

Important note to applicants

Please read about the changes to the Water Plan that affect applications to replace deemed permits and applications for water permits to take surface water and/or connected groundwater.

Proposed Water Permits Plan Change (Plan Change 7) was publicly notified for submissions on 18 March 2020. The rules in the proposed plan change have immediate legal effect. This means resource consent applications must be made and assessed under both the Regional Plan: Water for Otago and the Proposed Water Permits Plan Change (Plan Change 7).

Proposed Water Permits Plan Change (Plan Change 7) provides an interim regulatory framework for the assessment of applications to renew:

- deemed permits expiring in 2021; and
- any other water permits for the take and use of surface water (including connected groundwater) expiring prior to 31 December 2025, the date by which the new Regional Land and Water Plan is expected to be operative.

The objective and Policy 10A.2.2 of the plan change will also apply to any new applications to take surface water and/or connected groundwater.

What would change if the Proposed Water Permits Plan Change (Plan Change 7) is adopted*?

The plan change proposes the following changes to how resource consents are applied for, and how applications are considered and determined by Council:

- A new controlled activity rule for the replacement of deemed permits or replacement of a water permit expiring prior to 31 December 2025, where the application meets all the controlled activity conditions, including where the term sought is no more than six years
- A new non-complying activity rule where the application does not meet one or more of the controlled activity conditions, including applications for terms longer than six years
- A new objective and new policies which avoid granting applications for longer terms, and avoid granting applications except where there is no increase in the irrigation area or in the rate of abstraction, and only where there is a reduction in the volume allocated

- A new policy to only grant new resource consents for a duration of no more than six years
- A new policy to only grant new resource consents to replace deemed permits or replacement of a water permit for the take and use of surface water (including connected groundwater) expiring prior to 31 December 2025 for a term of no more than six years, unless:
 - Where there are no more than minor adverse effects (including cumulative effects) on the ecology and hydrology of the surface water body (and any connected water body); and
 - Where the consent expires before 31 December 2035.

Read the proposed plan change and supporting information in full here:

www.orc.govt.nz/wppc

What does this mean for your application?

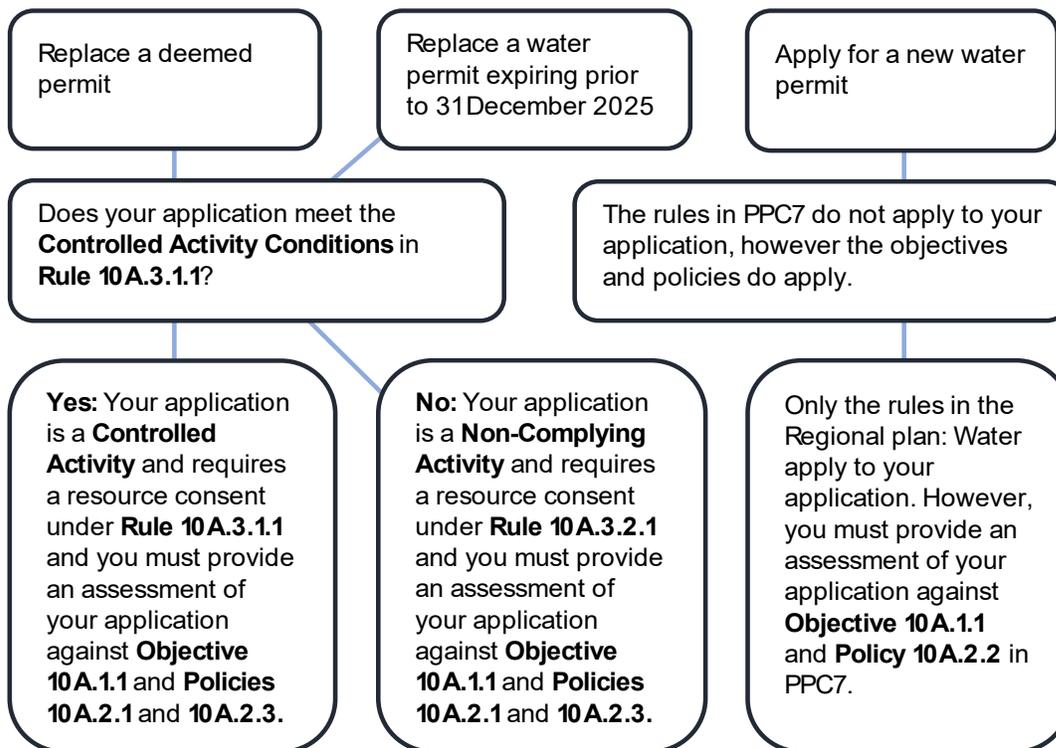
Your application will require resource consent under both the Regional Plan: Water for Otago and Proposed Water Permits Plan Change (Plan Change 7)¹. Please note that the most stringent activity status will still apply to your application. This means that if your application is a controlled activity under the plan change, but is also a restricted-discretionary, discretionary or non-complying application under the Regional Plan: Water, the more stringent activity status applies.

