

Attachment 2

# **Regional Plan: Water for Otago**

**Proposed Plan Change 5A  
(Lindis: Integrated water management)**

**ISBN 978-0-908324-12-5**



## Introduction

The Otago Regional Council has prepared Proposed Plan Change 5A (Lindis: Integrated water management) to the Regional Plan: Water for Otago. Proposed Plan Change 5A:

- Sets a management regime (allocation limits and minimum flow) for surface water and connected groundwater in the Lindis catchment;
- Sets a management regime (maximum allocation limits and take restrictions) for specified aquifers within the Bendigo-Tarras Basin (Ardgour Valley, Bendigo and Lower Tarras Aquifers);
- Maps the minimum flow catchment boundaries and monitoring site associated with the Lindis River in the B-series of the Water Plan maps; and
- Maps the boundaries of the Ardgour Valley, Bendigo and Lower Tarras aquifers and amends the boundaries of the Lindis Alluvial Ribbon Aquifer in the C-series map of the Water Plan.

This document should be read in conjunction with:

- Section 32 Evaluation Report; and
- Regional Plan: Water for Otago (operative as at 1 June 2015).

Amendments to the operative Regional Plan: Water for Otago as a result of Proposed Plan Change 5A are shown as follows: (additions underlined, deletions ~~struck out~~).

Changes to the provisions of the operative Regional Plan: Water for Otago that are proposed under Plan Change 3C (Waiwera catchment minimum flow), Plan Change 4B (Groundwater allocation) and Plan Change 4C (Groundwater management: Cromwell Terrace Aquifer) are shown in this document in **blue**.

Any person may make comments on this consultation draft. You may do so by sending written comments to the Otago Regional Council, or by telephone.

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Email to	<a href="mailto:policy@orc.govt.nz">policy@orc.govt.nz</a>
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Telephone	(03) 474 0827; 0800 474 082

**Submissions will be received until 5pm on Friday 4 September 2015.**

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\* Regional Plan: Water for Otago operative as at 1 June 2015.

# 6

## Water Quantity



## 6.1 to 6.3 *[Unchanged]*

## 6.4 Policies applying to the management of the taking of water

### 6.4.0 to 6.4.4 *[Unchanged]*

**6.4.5** The minimum flows established by Policies 6.4.3, 6.4.4, 6.4.6, 6.4.9 and 6.4.10 will apply to resource consents for the taking of water, as follows:

- (a) In the case of new takes applied for after 28 February 1998, upon granting of the consent; and
- (b) In the case of any resource consent to take water from within the Taieri above Paerau and between Sutton and Outram, Welcome Creek, Shag, Kakanui, Water of Leith, Lake Hayes, Waitahuna, Trotters, Waianakarua, Pomahaka, **Waiwera** and Lake Tuakitoto catchment areas as defined in Schedule 2A, subject to the review of consent conditions under Sections 128 to 132 of the Resource Management Act; and
- (c) In the case of any existing resource consent to take water from the Lindis catchment area, Luggate catchment area, Manuherikia catchment area (upstream of Ophir) and the Taieri catchment areas Paerau to Waipiata, Waipiata to Tiroiti and Tiroiti to Sutton, as defined in Schedule 2A, upon collective review of consent conditions within those catchments under Sections 128 to 132 of the Resource Management Act; and
- (d) In the case of any existing resource consent to take water within a catchment area not specified in Schedule 2A, upon the establishment of a minimum flow set for the water body by a plan change, subject to the review of consent conditions under Sections 128 to 132 of the Resource Management Act.

#### Explanation

This policy provides for the application of minimum flows to consents as follows:

1. New takes are subject to minimum flow provisions when the consent is granted.
2. For resource consents to take from rivers within catchments specified in Schedule 2A, except for the Lindis, Luggate, Manuherikia (upstream of Ophir) and the Taieri between Paerau and Sutton, the minimum flow provisions apply, subject to the review of consent conditions under Sections 128 to 132 of the RMA.
3. For the Lindis, Luggate, Manuherikia (upstream of Ophir) and the Taieri between Paerau and Sutton, the minimum flows will not apply until after a collective review of the consents in the catchments. This will occur before 2021 if there is agreement by the holders of mining privileges (deemed permits) to adhere to the minimum flows, or on the expiry of the mining privileges on 2 October 2021. Where

environmental benefit will result from applying minimum flows to any resource consents (other than deemed permits) in these catchments, the review of those resource consent conditions may also occur earlier.

