

To Take and Use Surface Water/ Groundwater Allocated as Surface Water (Replacement Applications)

Important information

Use this form (Form 4A) and Form 1 for **all replacement surface water take applications except for non-complying activities**. Non-complying activities require more information about the effects of the take and use as well as a more detailed assessment of relevant provisions. Please refer to the practice note below and Form 4B for more guidance on these applications.

Use this form (Form 4A) for **all replacement groundwater takes that are allocated in full or part as surface water¹**. These are groundwater takes:

- a. located in Schedule 2C of the Water Plan for Otago;
- b. located within 100 metres of a connected perennial surface water body; or
- c. located more than 100 metres from any connected perennial surface water body and deplete such a water body by at least 5 litres per second. More details can be found [here](#) and Schedule 5A of the Water Plan.

1. You need to complete this form and remember to attach:

- Form 1
- Site plan
- Water use records and Schedule 10A.4 assessment
- Copy of water permit(s) being replaced
- Any supporting information
- Application deposit

2. **Help us to process your application efficiently:**

To avoid delays and extra costs, please include all relevant information for your application. If information is missing, we may:

- Return your application
- Request further information
- Publicly notify your application

3. Timing matters for replacement permits: Submit your application **at least 6 months before your current permit expires**. If you apply **less than 3 months** before expiry, you may **lose your existing allocation**.

4. You can find **helpful information** at the following links:

- [Surface Water Take Practice Note](#)
- [Retakes Off Line Damming Practice Note](#)

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

a. ¹ Except for non-complying activities

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1. Your activity

1.1 This application is to replace a current Water Permit:

Current Water Permit number: _____

Expiry date: _____

Note: Additional applications may be required for damming water (Form 2), diverting water (Form 3), river works (Form 10C), discharges, or for activities that require consent under the National Environmental Standard Freshwater 2020 (e.g. wetlands, weirs) or Building Act (e.g. dam structures). Please complete separate application forms for each of these activities.

1.2 This application is seeking a duration of:

_____ years

Note: Section 127B of the RMA limits water takes in the Otago Region to a maximum term of 6 years

2. Volume and rates of take applied for

2.1 Quantity and rate of take currently consented:

Maximum rate of take: _____ litres per second

Maximum daily volume: _____ cubic metres per day

Maximum monthly volume: _____ cubic metres per month

Maximum annual volume: _____ cubic metres per year

2.2 Quantity and rate of take applied for:

Note: 1,000 litres = 1 cubic metre

Maximum rate of take: _____ litres per second

Maximum daily volume: _____ cubic metres per day

Maximum monthly volume: _____ cubic metres per month

Maximum annual volume: _____ cubic metres per year

Note: Some water permits refer to hourly/weekly rates. Water permits are issued in litres per second, cubic metres per month and cubic metres per year.

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2.3 Frequency of water historically taken prior to 30 June 2020:

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?		

2.4 Does the current consent state that the take and use is primary allocation?

Yes

No*

*If no, is the take:

from a catchment that has no allocation regime
(e.g. big lakes or Clutha/Mata Au or Kawarau Rivers)

for supplementary allocation

an augmented² take

a retake of water from a water race, dam, or catchment run-off

Provide details below.

2.5 As part of your application please provide a map(s) or coloured aerial photographs that outline the following details (as applicable):

- The location of the existing and any proposed point(s) of take including bore location and bore tag number for groundwater takes and all associated infrastructure (including water races, pipe works, points of discharge and re-takes). Include details on the value of infrastructure investment.
- The location of the water measuring device(s) or system(s).
- The total property area boundary.

² The taking of water from any lake or river which has already been delivered to that lake or river for the purpose of the subsequent taking.

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- Point/area of use including the area(s) to be irrigated (if relevant) by water applied for under this application (include legal description(s) and GPS locations) and clearly show the maximum irrigation area from the period 1 September 2017 to 18 March 2020.
- The area of the community supply (if relevant).
- Other surface water bodies and wetlands, and distances from the point of take(s).
- Any other associated activities on site including: damming, diversions, or discharges.

2.6 Is the water permit to be replaced valid?

Yes

No*

***If No** a replacement application is not able to be made.

Note: Your permit will not be valid if it has **expired, been surrendered, been cancelled or has lapsed**. You can contact Council about the status of your permit.

3. Point(s) of take description

3.1 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: _____

Note: The point of take is where water is taken from a river, stream, or lake using something that controls the flow—like a gate, pump, or control structure.

If there's no control structure at the spot where water is taken, then it might be considered a diversion. In that case:

- You'll need to check the diversion rules in Section 12.3 of the Water Plan.
- You might need a resource consent for either a temporary or permanent diversion.
- The official point of take would then be where the water is controlled—usually when taken from the diversion channel.

3.2 Is the point of take that you propose to take water from the same as the point of the take on the consent that is sought to be replaced?

Yes

No

Note: If the point of take is substantially different than a transfer of site application (Form 16) will need to be lodged prior to processing the replacement application.

