

**Plan Change 2
(Regionally Significant Wetlands)**

**Regional
Plan: Water
for Otago**



**1 October 2013
ISBN 978-0-478-37664-7**

This is a true and correct copy of Plan Change 2 to the Regional Plan: Water for Otago which was approved by the resolution of the Otago Regional Council on Wednesday, 18 September 2013.

Plan Change 2 to the Regional Plan: Water is deemed to be operative on Tuesday, 1 October 2013.

The Common Seal of the Otago Regional Council was hereto affixed pursuant to the resolution of the Council passed on Wednesday, 18 September 2013 in the presence of:



A handwritten signature in black ink, appearing to read "S Woodhead".

Stephen Woodhead
Chairperson

A handwritten signature in blue ink, appearing to read "P Bodeker".

Peter Bodeker
Chief Executive

Introduction

Plan Change 2 (Regionally Significant Wetlands) to the Regional Plan: Water for Otago, builds on existing provisions for Regionally Significant Wetlands by identifying additional wetlands that are regionally significant, strengthening protection for Regionally Significant Wetlands, making provisions easier to read and understand, and providing specific wetland information in separate documents.

Plan Change 2 (Regionally Significant Wetlands) was publicly notified on Saturday 2 July 2011. Submissions closed on Friday 29 July 2011. A total of 49 submissions were received, two of which were received after the formal submission period and accepted by the Hearing Committee. The *Summary of Decisions Requested by Submitters* and call for further submissions was notified on Saturday 10 September 2011, with further submissions closing on Friday 23 September 2011. Nine further submissions were received.

Submissions on the proposed policy framework and the rules were heard from Tuesday 13 December to Thursday 15 December 2011, while submissions relating to the mapping and scheduling of specific wetlands were heard on Tuesday 1 March 2012. In total, 24 submitters and further submitters made presentations to the Hearing Committee.

On 2 May 2012, Council made its decision on the plan change. This decision was publicly notified on Saturday 12 May 2012.

Three appeals (with six parties joining the appeals under section 274 of the RMA) were resolved through mediation, approved by Court Order on 14 August 2013. Plan Change 2 (Regionally Significant Wetlands) is operative on 1 October 2013.

The following sections detail the operative provisions of Plan Change 2 (Regionally Significant Wetlands) in order of chapters in the Regional Plan: Water for Otago and the Regional Plan: Water for Otago Maps.

An updated version of the operative Regional Plan: Water for Otago, incorporating Plan Change 2, and a revised version of the Regional Plan: Water for Otago Maps, incorporating the new F-series of the Water Plan maps are also available.

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)	2 July 2011	12 May 2012	1 October 2013

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Introduction



I N T R O D U C T I O N

1.1 to 1.3 [*Unchanged*]

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.

I N T R O D U C T I O N

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 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 was made operative on 1 March 2010.

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.

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 builds on the groundwater management system of taking water within a maximum allocation volume, 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 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.

1.4.1 *[Unchanged]*

1.5 *[Unchanged]*

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Wetlands



10.1 Introduction *[Repealed – 1 October 2013]*

10.2 Issues *[Repealed – 1 October 2013]*

10.3 Objectives

10.3.1 Otago’s wetlands and their individual and collective values and uses will be maintained or enhanced for present and future generations.

10.3.2 Otago’s Regionally Significant Wetlands and their values and uses are recognised and sustained.

10.4 Policies

10.4.1 Otago’s regionally significant wetland values are:

- A1** Habitat for nationally or internationally rare or threatened species or communities;
- A2** Critical habitat for the life cycles of indigenous fauna which are dependent on wetlands;
- A3** High diversity of wetland habitat types;
- A4** High degree of wetland naturalness;
- A5** Wetland scarce in Otago in terms of its ecological or physical character;
- A6** Wetland which is highly valued by Kai Tahu for cultural and spiritual beliefs, values and uses, including waahi taoka and mahika kai;
- A7** High diversity of indigenous wetland flora and fauna;
- A8** Regionally significant wetland habitat for waterfowl; and
- A9** Significant hydrological values including maintaining water quality or low flows, or reducing flood flows.

10.4.1A A Regionally Significant Wetland is any wetland that is:

- (a)** Listed in Schedule 9 and mapped in maps F1-F63; or
- (b)** Within a wetland management area listed in Schedule 9 and mapped in maps F1-F63; or
- (c)** Higher than 800 metres above sea level.

10.4.2 Avoid the adverse effects of an activity on a Regionally Significant Wetland or a regionally significant wetland value, but allow remediation or mitigation of an adverse effect only when the activity:

- (a)** Is lawfully established; or
- (b)** Is nationally or regionally important infrastructure, and has specific locational constraints; or
- (c)** Has the purpose of maintaining or enhancing a Regionally Significant Wetland or a regionally significant wetland value.

10.4.2A Where the avoidance, remediation or mitigation of adverse effects on any Regionally Significant Wetland or any regionally significant wetland value is not adequate, financial contributions, determined in accordance with Chapter 17, may be required.

10.4.3 *[Repealed – 1 October 2013]*

10.4.4 *[Repealed – 1 October 2013]*

10.4.5 *[Repealed – 1 October 2013]*

10.4.6 To promote the conservation, creation and reinstatement of wetland areas and enhancement of individual and collective wetland values by:

- (a) Educating Otago’s people and communities about land use activities that may affect wetlands and their values;
- (b) Promoting the fencing of wetlands;
- (c) Initiating or supporting investigations and monitoring of wetlands and their values;
- (d) Supporting voluntary community and landholder programmes;
- (e) Initiating or undertaking works in consultation with local communities;
- (f) Providing information on wetlands and their values; or
- (g) Providing for the restoration or enhancement of wetlands and wetland values.

10.4.7 *[Repealed – 1 October 2013]*

10.5 Anticipated Environmental Results *[Repealed – 1 October 2013]*

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Rules: Water Take, Use and Management



12.0 Applications for taking water [*Unchanged*]

12.1 The taking and use of surface water

12.1.1 Prohibited activities: No resource consent will be granted

12.1.1.1 and 12.1.1.2 [*Unchanged*]

12.1.1A Non-complying activities: Resource consent required

12.1.1A.1 The taking and use of surface water within any Regionally Significant Wetland is a ***non-complying*** activity unless:

- (i) It is prohibited by Rules 12.1.1.1 or 12.1.1.2; or
- (ii) It is permitted by Rules 12.1.2.1, 12.1.2.3, or 12.1.2.6.

An application involving wind energy infrastructure, which because of specific locational constraints affects a Regionally Significant Wetland, will not be bundled with other activities which do not affect a Regionally Significant Wetland.

12.1.1A.2 Except as provided for by Rules 12.1.1.2 to 12.1.5.1 and 12.1.1A.3, the taking and use of surface water in the Waitaki catchment when, by itself or in combination with any other take, use, dam or diversions, the sum of the annual volumes authorised by resource consent, exceeds the allocations to activities set out in Rules 12.1.4.5 to 12.1.4.7 is a ***non-complying*** activity.

In considering an application to which this rule applies the consent authority will have regard, among other matter to Policies 6.6A.1 to 6.6A.5.