4. For resource consents to take from rivers within catchments not specified in Schedule 2A, the minimum flow provisions will apply from the operative date of a plan change setting the minimum flow for the river, subject to the review of consent conditions under Sections 128 to 132 of the RMA.

Reviews under Section 128 of the Resource Management Act will be undertaken simultaneously on all reviewable takes within each catchment, in the interests of equity.

In the case of mining privileges in respect of water (deemed permits, see Appendix 2) the Resource Management Act provides for their continuation without restriction, unless compensation is made, until they expire in 2021.

However, arrangements for the conversion of such permits to resource consents may be developed before that time. Alternatively, arrangements for voluntary adherence by deemed permit holders to the minimum flows may occur. Under voluntary arrangements, or conversion of deemed permits to resource consents, or in 2021, these resource consents or deemed permits will become subject to the minimum flows established by this Plan.

The process of consent review must be completed by 2 October 2021, allowing coordination with the review of any deemed permits that may be operating in an area.

#### **Principal reasons for adopting**

This policy is adopted to enable the minimum flow provisions of the Plan to be applied as soon as practicable to existing resource consents to take water.

In the Lindis catchment area, Luggate catchment area, Manuherikia catchment area (upstream of Ophir) and Taieri catchment areas between Paerau and Sutton, there is a very high proportion of mining privileges. Therefore the application of minimum flows to resource consents may be timed to coincide with their application to deemed permits (either through voluntary methods or in 2021). Where environmental benefit will result from applying minimum flows to any resource consents (other than deemed permits) in these catchments, the review of those resource consent conditions may also occur earlier.

In unscheduled catchments the minimum flows, once established and set by a plan change, will be applied to the reviewable consents in those catchments.

This will ensure that restricting water takes will result in actual environmental benefits.

*Rules: 12.1.4.2 to 12.1.5.1*

W A T E R   Q U A N T I T Y

*Other methods: 15.9.1.3, 15.9.1.4*

**6.4.6 to 6.7.8**      *[Unchanged]*



# 12

## Rules: Water Take, Use and Management



## 12.0. [Unchanged]

### 12.1.1 to 12.1.3 [Unchanged]

### 12.1.4 Restricted discretionary activities: Resource consent required

#### 12.1.4.1 to 12.1.4.3 [Unchanged]

12.1.4.4 Taking and use of surface water as primary allocation applied for prior to 28 February 1998 in the following Schedule 2A catchments, shown on the B-series maps:

Lindis Catchment,  
Luggate Catchment,  
Manuherikia Catchment Upstream of Ophir,  
Taieri Catchment Paerau to Waipiata,  
Taieri Catchment Waipiata to Tiroiti, and  
Taieri Catchment Tiroiti to Sutton:

- (i) This rule applies to the taking of surface water, as primary allocation, in the above catchment areas, if the taking was the subject of a resource consent or other authority:
  - (a) Granted before 28 February 1998; or
  - (b) Granted after 28 February 1998, but was applied for prior to 28 February 1998; or
  - (c) Granted to replace a resource consent or authority of the kind referred to in paragraph (a) or (b).
- (ii) Unless covered by Rule 12.1.1A.1, the taking and use of surface water to which this rule applies is a **restricted discretionary** activity. The matters to which the Otago Regional Council has restricted the exercise of its discretion are set out in Rule 12.1.4.8.
- (iii) The minimum flows set out in Schedule 2A of this Plan for the above catchments shall affect the exercise of every resource consent or other authority, of the kind referred to in paragraph (i) of this rule, in the Lindis catchment area, Luggate catchment area, Manuherikia catchment area (upstream of Ophir) and Taieri catchment areas Paerau to Waipiata, Waipiata to Tiroiti and Tiroiti to Sutton, upon review of consent conditions.
- (iv) The conditions of all such consents will be reviewed by the Otago Regional Council under Sections 128 to 132 of the Act to enable the minimum flows set by Schedule 2A to be met, the volume and rate of take to be measured in accordance with Policy 6.4.16 and the taking to be subject to Rule 12.1.4.9.
- (v) The minimum flows set in Schedule 2A for the Lindis catchment area, Luggate catchment area, Manuherikia catchment area (upstream of Ophir) and Taieri catchment

areas Paerau to Waipiata, Waipiata to Tiroiti and Tiroiti to Sutton, shall not apply to any consents referred to in clause (i), paragraphs (a) to (c) of this rule until the review of consent conditions set out in clause (iv) of this rule occurs.