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3.3 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. Historical water use

4.1 For metered takes what was the water abstracted under the existing permit up until 30 June 2020?

Please provide your water metering records, with historical water use summarised and assessed in accordance with Schedule 10A.4.

You can seek your water metering records and a Schedule 10A.4 assessment via a pre-application.

A pre-application can be requested via the form found here:

[Request a pre-application](#)

Further information regarding pre-applications can be found here:

[Before you apply for a consent](#)

4.2 Provide a summary of the Schedule 10A.4 analysis below:

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

4.3 For which years have these maximum rates and volumes been recorded?

4.4 Are you seeking to take rates and/or volumes greater than Schedule 10A.4 analysis?

- **Yes**, continue to Section 4.5
- **No**, move to Section 5 below

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4.5 Please provide and attach evidence if you are seeking rates and/or volumes that are greater than the Schedule 10A.4 analysis due to meter malfunction or lack of metering data in the reference period. This evidence needs to reflect water taken before 30 June 2020. Clearly outline how the data and methods reflect historic use below.

4.6 Non-metered takes

For permits where metering is not required by condition of resource consent or by the Resource Management (Measuring and Reporting of Water Takes) Regulations 2010.

The rate of take and the volume of water sought is no more than the existing consented instantaneous rate of take and volumes.

Yes

No

5. Purpose of use

Stock water and/or dairy shed use

Irrigation

Domestic supply

Community supply

Commercial/industrial supply including frost fighting

Hydroelectricity

Other _____

5.1 Is this purpose of use the same as that on the current consent?

Yes

No*

**If No, you will need to apply for a consent under the Chapter 12 rules in the Water Plan. Use Form 5 for groundwater takes or Form 4B for surface water takes.*

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

- a. How many hectares of land will be irrigated?
- b. What you will be irrigating (i.e. crop type, pasture etc in ha)?
- c. Show the maximum area irrigated between 1 September 2017 and 18 March 2020 on the plan required by question 2.5.
- d. Confirm that the total land area to be irrigated is no more than the maximum area irrigated between 1 September 2017 and 18 March 2020?

Please provide any information to support this, such as maps, aerial photographs and infrastructure scheme plans as evidence that these areas have and can be irrigated.

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

Yes*

No

*If Yes, provide the name of the committee or group:

6 Measuring and Reporting

6.1 What type of water measuring system is currently installed?

6.2 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.*

Yes

No*

If your answer is **No**, you need to apply for a **Water Measuring Exemption (WEX)** by filling out Application [Form 24](#). A fully completed Form 24 should be lodged at the same time as this application to enable dual processing.

***No**, I have completed Application Form 24. My existing WEX Number is: _____

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7 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 (AEE) however Council's control/discretion is limited by Rules 10A.3.1.1 and 10A.3.1A.1.

7.1 List and detail below any conditions on the water permit that is being replaced e.g. existing residual flows, minimum flows or take cessation conditions.

Do you propose to carry over any existing residual flow, minimum flow, or take cessation condition (or other condition on the consent)?

Yes

No

7.2 Are there any of the following positive effects from the take?

Supporting local jobs and businesses

Community and economic wellbeing

Other, *please explain* _____

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8 Statutory Assessment

All applications need to come in with a statutory assessment. Please tick if you agree with the below assessments. If not, then please complete your own assessment and attach it to this application.

Note: If you are applying for additional consents for other activities associated with the take and use these will require a separate policy assessment.

I agree with the assessment below and adopt it as my own. It applies to my application and activity.

Planning Documents	Assessment	Does the example assessment apply to your activity? Say yes/no, provide a comment or complete your own assessment
<p>Regional Plan: Water for Otago: <i>Objective 10A.1.1</i> <i>Facilitate an efficient and effective transition from the operative freshwater planning framework toward a new integrated regional planning framework, by managing:</i></p> <ul style="list-style-type: none"> the take and use of freshwater; and the replacement of Deemed Permits, and the replacement of water permits for takes and uses of freshwater where those water permits expire prior to 31 December 2025. 	<p>This objective seeks a transition toward the long-term sustainable management of surface water resources in the Otago region through the establishment of an interim planning framework until such time as the new Land and Water Regional Plan is made operative. The proposal is consistent with this objective and is for a short term consent.</p>	
<p>Regional Plan: Water for Otago: <i>Policy 10A.2.1 – replacement consents</i> <i>Irrespective of any other policies in this Plan, avoid granting resource consents that replace Deemed Permits, or water permits for takes and uses of surface water (including groundwater considered as surface water under policy 6.4.1A (a), (b) and (c) of this Plan) where those water permits expire prior to 31 December 2025, except where:</i></p> <ul style="list-style-type: none"> The Deemed Permit or water permit that is being replaced is a valid permit; and There is no increase in the area under irrigation, except where any additional area to be irrigated is only for orchard or viticulture land uses and all mainline irrigation pipes servicing that additional area were installed before 18 March 2020; and Any existing residual flow, minimum flow or take cessation condition is applied to the new permit; and For takes other than community water supplies there is no increase in: <ul style="list-style-type: none"> the historical instantaneous rate of abstraction; and any historical volume of water taken. 	<p>This policy does not apply as my water permit to be replaced expires after 31 December 2025.</p> <p>Regardless, the permit being replaced is valid, there is no increase in the area under irrigation, any existing residual flow, minimum flow or take cessation condition is proposed to be included on the replacement consent and there is no increase in the historical rate of abstraction or volume proposed to be taken.</p>	
<p>Resource Management Act 1991: <i>Section 127B</i> <i>Duration of new water permits under Regional Plan: Water for Otago must not exceed 6 years.</i> <i>(1) The duration of a water permit authorising the taking or use of water granted on and after the commencement date under the Regional Plan: Water for Otago must not exceed 6 years.</i> <i>(2) If the water permit replaces a deemed permit or water permit, this section applies regardless of the expiry date of the permit being replaced.</i> <i>(3) However, this section does not apply if— (a) the water permit replaces a deemed permit associated with hydro-electricity generation infrastructure listed in Schedule 10A.5.1</i></p>	<p>The application is for a consent duration of no greater than six years.</p>	