12.1.1A.3 Except as provided for by Rules 12.1.1.2 and 12.1.1A.1, the taking and use of surface water from Welcome Creek is a ***non-complying*** activity when:

- (i) By itself or in combination with any other take, use, dam or diversions, the sum of the annual volumes authorised by resource consent, exceeds the allocations to activities set out in Rule 12.1.4.2; and
- (ii) The take does not comply with the minimum flow specified in Schedule 2A.

In considering an application to which this rule applies the consent authority will have regard, among other matters, to Policies 6.6A.1 to 6.6A.6.

12.1.2 Permitted activities: No resource consent required

12.1.2.0 and 12.1.2.1 [*Unchanged*]

12.1.2.2 Except as provided for by Rules 12.1.1A.1 and 12.1.1.2, the taking and use of surface water from the main stem of the

Clutha/Mata-Au or Kawarau Rivers, or Lakes Wanaka, Hawea, Wakatipu, Dunstan or Roxburgh, is a *permitted* activity, providing:

- (a) The take does not exceed 100 litres per second, nor 1,000,000 litres per day; and
- (b) No more than one such take occurs per landholding; and
- (c) No back-flow of any contaminated water occurs to the water body; and
- (d) Fish are prevented from entering the intake structure.

12.1.2.3 *[Unchanged]*

12.1.2.4 Except as provided for by Rules 12.1.1.1 to 12.1.2.3, the taking and use of surface water for no more than 3 days in any one month, is a *permitted* activity, providing:

- (a) The water is not used for irrigation, and
- (b) There is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
- (c) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland; and
- (d) No lawful take of water is adversely affected as a result of the taking; and
- (e) No take is for a volume greater than 100,000 litres per day; and
- (f) No take is at a rate greater than 10 litres per second; and
- (g) No back-flow of any contaminated water occurs to the water body; and
- (h) Fish are prevented from entering the intake structure; and
- (i) The taking of surface water is not suspended.

The Otago Regional Council may, by public notice, suspend the taking of water under this rule if the taking of water as primary allocation, under a resource consent has had to cease in accordance with Rule 12.1.4.9, for the catchment or river, or part of the catchment or river, at which the taking of water under this rule is occurring.

12.1.2.5 Except as provided for by Rules 12.1.1.1 to 12.1.2.4, the taking and use of surface water is a *permitted* activity, providing:

- (a) There is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
- (b) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland; and
- (c) No lawful take of water is adversely affected as a result of the taking; and
- (d) No take is for a volume greater than 25,000 litres per day at any landholding; and
- (e) No take is at a rate greater than 0.5 litres per second in the North Otago, Maniototo or Central Otago subregions (as identified on Maps A1-A8), or greater than 1 litre per second elsewhere in Otago; and

- (f) No back-flow of any contaminated water occurs to the water body; and
- (g) Fish are prevented from entering the intake structure; and
- (h) The taking of surface water is not suspended.

The Otago Regional Council may, by public notice, suspend the taking of water under this rule if the taking of water as primary allocation, under a resource consent has had to cease in accordance with Rule 12.1.4.9, for the catchment or river, or part of the catchment or river, at which the taking of water under this rule is occurring.

12.1.2.6 Unless prohibited by Rules 12.1.1.1 or 12.1.1.2, the taking of surface water for the purpose of land drainage is a *permitted* activity, providing:

- (a) Any taking within a Regionally Significant Wetland was lawfully established prior to 2 July 2011; and
- (b) There is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
- (c) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland; and
- (d) The taking does not result in the lowering of the level of water in any lake or river; and
- (e) The taking does not cause flooding of any other person's property, erosion, land instability, sedimentation or property damage.

12.1.3 Controlled activity: Consent required but always granted

12.1.3.1 Unless covered by Rule 12.1.1A.1, the taking and use of surface water for community water supply, up to any volume or rate authorised as at 28 February 1998, by any take identified in Schedule 1B is a *controlled* activity.

In granting any resource consent for the taking and use of surface water in terms of this rule, the Otago Regional Council will restrict the exercise of its control to the following:

- (a) Any need for a residual flow at the point of take; and
- (b) Any need to prevent fish entering the intake; and
- (c) The rate, volume, timing and frequency of the water to be taken and used; and
- (d) The quantity of water required to meet the needs of the community; and
- (e) The proposed method of take and delivery of the water taken; and
- (f) The duration of the resource consent; and
- (g) The information and monitoring requirements; and
- (h) Any bond; and
- (i) The review of conditions of the resource consent; and
- (j) Any effect on any Regionally Significant Wetland or on any regionally significant wetland value.

The Consent Authority is precluded from giving public notification of an application for a resource consent under this rule.

12.1.4 Restricted discretionary activities: Resource consent required

12.1.4.1 [Unchanged]

Note:

Rules 12.1.4.2 to 12.1.4.7 below do not apply to the taking of surface water prohibited by rules in 12.0, or provided for by permitted and controlled activity rules in 12.1.2 and 12.1.3 above.

For taking water:

- 1. From Lakes Dunstan, Hawea, Roxburgh, Wanaka, Wakatipu or the main stem of the Clutha/Mata-Au or Kawarau Rivers; or*
- 2. Where all of the surface water or connected groundwater taken is immediately returned to the source water body; or*
- 3. Where all of the water has been delivered to the source water body for the purpose of that subsequent take:*

Any take which does not meet the permitted activity standards is considered under Rules 12.1.4.1, 12.1.5.1 or in Section 12.1.1A, as it is exempt from primary allocation in accordance with Policy 6.4.1.

12.1.4.2 Taking and use of surface water as primary allocation in the following Schedule 2A catchment areas:

Lake Hayes (Map B1),

Welcome Creek (Map B3),

Kakanui (Map B3),

Waianakarua (Map B3),

Trotters (Map B3),

Shag (Map B3),

Taieri Catchment upstream of Paerau (Map B4),

Taieri Catchment Sutton to Outram (Maps B4 and B5),

Water of Leith (Map B5),

Waitahuna (Map B5), and

Lake Tuakitoto (Map B5):

- (i) This rule applies to the taking of surface water, as primary allocation, in the above catchment areas, and subject to the minimum flows specified in Schedule 2A.
- (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, provided that, in the case of Welcome Creek, by itself or in combination with any other take, use, dam, or diversion, the sum of the annual volumes authorised by resource consent, does not exceed the allocation to activities set out in Table 12.1.4.2.

(iii) The matters to which the Otago Regional Council has restricted the exercise of its discretion are set out in Rule 12.1.4.8.

(iv) The conditions of all existing consents will be reviewed by the Otago Regional Council under Sections 128 to 132 of the Act to enable the minimum flows specified in 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, as soon as practicable after the Plan becomes operative.

Table 12.1.4.2 [*Unchanged*]

12.1.4.3 Taking and use of surface water as supplementary allocation specified in Schedule 2B:

(i) This rule applies to the taking of surface water as supplementary allocation as specified in Schedule 2B, subject to the minimum flows specified in Schedule 2B.

(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) Unless covered by Rule 12.1.1A.1, the taking and use of surface water in the Waitaki catchment to which this rule applies is a **restricted discretionary** activity provided that by itself or in combination with any other take, use, dam, or diversion, the sum of the annual volumes authorised by resource consent, does not exceed the allocation to activities set out in Table 12.1.4.2 and is subject to Rule 12.1.4.9. The matters to which the Otago Regional Council has restricted the exercise of its discretion are set out in Rule 12.1.4.8.

