need” and “effects management hierarchy”.
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The Beds and Margins of Lakes and Rivers



8.3 Objectives

8.3.5 To maintain the passage of fish, or improve the passage of fish, by instream structures, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats.

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Wetlands



10.4 Policies

- 10.4.8 The loss of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where:**
- (a) the loss of extent or values arises from any of the following:**
 - (i) the customary harvest of food or resources undertaken in accordance with tikanga Maori**
 - (ii) restoration activities**
 - (iii) scientific research**
 - (iv) the sustainable harvest of sphagnum moss**
 - (v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020**
 - (vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020**
 - (vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020; or**
 - (b) the regional council is satisfied that:**
 - (i) the activity is necessary for the construction or upgrade of specified infrastructure; and**
 - (ii) the specified infrastructure will provide significant national or regional benefits; and**
 - (iii) there is a functional need for the specified infrastructure in that location; and**
 - (iv) the effects of the activity are managed through applying the effects management hierarchy.**

Advice note: Refer to clause 3.21 of the National Policy Statement for Freshwater Management 2020 for definitions on “loss of value”, “natural inland wetland”, “effects management hierarchy”, “functional need”, “specified infrastructure” and “restoration”.