When preparing your Assessment of Environmental Effects, you will need to assess the application against the rules, information requirements and objectives and policies of the Regional Plan: Water for Otago and Proposed Water Permits Plan Change (Plan Change 7). Not all parts of the plan change will apply to your application.

The flow chart below helps to identify how the plan change will apply to your application:

¹ This will change when Proposed Water Permits Plan Change (Plan Change 7) has been through the hearing and decision-making stages and is made “operative”, meaning the rules in the Regional Plan: Water for Otago it replaces will no longer apply. This is some months away.

How Proposed Plan Change 7 (Water Permits) applies to your application:



The plan change responds to a direction from the Minister for the Environment to implement a transitional framework until a new Land and Water Plan is in place, as the Regional Plan: Water is not fit for purpose. This means the plan change will be given more weight and consideration than normal for this stage in the process when Council assesses your application.

How will the application be assessed against the plan change?

Applicants are encouraged to apply for resource consent for the replacement of deemed permits or replacement of a water permit expiring prior to 31 December 2025 under the controlled activity rule. The information required in the application for resource consent must correspond with the scale and significance of the effects that the activity may have on the environment.

The Council planner will work constructively with applicants about the information required to assess the application against the rules of the Regional Plan: Water and Proposed Plan Change 7 (Water Permits) as an application under the controlled activity rule may not require the same level of information as a non-complying activity given the scale and significance of the effects of the activity on the environment.

The policy direction in Proposed Plan Change 7 (Water Permits) signals that any new resource consent is unlikely to be granted for a duration of more than six years. Proposed Plan Change 7 (Water Permits) also signals that a replacement deemed permit or water permit expiring prior to 31 December 2025 is unlikely to be granted for a duration for more than six years unless there is clear, robust evidence provided with the application that demonstrates that the adverse effects (including cumulative effects) on ecology and hydrology of the surface water body (and any connected water body) are no more than minor. The threshold to grant a term of more than six years is now much higher.

Need more information?

Read the plan change and supporting information in full here: www.orc.govt.nz/wppc

If you have questions about how the plan change applies to your application You can call us on 0800 474 082 or email us at deemedpermits@orc.govt.nz

Resource Consent Application Form 4

To take and use surface water

This application is made under Section 88 of the Resource Management Act 1991.

1. Note to applicants

The purpose of this form is to provide applicants with guidance on information that is required for your application under the Resource Management Act 1991. This form acts as a guide only and Otago Regional Council reserves the right to request additional information.

Please ensure that you fully complete this form **as well as** a fully completed resource consent application form (form 1) in support of your application, **and** preparation of an **Assessment of Environmental Effects** in terms of the Fourth Schedule of the Resource Management Act 1991. Failure to do so may result in Council rejecting your application, requesting further information, or publicly notifying your application, leading to delays in the processing of your application and potential increases in processing costs.