(iv) The conditions of all existing consents will be reviewed by the Otago Regional Council under Sections 128 to 132 of the Act to enable the minimum flows set in Schedule 2A or Schedule 2B 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, as soon as practicable after the Plan becomes operative.

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:

Luggate Catchment (Map B1a),

Manuherikia Catchment Upstream of Ophir (Maps B2 and B4),

Taieri Catchment Paerau to Waipiata (Maps B2 and B4),

Taieri Catchment Waipiata to Tiroiti (Maps B2, B3 and B4); and Taieri Catchment Tiroiti to Sutton (Maps B3 and B4):

- (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 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 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 Taking and use of surface water as primary allocation applied for prior to 28 February 1998 in catchments not listed in Schedule 2A:

- (i) This rule applies to the taking of surface water, as primary allocation, in catchment areas not listed in Schedule 2A, 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) Unless covered by Rule 12.1.1A.1, the taking and use of surface water in the Waitaki catchment to which this rule applies is a **restricted discretionary** activity provided that by itself or in combination with any other take, use, dam, or diversions, the sum of the annual volumes authorised by resource consent, does not exceed the allocation to activities set out in Table 12.1.4.2. The matters to which the Otago Regional Council has restricted the exercise of its discretion are set out in Rule 12.1.4.8.
- (iv) Takes to which this rule applies will not be subject to a minimum flow condition until the minimum flow has been determined by investigation and added to Schedule 2A by a plan change.

Note: If a minimum flow has been determined for a catchment previously not listed in Schedule 2A, and that minimum flow has been set by a plan change, the catchment will then be listed in Schedule 2A and Rule 12.1.4.2 or Rule 12.1.4.4 will apply.

12.1.4.6 Taking and use of surface water as a new primary allocation take in catchment areas not listed in Schedule 2A:

- (i) This rule applies to the taking of surface water as primary allocation in catchment areas not listed in Schedule 2A, and not subject to Rule 12.1.4.5.
- (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) Unless covered by Rule 12.1.1A.1, the taking and use of surface water in the Waitaki catchment to which this rule applies is a **restricted discretionary** activity provided that by itself or in combination with any other take, use, dam, or diversions, the sum of the annual volumes authorised by resource consent, does not exceed the allocation to activities

set out in Table 12.1.4.2. The matters to which the Otago Regional Council has restricted the exercise of its discretion are set out in Rule 12.1.4.8.

- (iv) Minimum flows for catchments not listed in Schedule 2A will be set on a case-by-case basis such that any minimum flow set will allow the taking of water, while providing for the aquatic ecosystems and natural character of the catchment water bodies and the taking to be subject to Rule 12.1.4.9.
- (v) The minimum flows set on a case-by-case basis will continue to apply until investigations have established the appropriate minimum flow. The new minimum flow will be added to Schedule 2A by a plan change and Rule 12.1.4.2 or Rule 12.1.4.4 will then apply.

12.1.4.7 Taking and use of surface water as supplementary allocation in any catchment other than a Schedule 2B catchment:

- (i) This rule applies to the taking of surface water as supplementary allocation for any catchment area, except for any Schedule 2B catchment as set out in clause (ii) below, subject to the minimum flows set in paragraph (iii) below.
- (ii) This rule does not apply to the taking of any surface water that is in addition to the first supplementary allocation provided for by Schedule 2B, for any catchment area in Rule 12.1.4.3.
- (iii) The taking of surface water as supplementary allocation for any catchment is subject to a minimum flow which is not less than either:
 - (a) 50% of the natural flow at the point of take, or, if a resource consent so provides, not less than 50% of the natural flow at a point specified in the resource consent; or
 - (b) The natural mean flow at the point of take, or, if a resource consent so provides, not less than the natural mean flow at a point specified in the resource consent, as the Otago Regional Council determines in granting a resource consent.
- (iv) 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, and is subject to Rule 12.1.4.9. The matters to which the Otago Regional Council has restricted the exercise of its discretion are set out in Rule 12.1.4.8.
- (v) Unless covered by Rule 12.1.1A.1, the taking and use of surface water in the Waitaki catchment to which this rule

applies is a *restricted discretionary* activity provided that by itself or in combination with any other take, use, dam, or diversions, the sum of the annual volumes authorised by resource consent, does not exceed the allocation to activities set out in Table 12.1.4.2 and is subject to Rule 12.1.4.9. The matters to which the Otago Regional Council has restricted the exercise of its discretion are set out in Rule 12.1.4.8.

- (vi) This rule shall affect the exercise of any resource consent which was either:
 - (a) Granted before 28 February 1998; or
 - (b) Granted after 28 February 1998 but was applied for prior to 28 February 1998,
 for the taking of surface water where a condition on the consent requires the take to be suspended at a minimum flow higher than that which would be set by Schedule 2A.
- (vii) The conditions of all such resource consents will be reviewed under Sections 128 to 132 of the Act to enable the minimum flows in paragraph (iii)(a) or (iii)(b) of this rule 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, as soon as practicable after the Plan becomes operative.

12.1.4.8 Restricted discretionary activity considerations

In considering any resource consent for the taking and use of water in terms of Rules 12.1.4.2 to 12.1.4.7 and 12.2.3.1A, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (i) The primary and supplementary allocation limits for the catchment; and
- (ii) Whether the proposed take is primary or supplementary allocation for the catchment; and
- (iii) The rate, volume, timing and frequency of water to be taken and used; and
- (iv) The proposed methods of take, delivery and application of the water taken; and
- (v) The source of water available to be taken; and
- (vi) The location of the use of the water, when it will be taken out of a local catchment; and
- (vii) Competing lawful local demand for that water; and
- (viii) The minimum flow to be applied to the take of water, if consent is granted; and
- (ix) Where the minimum flow is to be measured, if consent is granted; and
- (x) The consent being exercised or suspended in accordance with any Council approved rationing regime; and
- (xi) Any need for a residual flow at the point of take; and

- (xii) Any need to prevent fish entering the intake and to locate new points of take to avoid adverse effects on fish spawning sites; and
- (xiii) Any effect on any Regionally Significant Wetland or on any regionally significant wetland value; and
- (xiv) Any financial contribution for regionally significant wetland values or Regionally Significant Wetlands that are adversely affected; and
- (xv) Any actual or potential effects on any groundwater body; and
- (xvi) Any adverse effect on any lawful take of water, if consent is granted, including potential bore interference; and
- (xvii) Whether the taking of water under a water permit should be restricted to allow the exercise of another water permit; and
- (xviii) Any arrangement for cooperation with other takers or users; and
- (xix) Any water storage facility available for the water taken, and its capacity; and
- (xx) The duration of the resource consent; and
- (xxi) The information, monitoring and metering requirements; and
- (xxii) Any bond; and
- (xxiii) The review of conditions of the resource consent; and
- (xxiv) For resource consents in the Waitaki catchment the matters in (i) to (xxiii) above, as well as matters in Policies 6.6A.1 to 6.6A.6.

