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## Introduction



## 1.1 Plan purpose

The Otago Regional Council has prepared this Regional Plan: Water to meet its responsibilities under the Resource Management Act 1991. The purpose of this Plan is to provide a framework for the integrated and sustainable management of Otago's water resources. These water resources include the region's lakes, rivers, groundwater and wetlands.

Many activities involving water or water bodies can only occur if they are expressly allowed by a rule in a regional plan, or by a resource consent, including:

- Certain activities in, on, under or over the beds of lakes and rivers (Section 13 of the Resource Management Act).
- The taking, use, damming or diversion of water (Section 14 of the Resource Management Act).
- The discharge of water into water (Section 15 of the Resource Management Act).
- The discharge of contaminants into water or onto or into land in circumstances which may result in that contaminant entering water (Section 15 of the Resource Management Act).

Land use activities are generally allowed unless a rule in a regional plan, or a district plan requires otherwise (Section 9 of the Resource Management Act).

The preparation of a Regional Plan: Water is optional under the Resource Management Act. This Plan contains provisions to avoid the need for resource consents for activities which have no more than minor adverse effects on the environment. For other activities, the rules provide a clear direction for resource users and the community.

The Plan also contains other methods for promoting the sustainable and integrated management of Otago's water resources.

## 1.2 Area covered by this Plan

This Plan covers all of the fresh water resources in the Otago Region (Figure 1). These include the region's lakes, rivers, groundwater and wetlands. This Plan does not cover coastal waters except where activities on land may affect such waters. Activities within the coastal marine area are covered by the Regional Plan: Coast (also shown in Figure 1).

This Plan applies across Otago encompassing the five territorial local authority districts:

- Waitaki (only that part in the Otago Region. Part of Waitaki District lies in the Canterbury Region and that part of the District is not covered by this Plan);
- Dunedin City;
- Clutha;
- Central Otago; and
- Queenstown Lakes.



Figure 1: Map of Otago

### 1.3 Plan structure

This Plan is divided into a number of parts:

#### Chapters 1 to 4

These chapters introduce the Plan, describe the legislative framework relating to water, provide a brief overview of Otago's water resources and outline the perspective of, and issues of concern to, Kai Tahu, Otago's manawhenua.

#### Chapters 5 to 10

These chapters identify the water management issues in Otago, and contain the objectives and policies with respect to these issues. These provisions will guide the Otago Regional Council, and other consent authorities, when considering resource consent applications. The

chapters also detail the environmental results anticipated from the implementation of this Plan. Each chapter addresses a particular aspect of Otago's water resource:

- Chapter 5: Natural and Human Use Values of Lakes and Rivers.
- Chapter 6: Water Quantity.
- Chapter 7: Water Quality.
- Chapter 8: Beds and Margins of Lakes and Rivers.
- Chapter 9: Groundwater.
- Chapter 10: Wetlands.

### **Chapters 11 to 14**

These chapters contain the rules applying to the use of water and water bodies. When considering undertaking an activity which may affect water or water bodies, these are the rules that must be followed.

### **Chapter 15**

This chapter identifies the methods other than rules that the Otago Regional Council intends to use to assist in the achievement of this Plan's objectives.

### **Chapters 16 to 19**

These chapters identify the main administrative requirements for the use of Otago's water resources, and specify the information required with any resource consent application, the circumstances where a financial contribution may be required, how issues which cross jurisdictional boundaries will be dealt with, and the processes for reviewing and monitoring the Plan.

### **Schedules - Chapter 20**

The schedules are an important supplement to the other chapters, providing details of the values and specific management requirements of particular water resources.

### **Glossary and Appendices**

These provide additional explanations including a glossary of key terms used in this Plan.

### **Maps**

This Plan contains maps (in a separate volume) to be used in conjunction with the provisions of the Plan.

## **1.4 Process of Plan preparation**

A number of legal instruments, which were operative in Otago on 1 October 1991 (when the Resource Management Act came into force), formed rules in the Transitional Regional Plan, constituted by Section 368 of the Resource Management Act. Some of these rules related to water and water bodies, and comprised notices, authorisations, bylaws, determinations and resolutions. This Regional Plan: Water was prepared to partly supersede the Transitional Regional Plan, thus the transitional rules which related to water were deleted when this Plan became operative. The rules deleted, and any replacement provisions, are listed in Schedule 13.

In developing this Regional Plan: Water, the Otago Regional Council consulted with a variety of individuals, groups and agencies.