12.1.4.4A *[Repealed – 1 March 2012]*

12.1.4.5 to 12.1.4.9 *[Unchanged]*

**12.1.5 to 12.1.6** *[Unchanged]*

**12.2 to 12.11** *[Unchanged]*

R U L E S : W A T E R T A K E , U S E A N D M A N A G E M E N T

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## Schedules



SCHEDULE 2: SPECIFIED RESTRICTIONS ON THE EXERCISE OF PERMITS TO TAKE WATER

**2A Schedule of specific minimum flows for primary allocation takes in accordance with Policy 6.4.3, and primary allocation limits in accordance with Policies 6.4.2(a) and 6.4.1A**

The following schedule:

1. ...
2. ...
3. The catchments in which the limit set by Policy 6.4.2(a) is exceeded by Policy 6.4.2(b) (as at ~~20 December 2008~~ 8 August 2015) are the Kakanui, Lake Hayes, Lindis, Luggate, Manuherikia, Pomahaka, Shag and Taieri.

Catchment (See the B-series maps)	Monitoring Site (with MS number) See the B-series maps	Minimum flow (litres per second – instantaneous flow)	Primary Allocation Limits in accord with Policy 6.4.2(a) (litres per second – instantaneous flow)
...			
<u>Lindis River Catchment</u>	<u>Ardgour Road (MS 17)</u>	<u>750 (1 October to 31 May)</u> <u>1,600 (1 June to 30 September)</u>	<u>1,000 Lindis catchment from confluence with Clutha/Mata-Au to headwaters</u>

...

**2B Schedule of supplementary allocation blocks and specific minimum flows in accordance with Policy 6.4.9(c)**

Catchment (See the B-series maps) & Supplementary Block Number	Minimum Flow (litres per second – instantaneous flow) at the monitoring site(s) (See the B-series maps)	Supplementary Allocation Block (litres per second – instantaneous flow)
...		
<u>Lindis catchment (first supplementary allocation block)</u>	<u>May to November: 2200 Ardgour Road (MS 17)</u> <u>December to April: 1600 Ardgour Road (MS 17)</u>	500
<u>Lindis catchment (second supplementary allocation block)</u>	<u>May to November: 2700 Ardgour Road (MS 17)</u> <u>December to April: 2100 Ardgour Road (MS 17)</u>	500

...

SCHEDULE 2: SPECIFIED RESTRICTIONS ON THE  
EXERCISE OF PERMITS TO TAKE WATER

**2C Schedule of aquifers where groundwater takes are to be considered as primary allocation, and subject to minimum flows of specified catchments in accordance with Policy 6.4.1A**

<b>Aquifer Name</b>	<b>Map Reference</b>	<b>Catchment to which primary or supplementary allocation limits apply, and minimum flows may apply*</b>
<b>Kakanui-Kauru Alluvium Aquifer</b>	C17 & C18	Kakanui catchment*
<b>Shag Alluvium Aquifer</b>	C19	Shag catchment*
<b>Lindis Alluvial Ribbon Aquifer</b>	C5 & C6	Lindis catchment**
<b>Cardrona Alluvial Ribbon Aquifer</b>	C2 & C3	Cardrona catchment upstream of the Mount Barker recorder site**
<b>Lowburn Alluvial Ribbon Aquifer</b>	C7	Lowburn Stream**
<b>Pomahaka Alluvial Ribbon Aquifer</b>	C22 & C23	Pomahaka catchment*

\* as given in Schedules 2A and 2B.

\*\* as provided for by Policies 6.4.2, 6.4.3 and 6.4.9.

SCHEDULE 4: SPECIFIED RESTRICTIONS ON THE EXERCISE OF PERMITS TO TAKE GROUNDWATER

**4. Schedule of the allocation and restriction regime for groundwater**

This schedule sets out restrictions that apply to the taking of groundwater from certain aquifers in Otago.

Schedule 4A identifies maximum allocation **limits** for the taking of groundwater from aquifers identified in the C-series maps, in accordance with Policy 6.4.10A2 of this Plan. Schedule 4B.1 identifies water levels at which the taking of groundwater will be restricted in accordance with Policy 6.4.10A1 of this Plan. Schedule 4C identifies matters to be considered when making additions to these schedules through a plan change.