Please also note that Proposed Plan Change 7 (Water Permits) was publicly notified for submissions on 18 March 2020 and has immediate legal effect. PPC7 provides an interim regulatory framework for the assessment of applications to renew:

- *deemed permits expiring in 2021; and*
- *any other water permits expiring prior to 31 December 2025, the date by which the new Regional Land and Water Plan (LWRP) is expected to be operative.*

The plan change also establishes a requirement for short duration consents for all new water

permits granted under the operative Water Plan rules.

Please ensure that your resource consent application is also made in accordance with the plan change. Failure to do this may result in Council rejecting your application, requesting further information, or publicly notifying your application.

Acceptance of your application for processing does not constitute a guarantee that water allocation is available.

2. General

2.1 This application is for (please tick any applicable box):

A new surface water take

An application to replace a current Water Permit

Water permit number:

Expiry date:

Consented location:

Consent purpose:

Consented rate of take and volumes:

An application to replace a Deemed Permit / Mining Privilege

Deemed permit number:

Expiry date:

Deemed permit location:

Deemed permit purpose:

Deemed permit rate of take and volumes:

2.2 A lapse period of _____ is sought. Provide reasons in application attached.

Note: This is the timeframe within which the consent must be given effect to. The default timeframe is 5 years after the date of commencement of the consent unless stated otherwise.

2.3 A consent term of _____ is sought. Provide reasons in application attached.

Note: This is the timeframe from the date of commencement of the consent which the consent will expire.

Please also note:

- *Proposed Plan Change 7 (Water Permits) establishes a requirement for short duration consents of no more than six years in accordance with Policies 10A.2.1 and 10A.2.2.*
- *If your application is for the replacement of a deemed permit or the take and use of surface water² that is the replacement of a take and use authorised by an existing water permit expiring prior to 31 December 2025, if the consent term sought in your application exceeds six years it will be considered as a non-complying activity in accordance with Proposed Plan Change 7 (Water Permits).*

2.4 Provide a map or coloured aerial photograph which outlines the following details (as applicable):

The location of the existing and proposed point(s) of take and all associated infrastructure (including water races and point of discharge and re-takes)

The location of the water measuring device(s) or system(s)

The total property area boundary

The area(s) to be irrigated (if relevant) by water applied for under this application

The area of the community supply (if relevant)

Distances to any discharge activities

Other surface water bodies and wetlands, and distances from the point of take(s) to them

The coastline and the distance to it (if relevant)

The location of any dairy shed(s)

The location of any known recreational activities, other water takes, areas of significance to iwi and areas where food is obtained from the water body.

Note: Council considers the point of take to be where water is taken out of a water body by a defined control mechanism that can regulate the intake (e.g.

² (including groundwater considered as surface water under policy 6.4.1A (a), (b) and (c)) of the operative Water Plan

gate/control structure/pumped pipe intake. In some situations, this may mean there are water permit diversions where water is diverted out of the main flow prior to the point of take. Additional consents may be required to divert water in these circumstances.

2.5 Does the take hold a s417 certificate to confirm access of supply? If yes, please attach a copy.

Yes

No

3. Volume and rates of take applied for

3.1 Quantity and rate of take

Note: 1,000 litres = 1 cubic metre

- a. Maximum rate of take: litres per second
- b. Maximum monthly volume: cubic metres per month
- c. Maximum annual volume: cubic metres per year

*Note: Some deemed permits refer to hourly/weekly rates. Water permits are issued in litres per second, m³ per month and m³ per year. Should you wish to seek hourly or weekly rates **in addition** to those listed on the form, please provide this information including justification for any variances.*

3.2 Frequency of take

Note both the maximum and estimated average take.

	Average	Maximum
How many hours per day?		
How many days per week?		
How many weeks per month?		

3.3 In your application describe the timing of your take, including which months of the year you expect to take water in both an average year and a dry year, and what part of the day the water take will generally occur.