Following preliminary consultation, a Consultative Draft of the Regional Plan: Water, was released in September 1996. Over 70 meetings were held throughout Otago to introduce and explain the Consultative Draft, and it attracted written comments from 110 individuals and groups representing a wide range of interests. This feedback was used to further refine the provisions of the Plan. Background reports were compiled which provided additional information about aspects of Otago's water resources. These reports remain available from the Otago Regional Council:

- Background Report 1: Water Quantity
- Background Report 2: Water Quality
- Background Report 3: Groundwater
- Background Report 4: Significant Wetlands
- Background Report 5: Resource Description
- Background Report 6: Kakanui Catchment Water Resource Investigations

The Proposed Regional Plan: Water for Otago was notified on 28 February 1998, in accordance with the requirements of the First Schedule of the Resource Management Act 1991. Submissions were received from 280 individuals and groups, followed by 64 further submissions. Many submitters spoke at the 18 public hearings held in Dunedin, Alexandra, Oamaru and Balclutha between 17 August 1998 and 9 November 1998.

Proposed Variation No.1 was notified on 3 October 1998, to manage the construction, reconstruction or modification of defences against water built for the purpose of flood mitigation. Ten submissions and five further submissions were received.

Following the hearings and the consideration of evidence, decisions on the submissions received on both the Proposed Regional Plan: Water and the Proposed Variation No.1 were released on 7 July 2000. Several organisations and individuals made references (appeals) to the Environment Court regarding the decisions. The 171 reference points were resolved by negotiated agreements and Court decisions in the period up to 4 July 2003. These changes were incorporated into the Plan and the Plan made operative.

Proposed Plan Change 1A was notified on 17 August 2005 to make miscellaneous amendments consequential to recent changes to the Resource Management Act and other minor changes. Four submissions and one further submission were received. Following the hearing, decisions on the submissions received were released on 1 April 2006. Plan Change 1A was made operative on 1 August 2006.

On 3 July 2006, the Waitaki Catchment Water Allocation Regional Plan became operative and added new provisions to this Plan.

Proposed Plan Change 1B (Minimum Flows) was notified on 20 December 2008 to set minimum flows and primary allocation limits for the Luggate, Trotters and Waianakarua catchments in Schedule 2A, and to include Schedule 2D outlining matters for consideration when setting minimum flows and primary allocation limits. A total of 71 submissions and six further submissions were received. Following the hearing, decisions on the submissions received were released on 31 October 2009. Plan Change 1B (Minimum Flows) was made operative on 1 March 2010.

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Proposed Plan Change 3A (Minimum Flow for Taieri River at Tiroiti) was notified on 26 June 2010 to introduce an additional minimum flow monitoring site at Tiroiti. A total of six submissions and two further submissions were received. Following the hearing, decisions on the submissions received were released on 8 December 2010. Plan Change 3A (Minimum Flow for Taieri River at Tiroiti) was made operative on 1 May 2011.

Amendment 1 to the Regional Plan: Water included a policy on water quality, as directed by the National Policy Statement for Freshwater Management 2011. It was made operative on 1 July 2011. This was superseded by Plan Change 6A (Water Quality).

Proposed Plan Change 1C (Water Allocation and Use) was notified on 20 December 2008 to improve the overall effectiveness with which limited water resources are used, enabling the community to go forward and benefit from future opportunities to use water. Fifty-nine submissions and fifteen further submissions were received. Following the hearing, decisions on the submissions received were released on 10 April 2010. Plan Change 1C (Water Allocation and Use) was made operative on 1 March 2012.

Proposed Plan Change 4A (Groundwater and North Otago Volcanic Aquifer) builds on the groundwater management system of taking water within a maximum allocation limit, established under Proposed Plan Change 1C (Water Allocation and Use), with focus on the North Otago Volcanic Aquifer. It was notified on Saturday 18 September 2010, and a total of nine submissions and two further submissions were received. Following the hearing, decisions on submissions received were released on 24 September 2011. Plan Change 4A (Groundwater and North Otago Volcanic Aquifer) was made operative on 1 March 2012.

Proposed Plan Change 2 (Regionally Significant Wetlands) was notified on Saturday 2 July 2011. It identified additional Regionally Significant Wetlands, strengthened protection for Regionally Significant Wetlands, and made those provisions easier to read and understand. A total of forty-nine submissions and nine further submissions were received. Following the hearing, decisions on submissions received were released on 2 May 2012. Plan Change 2 was made operative on 1 October 2013.