Notification and written approvals

- (a) For applications for resource consent to which this Rule applies, to take and use water from a river, the Consent Authority is precluded from giving public notification, if the application is to take and use water from:
 - (i) A river for which a minimum flow has been set by or under this Plan; or
 - (ii) A river for which it is not necessary for the Council to consider whether, if consent is granted, the taking should be subject to a condition requiring a residual flow to remain in the river at the point of take, or a condition requiring other provision for native fish, other than a condition requiring fish screening.

Other applications for resource consent to take and use water from a river may be considered without notification as allowed by the Resource Management Act.

- (b) For applications for resource consent to which this rule applies, to take and use water from a water body other than

a river, the Consent Authority is precluded from giving public notification.

12.1.4.9 The suspension of takes

It is a term of any taking of surface water under Rules 12.1.1A.1, 12.1.2.4, 12.1.2.5 and 12.1.4.2 to 12.1.4.7 that, when the flow is equal to or less than a minimum flow applied by or under these rules, the Council may, by public notice, suspend all taking to enable the minimum flow to be met.

For catchments that have access to flow information via the “Water Info” telephone service, the taking of water under those consents shall cease automatically (without notification by Council) when the flow is at or below the minimum set in Schedule 2A or 2B until the flow again exceeds the minimum flow specified in Schedule 2A or 2B.

For catchments or parts of catchments where there is no access to flow information via the “Water Info” telephone service, the Council will notify the consent holders in those catchments that the taking of water shall cease. The Otago Regional Council will suspend takes in these catchments, or parts of catchments, by public notification through public media (newspaper, radio, television) until further notice that taking can recommence.

12.1.5 Discretionary activities: Resource consent required

12.1.5.1 Except as provided for by Rules 12.1.1.1 to 12.1.4.7, the taking and use of surface water is a *discretionary* activity.

12.1.6 *[Moved to 12.1.1A – 1 October 2013]*

Principal reasons for adopting

The taking and use of water can only occur if it is expressly allowed by a rule in a regional plan, or in any relevant proposed regional plan, or by a resource consent (Section 14(3) of the Resource Management Act).

Rule 12.1.1.1 is adopted to prohibit takes of water from Lake Tuakitoto when the minimum level established by this Plan is in force. This rule continues the minimum lake level already established to protect the lake’s recreational and wildlife features by The Local Water Conservation (Lake Tuakitoto) Notice, 1991.

Rule 12.1.1.2 is adopted to provide for and be fully consistent with Policy 12.5.1 of the Regional Policy Statement for Otago. The rule prohibits all taking of surface water for use in nuclear power generation plants and in nuclear weapons manufacturing.

Rule 12.1.2.0 is adopted to permit the use of surface water taken under a resource consent granted prior to 10 April 2010.

The taking and use of surface water under Rules 12.1.2.1 to 12.1.2.6 will have no more than minor adverse effects on the natural and human use values supported by water bodies, or on any other person taking water. These rules are adopted to enable access to resources while providing protection for those values and uses.

The taking and use of surface water for existing community water supply identified in Schedule 1B is a controlled activity in order that the needs of Otago's communities can continue to be met.

Where surface water that is to be taken and used has been specifically supplied from an augmentation scheme, the Council only needs to consider what portion of that water is still available to be taken, and the quantity of water required for the intended purpose of use. Therefore the taking and use of water, delivered for the purpose of that subsequent taking, is a restricted discretionary activity.

The taking of surface water within the primary and supplementary allocation limits identified in this Plan will be subject to minimum flows which will protect aquatic ecosystems and natural character. As such, the Council has restricted the exercise of its discretion when considering applications for resource consents under Rules 12.1.4.1 and 12.1.4.2 to 12.1.4.7, to take and use water. Any other activity involving the taking and use of surface water is either a discretionary activity or a non-complying activity in order that any adverse effects can be assessed. Non-complying activity rules 12.1.1A.2 and 12.1.1A.3 were added to this Plan by the Waitaki Catchment Water Allocation Regional Plan.

12.2 The taking and use of groundwater

Note: The construction or alteration of any bore for taking groundwater requires a resource consent under Rule 14.1.1.

12.2.1 Prohibited activities: No resource consent will be granted

12.2.1.1 and 12.2.1.2 [*Unchanged*]

12.2.1A Non-complying activities: Resource consent required

12.2.1A.1 The taking of groundwater within any Regionally Significant Wetland is a *non-complying* activity unless:

- (i) It is prohibited by Rules 12.2.1.1. or 12.2.1.2; or
- (ii) It is permitted by Rules 12.2.2.1 or 12.2.2.3.

An application involving wind energy infrastructure, which because of specific locational constraints affects a Regionally Significant Wetland, will not be bundled with other activities which do not affect a Regionally Significant Wetland.

12.2.1A.2 Except as provided for by Rules 12.2.1.1 and 12.2.1A.1, the taking and use of groundwater in the Waitaki catchment when, by itself or in combination with any other take, use, dam or diversions, the sum of the annual volumes authorised by resource consent, exceeds the allocations to activities set out in Rule

12.2.4.1 is a *non-complying* activity. In considering an application to which this rule applies the consent authority will have regard, among other matters, to Policies 6.6A.1 to 6.6A.6.

12.2.2 Permitted activities: No resource consent required

12.2.2.0 and 12.2.2.1 [*Unchanged*]

12.2.2.2 Except as provided for by Rules 12.2.1.1 to 12.2.2.1, the taking and use of groundwater is a *permitted* activity, providing:

- (a) No lawful take of water is adversely affected as a result of the taking; and
- (aa) The water is not taken from any aquifer identified in Schedule 2C; and
- (ab) The water is not taken from within 100 metres of any wetland, lake or river; and
- (b) [*Repealed – 1 March 2012*]
- (c) [*Repealed – 1 March 2012*]
- (d) The take is for a volume no greater than 50,000 litres per day, at any landholding, from the following aquifers:
 - (i) Lower Waitaki Plains Groundwater Protection Zone A (as identified on Map C9); and
 - (ii) Inch Clutha Gravel (as identified on Map C17); and
- (e) Except as provided by Condition (d) above, the take is for a volume no greater than 25,000 litres per day, at any landholding, elsewhere in Otago; and
- (f) No back-flow of any contaminated water occurs to the aquifer; and
- (g) The taking of groundwater is not suspended.

The Otago Regional Council may, by public notice, suspend the taking of water under this rule if the taking of water, under a resource consent has had to cease in accordance with Rule 12.2.3.5, for the aquifer from which the taking of water under this rule is occurring.

12.2.2.3 and 12.2.2.4 [*Unchanged*]

12.2.2.5 Except as provided for by Rules 12.2.1.1 to 12.2.2.4, the taking and use of groundwater from:

- (i) Any aquifer listed in Schedule 2C; or
- (ii) Within 100 metres of any wetland, lake or river, for no more than 3 days in any one month, is a *permitted* activity, providing:
 - (a) The water is not used for irrigation; and
 - (b) There is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
 - (c) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland; and
 - (d) No lawful take of water is adversely affected as a result of the taking; and

- (e) No take is for a volume greater than 100,000 litres per day; and
- (f) No take is at a rate greater than 10 litres per second; and
- (g) No back-flow of any contaminated water occurs to the water body; and
- (h) The taking of surface water is not suspended.