- 3.4 In your application describe whether the take is from re-charge or is an augmented take, along with whether your activity provides re-charge back into the catchment.
- 3.5 In your application provide details of all takes and discharges (re-take / bywash).
- 3.6 In your application outline any non-consumptive takes and provide evidence and justification that the take meets the non-consumptive definition in the Resource Management (Measurement and Reporting of Water Takes) Regulations:

Note: You may have non-consumptive takes if water is taken, hydro-electric purposes, dewatering of a site, alluvial gold mining, gravel washing, amenity ponds, trout/salmon hatchery ponds or the intake has a bywash component.

- 3.7 If your application is to replace a deemed permit or an existing consent expiring prior to 31 December 2025, provide calculations in accordance with Schedule 10A.4 of Proposed Plan Change 7 (Water Permits) demonstrating whether:**

The volume of water taken is no more than the average maximum of the daily volume limit, or monthly volume limit, or annual volume limit (whichever one or more are applicable) recorded during the period 1 July 2012 – 30 June 2017; and

The rate of take is no more than the average maximum rate of take limit recorded during the period 1 July 2012 – 30 June 2017. A guideline on how to use this method is provided on our website.

3.7 Storage

- 3.7.1 Do you intend to store your water before subsequent use?

Yes

No

- 3.8.2 If yes, what/how much storage will be provided?

m³

- 3.9.3 In your application outline the type of storage facilities that are proposed.

Note: You may need a building consent and/or additional resource consents for the construction of storage facilities. If the reservoir is in a water body or captures catchment runoff, you may require resource consents for damming and associated activities.

4. Point(s) of take description

4.1 What are the GPS coordinates of the point(s) you propose to take water from?

Note: if there are more than two points of take, please provide these details on a separate sheet.

Point 1: NZTM 2000 E: N:

Point 2: NZTM 2000 E: N:

4.2 Please provide photographs of the proposed point(s) of take

4.3 What is the name of the water body/ies from which the proposed take(s) is/are to occur?

Note: if the water body is unnamed please note this and note the water body it flows into.

4.4 If the take is from a river, stream, spring, drain or modified water body, in your application please provide a full description of the water course, including:

The average channel width and depth at various locations including at the point of take and upstream and downstream of the point of take.

Average flow water velocity including source of flow data and any changes to flow velocity above and below the point of take.

Any flow gauging of the water body. A flow gauging report with photographs of the site and methodology to be attached.

Bed of the water body at the point of take and upstream and downstream of the point of take.

Please also answer the following:

4.4.1 What type of water body will the take/s occur from?

River

Stream

Modified water body

Spring

Drain

4.4.2 Is the water course perennial (flows all year round) or ephemeral?

Perennial

Ephemeral

4.5 If the take is from a lake, pond or wetland or within 100 m of a natural wetland please answer the following:

Lake

Pond

Wetland

Within 100 m of natural wetland³

4.5.1 If the take is from a wetland, is the wetland classed as a Regionally Significant Wetland identified in Schedule 9 of the Regional Plan: Water for Otago?

Yes (list the name and provide an assessment of effects on the wetland)

No

4.5.2 If the take is from a natural wetland or within 100 m of a natural wetland.

Yes (identify and describe the values of the wetland provide an assessment of effects on the wetland)

No

³ Natural wetland is defined by section 3.21 of the NPS-FM 2020

Note: If the take is within 100 m of a natural wetland and results, or is likely to result, in the complete or partial drainage of all or part of a natural wetland than the take is a non-complying activity under Regulation 52 of the NESFW. If the take is from a natural wetland and results, or is likely to result, in the complete or partial drainage of all or part of a natural wetland than the take is a prohibited activity under Regulation 53 of the NESFW.

If the taking of water is within, or within a 100 m setback from, a natural wetland the activity is a non-complying activity under Regulation 54 of the NESFW.