Proposed Plan Change 6A (Water Quality) addresses the effects of land use practices on water quality through new discharge rules. It was notified on Saturday 31 March 2012 and a total of 334 submissions and 77 further submissions were received. Following the hearing, decisions on submissions received were released on 20 April 2013. Plan Change 6A (Water Quality) was made operative on 1 May 2014.

Proposed Plan Change 3B (Pomahaka catchment minimum flow) was notified on 16 August 2014, to introduce a minimum flow and allocation regime with monitoring site and a map of the Pomahaka Alluvial Ribbon Aquifer for the Pomahaka catchment. A total of 17 submissions and two further submissions were received. Following the hearing, decisions on submissions received were released on 14 February 2015. Plan Change 3B was made operative on 1 June 2015.

Proposed Plan Change 4B (Groundwater allocation) clarifies groundwater allocation provisions. It was notified on 17 May 2014 and a total of 16 submissions and 8 further submissions were received. Following the hearing, decisions on submissions received were released on 13 December 2014. Plan Change 4B was made operative on 1 September 2015.

Proposed Plan Change 4C (Groundwater management: Cromwell Terrace Aquifer) sets a maximum allocation limit for the Cromwell Terrace Aquifer. It was notified on Saturday 16 August 2014, and a total of 8 submissions and 3 further submissions were received. Following the hearing, decisions on submissions received were released on 13 December 2014. Plan Change 4C was made operative on 1 September 2015.

Proposed Plan Change 3C (Waiwera catchment minimum flow) was notified on 13 December 2014 to introduce a minimum flow and allocation regime with monitoring site for the Waiwera catchment. A total of six submissions and two further submissions were received. Following the hearing, decisions on submissions received were released on 8 August 2015. Plan Change 3C was made operative on 1 March 2016.

Amendment 2 was made to clarify where more stringent rules in this plan apply to forestry activities instead of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017, which came into effect on 1 May 2018. The amendment was made operative on 1 July 2018.

Proposed Plan Change 6AA was notified on 5 October 2019 to amend the date by which various water quality thresholds are to be met in receiving water for permitted non-point source discharges. A total of 20 submissions and three further submissions were received. Following the hearing, decisions on submissions received were released on 8 February 2020. Plan Change 6AA was made operative on 16 May 2020.

#### **1.4.1 Satisfying Section 32 of the Act**

Section 32 of the Resource Management Act 1991 requires councils, before adopting any objective, policy, rule, or other method, to have regard to:

- Alternatives that may be available; and
- The reasons for and against options, including their costs and benefits.

The Otago Regional Council considered these matters in preparing this Plan and is satisfied that the selected objectives, policies and methods are necessary in achieving the purpose of the Resource Management Act 1991 and are the most appropriate means having regard to their efficiency and effectiveness. The community feedback received on the Consultative Draft Regional Plan: Water, followed by the submissions, further submissions and appeals on decisions made with respect to the Proposed Regional Plan: Water, assisted the Council to make this evaluation.

## **1.5 Integrated management**

This Regional Plan: Water promotes the sustainable management of Otago's water resources. To achieve this, the Plan takes an holistic, integrated approach to resource management, which includes:

- Integration of management responses across resource management agencies.
- Integration toward shared environmental outcomes.
- Integration of policies, action and decision-making needs to be coordinated across regional boundaries.
- Integration of management responses across resource systems.

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- Integration of actions across a range of time scales.
- Integration of decision-making with community participation.
- Integration of methods to be used to implement policies.
- Integration across individual decisions.

Although this Plan comprises discrete chapters, these should not be viewed in isolation, as the Plan needs to be read as a whole. The Plan should also be read in conjunction with the Resource Management Act, the Regional Policy Statement for Otago, other relevant Otago regional plans and any relevant district plan. Chapter 2 provides more detail on relationships among resource management documents.

To assist the achievement of an holistic approach to resource management, and to assist users to read the Plan as a whole, this Plan uses a system of cross-referencing to link issues, objectives, policies, rules and methods. Within this system:

- Each issue refers to the relevant objectives and policies in its chapter;
- Each objective refers to the relevant policies in its chapter;
- Each policy refers to the relevant rules in Chapters 12 to 14, and/or the other methods in Chapter 15; and
- Where necessary, particular provisions refer to another chapter if it contains provisions which are significantly relevant.