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<p><i>of the plan on the terms specified in Rule 10A.3.1B of the plan; and (b) the applicant takes practicable steps to remedy or mitigate any adverse effects on the environment arising from the activity.</i></p> <p><i>(4) This section overrides any provision in the plan that applies to the duration of a water permit authorising the take or use of water.</i></p> <p><i>(5) In this section, deemed permit means a mining privilege that is a deemed permit under section 413.</i></p>		
<p>Resource Management (National Environmental Standard for Sources of Human Drinking Water) Regulations 2007</p>	<p>Plan Change 7, which introduced the rules relating to replacement water permit applications, was developed taking into consideration this NES. The replacement of the water take is not inconsistent with the NES.</p>	
<p>Resource Management (National Environmental Standards for Freshwater) Regulations 2020</p>	<p>No consents are required under the NES-FW for this application.</p> <p>OR</p> <p>Consents have been applied for in accordance with the NES-FW.</p>	
<p>National Policy Statement for Renewable Electricity Generation 2011</p>	<p>This NPS does not apply to my application.</p> <p>OR</p> <p>Plan Change 7, which introduced the rules relating to replacement water permit applications, was developed taking into consideration the original wording of the NPS. The proposal is in accordance with the updated NPS (due to changes made in 2025).</p>	
<p>National Policy Statement for Freshwater Management 2020</p>	<p>Plan Change 7, which introduced the rules relating to replacement water permit applications, was developed taking into consideration the NPS-FW.</p>	
<p>National Policy Statement for Highly Productive Land 2022</p>	<p>This NPS does not apply to my application.</p> <p>OR</p> <p>The proposal is to use water for irrigation of land for primary production. The proposal supports the use of the high productive land for primary production and is in accordance with the NPS-HPL.</p>	
<p>National Policy Statement for Indigenous Biodiversity 2023</p>	<p>This NPS does not apply to my application.</p> <p>OR</p> <p>The proposal does not have any effects on terrestrial indigenous biodiversity or specified highly mobile fauna and is in accordance with the NPS-IB.</p>	
<p>National Policy Statement for Infrastructure 2025</p>	<p>This NPS does not apply to my application.</p> <p>OR</p> <p>The proposal supports the development of infrastructure.</p>	
<p>Otago Regional Policy Statement 2021</p>	<p>The proposal is in general accordance with the relevant MW, IM, LF-WAI, LF-FW, LF-VM and LF-LS provisions. This assessment is limited to the matters of control and restricted discretion in the rules that apply to this activity.</p>	

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<p>Kai Tahu ki Otago Natural Resource Management Plan 2005 (NRMP)</p>	<p>The proposal is for no more water than has been taken historically and is for a short consent term. The take will be measured. The proposal is generally consistent with this Plan.</p>	
<p>Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008</p>	<p>This Plan does not apply to my Application.</p> <p>OR</p> <p>The proposal is for no more water than has been taken historically and is for a short consent term. The take will be measured. The proposal is generally consistent with this Plan.</p>	
<p>Waitaki Iwi Management Plan</p>	<p>This Plan does not apply to my Application.</p> <p>OR</p> <p>The Application is for no more water than has been taken historically and is for a short consent term. The take will be measured. The proposal is generally consistent with this Plan.</p>	
<p>Wanaka Preservation Act/Kawarau Water Conservation Order/Mataura Water Conservation Order</p>	<p>This Act and Water Conservation Orders do not apply to my Application.</p> <p>Or</p> <p>Plan Change 7, which introduced the rules relating to replacement water permit applications, was developed taking into consideration this Act and the Water Conservation Orders. The replacement of the water take is not inconsistent with these documents.</p>	