Has the wetland been formed by artificial means?

Artificial (describe when and how the wetland was created)

Natural

4.5.3 What is the surface area of the lake/pond/wetland?

4.5.4 How deep is the lake/pond/wetland?

4.5.5 Does the lake/pond/wetland have an outlet? i.e. does water flow out of it?

Yes

No

4.5.6 What is the main source of water that fills the lake/pond/wetland?

Groundwater

Springs

Runoff from surrounding land

Direct rainfall

Stream/river (list name)

Other (provide details)

5. Historical water use

5.1 Water abstracted over at least the last 5 years

Note: if you are applying to replace an existing water permit for primary allocation, or an existing deemed permit or mining privilege you must provide evidence of the amount of water abstracted under that permit for at least the last five years.

The following usage evidence is provided in support of this application:

Water metering records, attached to this application with historical water use summarised and assessed

Water metering records sent to Council electronically or recorded on file by Council with historical water use summarised and assessed

Detail on alternative water use information, attached to this application

5.2 In your application please analyse and assess the historical volumes and pattern of water use based on the water use evidence. If your application is to replace a deemed permit or an existing consent expiring prior to 31 December 2025 please ensure this is also undertaken in accordance with Schedule 10A.4 of Proposed Plan Change 7 (Water Permits).

5.3 Provide a summary of your analysis below:

- | | |
|------------------------------------|------------------------|
| a. Average maximum rate of take: | litres per second |
| b. Average maximum daily volume: | cubic metres per day |
| c. Average maximum monthly volume: | cubic metres per month |
| d. Average maximum annual volume: | cubic metres per year |

5.4 For which years have these rates and volumes been recorded?

6. Water use and management

6.1 For what purpose(s) will the water be used?

Stock water and/or dairy shed use

Irrigation (provide detail of irrigation use in your application attached)

Community supply

Commercial/industrial

Other

6.2 Will the water take be managed as part of an existing water allocation committee or water management group?

Yes (name of committee of group):

No

6.3 If yes, have you described how the allocation committee/management group operates in your application?

Yes

No

6.4 In your application describe any water rationing regime that operates in the catchment.

6.5 Will the take applied for be operated in accordance with the rationing regime you have described in question 6.4?

Yes

No

6.6 Will you or others "re-take" water from your take (i.e. via a water race)? If yes, please provide details of such re-takes in your application.

Yes

No

7. Measuring and reporting

7.1 In your application describe the type of water metering system that is installed or proposed to be installed.

Note: If currently installed provide proof of installation or note if proof has already been provided to Council.

7.2 Provide information in your application demonstrating that the installation of the measuring device or system shall be undertaken in accordance with Council guidelines.

Note: If the installation is not able to meet these guidelines, you need to fill out and attach to this application form a Non-Standard Installation Form for Water Measuring Devices, available on our website or through the environmental services unit of the Council.

Tick if completed

Tick if completing a Non-Standard Installation Form for Water Measuring Devices

7.3 Is your water measuring device or system installed or proposed to be installed at the point(s) of take?

Note: The council considers the point of take to be within a 100 metre radius of the physical take point. If your answer is No, you need to apply for a Water Measuring Exemption (WEX) by filling out Application Form 24 – Application for Exemption to use a device or system near the location from which water is taken. A fully completed Form 24 should be lodged at the same time as this application to enable dual processing.

Yes

No – complete an Application Form 24 – Application for Exemption

7.4 Is winterisation of the measuring device proposed (i.e. is the measuring device disconnected in full or part in winter to protect against frost/cold)?

Yes, between _____ (state month) and _____ (state month)

No

8. Location and Efficiency of Water Use

8.1 Provide details of point/area of use (include legal description(s) and grid references).

Yes (attached to application)

No (please outline reasons why this has not been provided)

8.2 Provide a description of any existing works/infrastructure in place, including value, in your application.

Yes (attached to application)

No (please outline reasons why this has not been provided)

8.3 Provide a description of proposed works/infrastructure to give effect to consent sought, including value of investment, in your application.