**4A Maximum allocation limits for groundwater takes from aquifers**

Aquifer Name	Map Reference	Maximum Allocation Limit (million cubic metres per year)
<u>Ardgour Valley Aquifer</u>	<u>C6</u>	<u>0.19</u>
<u>Bendigo Aquifer</u>	<u>C6</u>	<u>29</u>
<u>Cromwell Terrace Aquifer</u>	<u>C7</u>	<u>4</u>
<u>Lower Tarras Aquifer</u>	<u>C5 &amp; C6</u>	<u>18.8</u>
North Otago Volcanic Aquifer	C15, C16, C17 & C18	7

**4B Restrictions for groundwater takes**

**4B.1** *[Unchanged]*

**4B.2 Restrictions for aquifers connected to Lake Dunstan or the main stem of the upper Clutha River/Mata-Au**

Takes from aquifers that are hydraulically connected to Lake Dunstan or the main stem of the Clutha River/Mata-Au above Lake Dunstan are subject to the following restrictions, which are intended to maintain lake levels.

Aquifer Name	Map Reference	Restriction
<u>Bendigo Aquifer</u>	<u>C6</u>	<u>There shall be no take for irrigation purposes between 1 May and 31 August inclusive.</u>  <u>Other restrictions may be imposed on resource consents to help maintain lake levels.</u>
<u>Cromwell Terrace Aquifer</u>	<u>C7</u>	
<u>Lower Tarras Aquifer</u>	<u>C5 &amp; C6</u>	



**Table of minor and consequential changes**

Plan Provision	Detail of proposed change								
Page numbers	Update page numbers.								
Footers	Change footer to read “ <u>Regional Plan: Water for Otago (Updated to &lt;date to be inserted&gt;)</u> ”.								
Title page	Change the date to read “ <u>Updated to &lt;date to be inserted&gt;</u> ”.								
ISBN number	Obtain new ISBN numbers for Regional Plan: Water for Otago.								
Chronicle of key events	<p>Add the following to the end of table:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Key event</th> <th style="text-align: left;">Date notified</th> <th style="text-align: left;">Date decisions released</th> <th style="text-align: left;">Date operative</th> </tr> </thead> <tbody> <tr> <td><u>Plan Change 5A (Lindis: Integrated water management) to the Regional Plan: Water</u></td> <td>8 August 2015</td> <td>&lt;Date to be inserted&gt;</td> <td>&lt;Date to be inserted&gt;</td> </tr> </tbody> </table>	Key event	Date notified	Date decisions released	Date operative	<u>Plan Change 5A (Lindis: Integrated water management) to the Regional Plan: Water</u>	8 August 2015	<Date to be inserted>	<Date to be inserted>
Key event	Date notified	Date decisions released	Date operative						
<u>Plan Change 5A (Lindis: Integrated water management) to the Regional Plan: Water</u>	8 August 2015	<Date to be inserted>	<Date to be inserted>						
section 1.4	<u>Proposed Plan Change 5A (Lindis: Integrated water management) sets minimum flows and allocation limits for the Lindis River and sets maximum allocation limits for the Ardgour Valley, Bendigo and Lower Tarras aquifers. It was notified on 8 August 2015, and a total of ... submissions and ... further submissions were received. Following the hearing, decisions on submissions received were released on ... . Plan Change 5A was made operative on ... .</u>								
Schedule 2A	<p>Amend Schedule 2A as follows to provide greater consistency:</p> <ul style="list-style-type: none"> <li>• List the catchments in alphabetical order</li> <li>• Include the names of the flow monitoring sites as shown on the B-series of the Water Plan Maps.</li> </ul>								
Schedule 2B	<p>Amend Schedule 2B as follows to provide greater consistency:</p> <ul style="list-style-type: none"> <li>• List the catchments in alphabetical order</li> <li>• Include the names of the flow monitoring sites as shown on the B-series of the Water Plan Maps.</li> </ul>								
Water Plan Maps	Amend “Map B Index – Minimum Flow Catchment Boundaries and Monitoring Sites” to include the new Maps B6 and B7.								
	<p>Amend “Map C Index – Aquifers, ...” to include the new Maps C5 and C6</p> <p>Update references in title to all Map C series, including reference to Schedule 4.</p>								

# MINOR AND CONSEQUENTIAL CHANGES

# **Regional Plan: Water for Otago**

# **Maps**