The Otago Regional Council may, by public notice, suspend the taking of water under this rule if the taking of water as primary allocation, under a resource consent has had to cease in accordance with Rule 12.2.3.5, for the catchment or river, or part of the catchment or river, at which the taking of water under this rule is occurring.

12.2.2.6 Except as provided for by Rules 12.2.1.1 to 12.2.2.5, the taking and use of groundwater from:

- (i) Any aquifer listed in Schedule 2C; or
- (ii) Within 100 metres of any wetland, lake or river, is a *permitted* activity, providing:
 - (a) There is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
 - (b) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland; and
 - (c) No lawful take of water is adversely affected as a result of the taking; and
 - (d) No take is for a volume greater than 25,000 litres per day at any landholding; and
 - (e) No take is at a rate greater than 0.5 litres per second in the North Otago, Maniototo or Central Otago subregions (as identified on Maps A1–A8), or greater than 1 litre per second elsewhere in Otago; and
 - (f) No back-flow of contaminated water occurs to the water body; and
 - (g) The taking of surface water is not suspended.

The Otago Regional Council may, by public notice, suspend the taking of water under this rule if the taking of water as primary allocation, under a resource consent has had to cease in accordance with Rule 12.2.3.5, for the catchment or river, or part of the catchment or river, at which the taking of water under this rule is occurring.

12.2.2.A Controlled activity: Consent required but always granted

12.2.2.A.1 Unless covered by Rule 12.2.1A.1, the taking and use of groundwater for community water supply, by any take identified in Schedule 3B, up to any volume or rate listed in Schedule 3B, is a *controlled* activity.

In granting any resource consent for the taking and use of groundwater in terms of this rule, the Otago Regional Council will restrict the exercise of its control to the following:

- (a) The need to observe a restriction level, and
- (b) The need for a residual flow at the point of take; and
- (c) The rate, volume, timing and frequency of the water to be taken and used; and
- (d) The quantity of water required to meet the needs of the community; and
- (e) The proposed methods of take and delivery of the water taken; and
- (f) The duration of the resource consent; and
- (g) The information and monitoring requirements; and
- (h) Any bond; and
- (i) The review of conditions of the resource consent; and
- (j) Any effect on any Regionally Significant Wetland or on any regionally significant wetland value.

The Consent Authority is precluded from giving public notification of an application for a resource consent under this rule.

12.2.3 Restricted discretionary activities: Resource consent required

12.2.3.1 [Repealed – 1 March 2012]

12.2.3.1A Unless covered by Rule 12.2.1A.1, the taking of groundwater from any Schedule 2C aquifer or from within 100 metres of any connected perennial surface water body, and the use of that groundwater, is a ***restricted discretionary*** activity, if all the standards and terms set out under Rules 12.1.4.1 to 12.1.4.7 that apply to the proposed taking and use are met, as if the take is surface water, except that any date should be read as 10 April 2010.

The matters to which the Otago Regional Council has restricted the exercise of its discretion are set out in Rule 12.1.4.8.

12.2.3.2 [Repealed – 1 March 2012]

12.2.3.2A Except as provided for by Rules 12.2.1A.1 and 12.2.3.1A, the taking and use of groundwater is a ***restricted discretionary*** activity, if:

- (a) The volume sought is within:
 - (i) The maximum allocation volume identified in Schedule 4A; or
 - (ii) 50% of the calculated mean annual recharge for any aquifer not specified in Schedule 4A; or
 - (iii) That specified on a resource consent granted before 10 April 2010, or the take applied for is a volume equal to or less than that on the existing consent; and
- (b) It is subject to aquifer restriction levels identified in Schedule 4B; and

- (c) Where the rate of surface water depletion is greater than 5 l/s, as calculated using Schedule 5A:
 - (i) Primary surface water allocation is available; and
 - (ii) For the Waitaki catchment, allocation to activities set out in Table 12.1.4.2 is available.

The matters to which the Otago Regional Council has restricted the exercise of its discretion are set out in Rule 12.2.3.4.

12.2.3.3 *[Repealed – 1 March 2012]*

12.2.3.4 Restricted discretionary activity considerations

In considering any resource consent for the taking and use of groundwater in terms of Rule 12.2.3.2A, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (i) The maximum allocation volume for the aquifer; and
- (ii) The mean annual recharge of that aquifer; and
- (iii) The effect of the take on the hydrodynamic properties of the aquifer and the vulnerability of the aquifer to compaction
- (iv) Whether any part of the take would constitute allocation from any connected perennial surface water body, and the availability of that allocation; and
- (v) The rate, volume, timing and frequency of groundwater to be taken and used; and
- (vi) The proposed methods of take, delivery and application of the groundwater taken; and
- (vii) The source of groundwater available to be taken; and
- (viii) The location of the use of the groundwater, when it will be taken out of a local catchment; and
- (ix) In the case of takes from an aquifer identified in Schedule 4B, the restriction levels for the aquifer (as identified in that schedule) to be applied to the take of groundwater, if consent is granted; and
- (x) The consent being exercised or suspended in accordance with any Council approved rationing regime; and
- (xi) Any adverse effect on the existing quality of groundwater in the aquifer; and
- (xii) Any irreversible or long term degradation of soils arising from the use of water for irrigation; and
- (xiii) Any actual or potential effects on any surface water body; and
- (xiv) Any adverse effect on the habitat of any indigenous freshwater fish species that are listed in Schedule 1AA; and
- (xv) Any effect on any Regionally Significant Wetland or on a regionally significant wetland value; and
- (xvi) Any financial contribution for regionally significant wetland values or Regionally Significant Wetlands that are adversely affected; and

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

- (xvii) Any adverse effect on any lawful take of water, if consent is granted, including potential bore interference; and
- (xviii) Whether the taking of water under a water permit should be restricted to allow the exercise of another water permit; and
- (xix) Any arrangement for cooperation with other takers or users; and
- (xx) Any water storage facility available for the groundwater taken, and its capacity; and
- (xxi) The duration of the resource consent; and
- (xxii) The information, monitoring and metering requirements; and
- (xxiii) Any bond; and
- (xxiv) The review of conditions of the resource consent; and
- (xxv) For resource consents in the Waitaki catchment the matters in (i) to (xxi) above, as well as matters in Policies 6.6A.1 to 6.6A.6.

Notification and written approvals

The Consent Authority is precluded from giving public notification of an application for a resource consent under this rule.

12.2.3.5 The suspension of takes

- (i) It is a term of any taking of groundwater under Rules 12.2.1A.1, 12.2.2.5, 12.2.2.6 and 12.2.3.1A that, when the flow in the catchment in which the take occurs is equal to or less than a minimum flow set by or under these rules, the Council may, by public notice, suspend all taking to enable the minimum flow to be met.

These catchments have access to flow information via the “Water Info” telephone service, and the taking of water under those consents shall cease automatically (without notification by Council) when the flow is at or below the minimum set in Schedule 2A until the flow again exceeds the minimum flow specified in Schedule 2A.

- (ii) It is a term of any taking of groundwater under Rule 12.2.2.2 that, when the aquifer levels are equal to or less than those set by those rules, the Otago Regional Council may, by public notice, suspend the taking of groundwater to enable the restrictions to be met.
- (iii) Any notice given under paragraph (i) or (ii) of this rule comes into force on the date specified in the notice and continues in force until revoked by public notice. Any notice may relate to one or more catchments or aquifers.