Yes (attached to application)

No (please outline reasons why this has not been provided)

8.4 Provide an assessment of any proposed use for irrigation against the Aqualinc report for reasonable water requirements⁴.

Completed

Not Completed (provide details of alternative assessment and justification for that)

8.5 If you propose to use water to irrigate land, please outline:

- a. How many hectares of land will be irrigated?
- b. What is the soil type(s) of the land being irrigated?

⁴ "Guidelines for reasonable irrigation water requirements in the Otago Region", Aqualinc, 2017. Note that while this document provides a basis for assessing efficiency of use, other matters may be applicable.

- c. What will you be irrigating (i.e. crop, pasture, dairy etc in ha)?
- d. What is the target application rate (mm/day and mm/year)?
- e. Will the total land area under irrigation exceed that irrigated in the 2017-2018 irrigation season? Yes/No and please provide an explanation.
- f. Will you be intending to irrigate any new areas for dairy farming (in ha)?

8.6 What type of irrigation system is proposed to be used or is currently being used?

K-line

Centre pivot

Travelling irrigator

Border-dyke/flood irrigation

Other – provide details

8.7 Do you have any water distribution infrastructure in place (for example pipes, storage tanks, open races etc.)?

Yes

No

If yes, in your application please describe the type of infrastructure in place and how you intend to ensure that it is maintained in good working order (e.g. do you intend to have a maintenance or leak detection programme, will the scheme be managed by an external company).

Note: For deemed permits please ensure you have the right to convey water under s417 of the Resource Management Act if that conveyance crosses another party's property, prior to the expiry of the deemed permit.

8.8 Do you intend to install any water distribution infrastructure (for example pipes, storage tanks, open races etc.)?

Yes

No

If yes, in your application please describe the type of infrastructure to be installed and how you intend to ensure that it is maintained in good working order (e.g. do you intend to have a maintenance or leak detection programme, will the scheme be managed by an external company).

Note: For deemed permits please ensure you have the right to convey water under s417 of the Resource Management Act if that conveyance crosses another party's property, prior to the expiry of the deemed permit.

8.9 If you propose to use water for stock and/or dairy shed use – please answer the following:

Note: The Council considers the following values as efficient use of water for stock:

<i>Sheep</i>	<i>5 litres per day per head</i>
<i>Beef cattle</i>	<i>45 litres per day per head</i>
<i>Dairy cows</i>	<i>70 litres per day per head</i>
<i>Deer</i>	<i>15 litres per day per head</i>
<i>Dairy shed use</i>	<i>50 litres per day per head</i>

8.9.1 What type of animal and numbers of stock will be supplied with water for drinking?

8.12 For all uses, demonstrate in your application how have you calculated the amount of water you need?

Note: Please note that the Council will only grant volumes that have been assessed as efficient, and will assess the volumes sought for efficiency, taking into consideration the local climate, soils, and crop type.

Tick if completed.

8.13 In your application please describe any other sources of water available for the property. How much water is available and what it is used for.

8.14 In your application please describe any measures you are proposing to minimise wastage of water and maximise its efficient use.

9. Assessment of Environmental Effects

Note: Pursuant to Schedule 4 of the Resource Management Act, 1991, there are a number of matters that must be addressed by an assessment of environmental effects. These matters are listed in Form 1, with additional or specific matters relating to water permits are listed below. Guidance on the 'receiving environment' for assessing adverse effects can be found in Technical Guidance Note 2 at www.orc.govt.nz

9.1 Assess effects, including cumulative effects, on surface and/or groundwater hydrology.

Yes (attached to application)

No (please outline reasons why this has not been provided in your application)

9.2 Provide an independent ecological assessment/instream assessment of the water body and any connected waterbodies including cumulative effects assessment. It is recommended that all takes not from the main stem of a catchment have this assessment carried out.

Note: if your application is to replace a deemed permit or an existing consent expiring prior to 31 December 2025 and the duration sought is more than six years, this assessment is required to be carried out to satisfy Policy 10A.2.3(a) in Proposed Plan Change 7 (Water Permits).

Yes (attached to application)

No (please outline reasons why an independent ecological assessment has not been undertaken in your application)

9.3 Assess any effects on freshwater quality (refer Technical Guidance Note 2 on ORC website).

Yes (attached to application)

No (please outline reasons why this has not been provided)

9.3 Assess any physical effect on the locality, including any landscape and visual effect.

Yes (attached to application)

No (please outline reasons why this has not been provided)

9.4 Assess any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity of the point of take.

Yes (attached to application)

No (please outline reasons why this has not been provided)

9.5 Does the taking of water from the water body cause it to dry up during summer or does the water body naturally dry up downstream of the take?

Yes

No

If Yes, your application should explain approximately how far downstream from your this occurs and in approximately which month in a wet year, average year and dry year this happens.

Note: Please discuss and attach any evidence to the application (e.g. photographs of water body downstream):

9.6 Assess Te Mana o te Wai⁵ and effects on Tangata Whenua values.

Yes (attached to application)

No (please outline reasons why this has not been provided)

⁵ Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community. More information about Te Mana o te Wai and what to consider is provided in the National Policy Statement for Freshwater Management 2020.

9.7 Assess any effect on other water users or other human use values.

Yes (attached to application)

No (please outline reasons why this has not been provided)

9.8 Describe any positive effects from the take.

Yes (attached to application)

No (please outline reasons why this has not been provided)

9.9 Outline the mitigation you propose in your application. This should include a consideration of the following:

Proposing any existing residual flow, minimum flow, or take cessation condition

A new residual flow

Fish screening on water intakes

Measures for management where there are low flows

Flow sharing measures

Intake restrictors at the point take

Whether base flow is necessary to maintain the water race

Any other applicable measures

9.10 Outline if your instantaneous abstraction rate (litres per second) will be reduced by increasing the length of time over which water is taken.

Yes (attached to application)

No

9.11 Provide a description of any possible alternative water sources or methods for undertaking the activity and why these alternatives have not been selected.

Yes (attached to application)

No (please outline reasons why this has not been provided)

10. Consultation

10.1 Include evidence of any consultation undertaken for this application.

10.2 Identify persons affected by this application.

10.3 Which persons approval have been provided to the application (attach copies of approvals)?

*Note: This **may** include (but not be limited to) consultation with adjoining landowners, other consent holders in the immediate area such as downstream permit holders, iwi (e.g. Te Rūnanga O Ngāi Tahu, Aukaha, Te Ao Marama Inc.), government departments/ministries (e.g. DOC), territorial authorities and recreational associations. To reduce costs and processing times, we recommended that written approval is obtained and submitted with the application for parties which may be affected. Such approval must be unconditional to avoid notification.*

11. Statutory Assessment

Please note that in accordance with Schedule 4 of the RMA, you are also be required to provide an assessment against the relevant provisions of the following documents (if relevant):

National Policy Statement for Freshwater Management 2020.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

National Policy Statement for Renewable Electricity Generation.

Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 and Amendment Regulations 2020.

National Environmental Standard for Sources of Human Drinking Water.

New Zealand Coastal Policy Statement.

Operative Regional Policy Statement 1998, Proposed Regional Policy Statement and Partially Operative Regional Policy Statement 2019.

Regional Plan: Water for Otago (including description of permitted activities and compliance with permitted activity standards; identification of Regionally Significant Wetlands and associated values).

Proposed Plan Change 7 (Water Permits).

Kai Tahu ki Otago Natural Resource Management Plan 2005.

Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (for takes from the south side of the Clutha River/Mata-Au)

Any other relevant plan, proposed plan and any other relevant regulations.