12.2.4 Discretionary activities: Resource consent required

- 12.2.4.1 (i) Except as provided for by Rules 12.2.1.1 to 12.2.3.5 the taking and use of groundwater is a *discretionary* activity.
- (ii) Unless covered by Rule 12.2.1A.1, the taking and use of groundwater in the Waitaki catchment to which this rule applies is a *discretionary* activity provided that by itself or in combination with any other take, use, dam or diversions, the sum of the annual volumes authorised by resource consent, does not exceed the allocation to activities set out in Table 12.1.4.2. In considering an application to which this rule applies, the consent authority will have regard, among other matters, to Policies 6.6A.1 to 6.6A.6.

12.2.5 *[Moved to 12.2.1A – 1 October 2013]*

Principal reasons for adopting

The taking and use of groundwater can only occur if they are expressly allowed by a rule in a regional plan, or in any relevant proposed regional plan, or by a resource consent (Section 14(3) of the Resource Management Act).

Rule 12.2.1.1 is adopted to provide for and be fully consistent with Policy 12.5.1 of the Regional Policy Statement for Otago. The rule prohibits all taking of groundwater for use in nuclear power generation plants and in nuclear weapons manufacturing.

Rule 12.2.1.2 is adopted to prohibit takes of water from Lake Tuakitoto when the minimum level established by this plan is in force. This rule continues the minimum lake level already established to protect the lake's recreational and wildlife features by The Local Water Conservation (Lake Tuakitoto) Notice, 1991.

Rule 12.2.2.0 is adopted to permit the use of groundwater take under a resource consent granted prior to 10 April 2010.

The taking and use of groundwater under Rules 12.2.2.1 to 12.2.2.6 will have no more than minor adverse effects on the aquifer from which the water is taken, any wetland, lake or river, or on any other person taking water. These rules are adopted to enable access to resources while providing protection for the existing consumptive uses of the groundwater.

The taking and use of groundwater under Rule 12.2.2A.1 for existing community water supply takes identified in Schedule 3B is a controlled activity in order that the needs of Otago's communities can continue to be met.

The taking of groundwater under Rule 12.2.3.1A is treated as surface water taking, subject to the standards and terms in the specified surface water

rules, which include the minimum flows that apply in the relevant catchments. This will maintain surface water levels and the groundwater volume of the aquifers, protect aquifer ecosystems and natural character, while ensuring recognised uses can continue.

The taking of groundwater under Rule 12.2.3.2A, is treated as the taking of groundwater and part surface water, where surface water depletion is greater than 5 l/s. This will maintain the levels identified for the specified aquifers and the groundwater volume of the aquifers, while ensuring the aquifers' recognised uses can continue. This will also ensure that the effect of the take on the surface water body is recognised.

The Council has restricted the exercise of its discretion when considering applications for resource consents under Rules 12.2.3.1A and 12.2.3.2A.

Any other activity involving the taking of groundwater is either a discretionary activity or a non-complying activity in order that any adverse effects can be assessed. Non-complying activity Rule 12.2.1A.2 was added to this Plan by the Waitaki Catchment Water Allocation Regional Plan.

12.3 The damming or diversion of water

Note: The erection of a dam in the bed of a lake or river is covered by Rules 13.2.1.3 and 13.2.3.1.

12.3.1 Prohibited activities: No resource consent will be granted

12.3.1.1 to 12.3.1.4 [Unchanged]

12.3.1A Non-complying activities: Resource consent required

12.3.1A.1 The damming or diversion of water within any Regionally Significant Wetland is a **non-complying** activity unless:

- (i) It is prohibited by Rules 12.3.1.1 to 12.3.1.4; or
- (ii) It is permitted by Rules 12.3.2.1 to 12.3.2.3; or
- (iii) It is provided for by Rule 12.3.3.1.

An application involving wind energy infrastructure, which because of specific locational constraints affects a Regionally Significant Wetland, will not be bundled with other activities which do not affect a Regionally Significant Wetland.

12.3.1A.2 Except as provided for in Rules 12.3.1A.1 and 12.3.1A.3, the damming or diversion of water in the Waitaki catchment when, by itself or in combination with any other take, use, dam, or diversions, the sum of the annual volumes authorised by resource consent, exceeds the allocations to activities set out in Rules 12.3.3.1 and 12.3.4.1 is a **non-complying** activity. In considering an application to which this rule applies the consent authority will have regard, among other matters, to Policies 6.6A.1 to 6.6A.5.

12.3.1A.3 Unless covered by Rule 12.3.1A.1, the damming or diversion of water from Welcome Creek is a *non-complying* activity. In considering an application to which this rule applies the consent authority will have regard, among other matters, to Policies 6.6A.1 to 6.6A.6.

12.3.2 Permitted activities: No resource consent required

12.3.2.1 Unless prohibited by Rules 12.3.1.1 to 12.3.1.4, the damming or diversion of water is a *permitted* activity, providing:

- (a) The size of the catchment upstream of the dam, weir or diversion is no more than 50 hectares in area; and
- (b) In the case of damming, the water immediately upstream of the dam is no more than 3 metres deep, and the volume of water stored by the dam is no more than 20,000 cubic metres; and
- (c) In the case of diversion, the water is conveyed from one part of any lake or river, or its tributary, to another part of the same lake, river or tributary; and
- (d) No lawful take of water is adversely affected as a result of the damming or diversion; and
- (e) Any damming or diversion within a Regionally Significant Wetland was lawfully established prior to 2 July 2011; and
- (f) There is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
- (g) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland; and
- (h) The damming or diversion does not cause flooding of any other person's property, erosion, land instability, sedimentation or property damage; and
- (i) The damming or diversion is not within the Waitaki catchment.

12.3.2.2 The diversion of water, for the purpose of land drainage, is a *permitted* activity, providing:

- (a) Any diversion within a Regionally Significant Wetland was lawfully established prior to 2 July 2011; and
- (b) There is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
- (c) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland; and
- (d) The diversion does not result in the lowering of the level of water in any lake or river; and
- (e) The diversion does not cause flooding of any other person's property, erosion, land instability, sedimentation or property damage.

12.3.2.3 Unless prohibited by Rules 12.3.1.1 to 12.3.1.4, the diversion of water carried out for the purposes of allowing the erection, placement, repair or maintenance of a lawful structure, is a *permitted* activity, providing:

- (a) The course of the water always remains within the bed of the lake or river; and
- (b) The course of the water is returned to its normal course following the completion of the repair or maintenance, and no more than one month after the diversion occurs; and
- (c) No lawful take of water is adversely affected as a result of the diversion; and
- (d) Any structure within a Regionally Significant Wetland was lawfully established prior to 2 July 2011; and
- (e) There is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
- (f) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland; and
- (g) The diversion does not cause any erosion, land instability, sedimentation or property damage.

12.3.3 Restricted discretionary activities: Resource consent required

- 12.3.3.1 (i) The damming of water, which has been previously carried out under a resource consent or other lawful authority, is a **restricted discretionary** activity, unless:
- (a) It is prohibited by Rules 12.3.1.1 to 12.3.1.4; or
 - (b) It is permitted by Rule 12.3.2.1; or
 - (c) It is in Welcome Creek.
- (ii) Unless covered by Rule 12.3.1A.1, the damming of water in the Waitaki catchment, except in Welcome Creek, to which this rule applies is a **restricted discretionary** activity provided that by itself or in combination with any other take, use, dam, or diversions, the sum of the annual volumes authorised by resource consent, does not exceed the allocation to activities set out in Table 12.1.4.2.
- (iii) The damming of water within a wetland for the purpose of wetland restoration or enhancement is a **restricted discretionary** activity, unless;
- (a) It is prohibited by Rules 12.3.1.1 to 12.3.1.4; or
 - (b) It is permitted by Rules 12.3.2.1 to 12.3.2.3.

In considering any resource consent for the damming of water in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following matters:

- (a) Any adverse effects of continuing or discontinuing the damming of water on:
 - (i) Any natural or human use value identified in Schedule 1 for any affected water body including the impoundment itself;
 - (ii) The natural character of any affected water body including the impoundment itself;

- (iii) Any amenity value supported by any affected water body including the impoundment itself;
- (iv) Any heritage value associated with any affected water body including the impoundment itself; and
- (v) Any existing lawfully established take or damming of water; and
- (b) Any effect on any Regionally Significant Wetland, or on any regionally significant wetland value; and
- (c) In the case of an application under Rule 12.3.3.1(iii):
 - (i) Any adverse effects on any existing lawfully established take, use, diversion or damming of water; and
 - (ii) Any effect on any wetland or any wetland value; and
- (d) Any maximum or minimum level or flow of water, and the range, or rate of change, of levels or flows of water; and
- (e) Flooding, erosion, land instability, sedimentation or property damage resulting from the damming or from the discontinuation of the damming; and
- (f) Any restoration of exposed lake bed resulting from any reduction in authorised lake level; and
- (g) The purpose of the existing dam or lake level control; and
- (h) The duration of the resource consent; and
- (i) The information and monitoring requirements; and
- (j) Any financial contribution, including for regionally significant wetland values or Regionally Significant Wetlands that are adversely affected; and
- (k) Any bond; and
- (l) Any insurance or other appropriate means of remedying the effects of failure; and
- (m) Any adverse effect on any lawful priority attached to any resource consent or deemed permit; and
- (n) Whether the damming of water under a water permit should be restricted to allow the damming or taking of water under any other permit; and
- (o) The review of conditions of the resource consent; and
- (p) For resource consents in the Waitaki catchment, matters in (a) to (m) above as well as matters in Policies 6.6A.1 to 6.6A.5.

12.3.4 Discretionary activities: Resource consent required

- 12.3.4.1 (i) Except as provided for by Rules 12.3.1.1 to 12.3.3.1 and except in the Waitaki catchment, the damming or diversion of water is a *discretionary* activity.
- (ii) Unless covered by Rule 12.3.1A.1, the damming or diversion of water in the Waitaki catchment, except in Welcome Creek to which this rule applies is a *discretionary* activity provided that by itself or in combination with any other take, use, dam, or diversions, the sum of the annual volumes authorised by resource consent, does not exceed the allocation to activities set out in Table 12.1.4.2. In considering an application to which this rule applies the consent authority will have regard, among other matters, to Policies 6.6A.1 to 6.6A.5.

12.3.5 *[Moved to 12.3.1A – 1 October 2013]*

Principal reasons for adopting

The damming or diversion of water can only occur if it is expressly allowed by a rule in a regional plan or any proposed regional plan, or by a resource consent (Section 14(3) of the Resource Management Act).

The Water Conservation (Kawarau) Order and the Lake Wanaka Preservation Act prohibit the damming of water. The Pomahaka River and Tributaries and Lower Clutha River Local Water Conservation Notice, deleted by this Plan, also prohibited the damming of water. It is therefore appropriate to prohibit the damming of the same waters within this Plan, as provided for by Rules 12.3.1.1 to 12.3.1.3.

Rule 12.3.1.4 is adopted to prohibit the diversion of water from Lake Tuakitoto when the minimum level established by this Plan is in force. This rule continues the minimum lake level already established to protect the lake's recreational and wildlife features by The Local Water Conservation (Lake Tuakitoto) Notice, 1991.

The damming or diversion of water under Rules 12.3.2.1 to 12.3.2.3, will have no more than minor adverse effects on the natural and human use values supported by water bodies, or on any other person. These rules are adopted to enable small dams or diversions while providing protection for those values and the interests of those people. Any other activity involving the damming or diversion of water is either a restricted discretionary activity, a discretionary activity or a non-complying activity in order that any adverse effects can be assessed. Non-complying activity Rules 12.3.1A.2 and 12.3.1A.3 were added to this Plan by the Waitaki Catchment Water Allocation Regional Plan.

12.4 Discharge of stormwater

12.4.1 Permitted activities: No resource consent required

12.4.1.1 The discharge of stormwater from a reticulated stormwater system to water, or onto or into land in circumstances where it may enter water, is a *permitted* activity, providing:

- (a) Where the system is lawfully installed, or extended, after 28 February 1998:
 - (i) The discharge is not to any Regionally Significant Wetland; and
 - (ii) Provision is made for the interception and removal of any contaminant which would give rise to the effects identified in Condition (d) of this rule; and
- (b) The discharge does not contain any human sewage; and
- (c) The discharge does not cause flooding of any other person's property, erosion, land instability, sedimentation or property damage; and
- (d) The stormwater discharged, after reasonable mixing, does not give rise to all or any of the following effects in the receiving water:
 - (i) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
 - (ii) Any conspicuous change in the colour or visual clarity; or
 - (iii) Any emission of objectionable odour; or
 - (iv) The rendering of fresh water unsuitable for consumption by farm animals; or
 - (v) Any significant adverse effects on aquatic life.

12.4.1.2 *[Unchanged]*

12.4.2 Restricted discretionary activities: Resource consent required

12.4.2.1 Except as provided for by Rules 12.4.1.1 to 12.4.1.2, the discharge of stormwater to water, or onto or into land in circumstances where it may enter water, is a *restricted discretionary* activity.

In considering any resource consent for the discharge of stormwater in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (a) Any adverse effects of the discharge on:
 - (i) Any natural and human use value identified in Schedule 1 for any affected water body;
 - (ii) The natural character of any affected water body;
 - (iii) Any amenity value supported by any affected water body; and
 - (iv) Any heritage value associated with any affected water body; and

- (b) Any effect on any Regionally Significant Wetland or on any regionally significant wetland value; and
- (c) Any financial contribution for regionally significant wetland values or Regionally Significant Wetlands that are adversely affected; and
- (d) The volume, rate and method of the discharge; and
- (e) The nature of the discharge; and
- (f) Treatment options; and
- (g) The location of the discharge point or area, and alternative receiving environments; and
- (h) The likelihood of erosion, land instability, sedimentation or property damage resulting from the discharge of stormwater; and
- (i) The potential for soil contamination; and
- (j) The duration of the resource consent; and
- (k) The information and monitoring requirements; and
- (l) Any bond; and
- (m) Any existing lawful activity associated with any affected water body; and
- (n) The review of conditions of the resource consent.

Principal reasons for adopting *[Unchanged]*

12.5 Discharge of drainage water *[Unchanged]*

12.6 Discharge of human sewage *[Unchanged]*

12.7 Discharge of pesticides

12.7.1 Permitted activities: No resource consent required

12.7.1.1 The discharge of any herbicide to water for the control of aquatic plants is a *permitted* activity, providing:

- (a) The herbicide and any associated additive are authorised for aquatic use in New Zealand, and are used in accordance with the authorisation; and
- (b) The discharge is carried out in accordance with any manufacturers' directions and is carried out by a person who holds a Growsafe Registered Applicator Certificate of Qualification; and
- (c) The herbicide is applied in the form of a gel; and
- (d) The discharge is for the purpose of controlling aquatic plants and does not exceed the quantity, concentration or rate required for that purpose; and
- (e) No lawful take of water is adversely affected as a result of the discharge; and
- (f) The discharger notifies, at least one week before commencing the discharge:
 - (i) Every person taking water for domestic supply, and

every holder of a resource consent or deemed permit for the taking of water within one kilometre downstream of the proposed discharge in any river or water race, or within one kilometre of the proposed discharge in any lake; and

- (ii) The community through Public Notice, where the discharge will occur directly into a lake, river or any Regionally Significant Wetland.

12.7.1.2 Except as provided for by Rule 12.8.1.1, the land-based discharge of any pesticide onto land is a *permitted* activity, providing:

- (a) The pesticide is authorised for use in New Zealand and is used in accordance with the authorisation; and
- (b) The discharge is carried out in accordance with any manufacturers' directions; and
- (c) The discharge is for the purpose of controlling animals, plants or other organisms and does not exceed the quantity, concentration or rate required for that purpose; and
- (d) There is no direct discharge of the pesticide to water in any water body, drain, water race or the coastal marine area; and
- (e) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland.

12.7.1.3 The discharge of herbicide to air or land in circumstances where it will enter water, is a *permitted* activity, providing:

- (a) The herbicide and any associated additive are authorised for use in or over water in New Zealand and are used in accordance with the authorisation; and
- (b) The use is carried out in accordance with any manufacturers' directions; and
- (c) The discharge is for the purpose of controlling plants and does not exceed the quantity, concentration or rate required for that purpose; and
- (d) All reasonable measures are taken to minimise any direct discharge of the herbicide to water in any water body, drain, water race, or to the coastal marine area; and
- (e) No lawful take of water is adversely affected as a result of the discharge; and
- (f) The discharger notifies, at least one week before commencing the discharge:
 - (i) Every person taking water for domestic supply, and every holder of a resource consent or deemed permit for the taking of water within one kilometre downstream of the proposed discharge alongside any river or water race, or within one kilometre of the proposed discharge alongside any lake; and
 - (ii) The community through Public Notice, where the discharge will occur directly into any lake, river, or any Regionally Significant Wetland; and

- (g) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland.

12.7.1.4 Except as provided for by Rule 12.7.1.3, the aerial discharge of any pesticide onto land in circumstances where it, or any contaminant associated with its breakdown, may enter water, is a *permitted* activity, providing:

- (a) The pesticide is authorised for use in New Zealand and is used in accordance with the authorisation; and
- (b) The discharge is carried out in accordance with any manufacturers' directions, by a person who holds a Growsafe Pilots' Agrichemical Rating Certificate of Qualification; and
- (c) The discharge is for the purpose of controlling animals, plants or other organisms and does not exceed the quantity, concentration or rate required for that purpose; and
- (d) All reasonable measures are taken to prevent any discharge of the pesticide within 20 metres of water in any water body, drain or water race, or of the coastal marine area; and
- (e) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland.

12.7.2 Discretionary activities: Resource consent required

12.7.2.1 *[Unchanged]*

12.8 Discharge of agricultural waste and fertiliser

12.8.1 Permitted activities: No resource consent required

12.8.1.1 to 12.8.1.4 *[Unchanged]*

12.8.1.5 The discharge of fertiliser onto production land, in circumstances where it may enter water, is a *permitted* activity, providing:

- (a) All reasonable measures are taken to minimise any discharge of the fertiliser to water in any water body, drain or water race, or to the coastal marine area; and
- (b) The discharge is carried out in accordance with the manufacturer's directions; and
- (c) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland.

12.8.2 Restricted discretionary activities: Resource consent required
[Unchanged]

12.8.3 Discretionary activities: Resource consent required *[Unchanged]*

12.9 Discharges from drilling and bore testing *[Unchanged]*

12.10 Discharges from vessels *[Unchanged]*

12.11 Discharge of water or tracer dye

12.11.1 Prohibited activities: No resource consent will be granted

12.11.1.1 *[Unchanged]*

12.11.2 Permitted activities: No resource consent required

12.11.2.1 The discharge of sullage, cooling water or water from any drinking-water supply reservoir, water supply pipeline or swimming pool to water, or onto or into land in circumstances where it may enter water, is a *permitted* activity, providing:

- (a) The discharge does not contain:
 - (i) A greater concentration of faecal coliforms than that of the receiving water, or a concentration that could cause the faecal coliform concentration of the receiving water, after reasonable mixing, to exceed 150 CFU per 100 mls; or
 - (ii) Any disinfectant, antiseptic or pesticide; or
 - (iii) Any residual flocculant, except for aluminium at acid-soluble aluminium concentrations less than 0.1 grams per cubic metre; or
 - (iv) Any free or residual chlorine at the point where the discharge enters water in any surface water body or mean high water springs; or
 - (v) Human sewage; or
 - (vi) Any hazardous substance; and
- (b) The discharge does not increase the natural temperature of the receiving water, after reasonable mixing, by more than 3° Celsius, and does not cause the temperature of the receiving water, after reasonable mixing, to rise above 25° Celsius; and
- (c) The discharge does not increase the suspended solids levels in the receiving water, after reasonable mixing, by more than 10 grams per cubic metre; and
- (d) The discharge does not change the pH of the receiving water, after reasonable mixing, by more than 0.5 pH units; and
- (e) The discharge does not, after reasonable mixing, give rise to any significant adverse effect on aquatic life; and
- (f) The discharge does not cause flooding of any other person's property, erosion, land instability, sedimentation or property damage; and
- (g) There is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
- (h) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland.

12.11.2.2 The discharge of water which has been used for the purpose of holding live organisms to water, or onto or into land in

circumstances where it may enter water, is a *permitted* activity, providing:

- (a) There is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
- (b) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland; and
- (c) No contaminant has been added that is toxic to the aquatic life of the receiving water body; and
- (d) The discharge contains no pest plant material (as identified in the Pest Management Strategy for Otago 2001); and
- (e) The discharge does not increase the natural temperature of the receiving waters, after reasonable mixing, by more than 3° Celsius, and does not cause the temperature of the receiving water, after reasonable mixing, to rise above 25° Celsius; and
- (f) The discharge does not increase the suspended solids levels in the receiving water, after reasonable mixing, by more than 10 grams per cubic metre; and
- (g) The discharge does not, after reasonable mixing, give rise to any significant adverse effect on aquatic life; and
- (h) The discharge does not cause flooding of any other person's property, erosion, land instability, sedimentation or property damage.

12.11.2.3 *[Unchanged]*

12.11.3 Controlled activities: Resource consent required but always granted

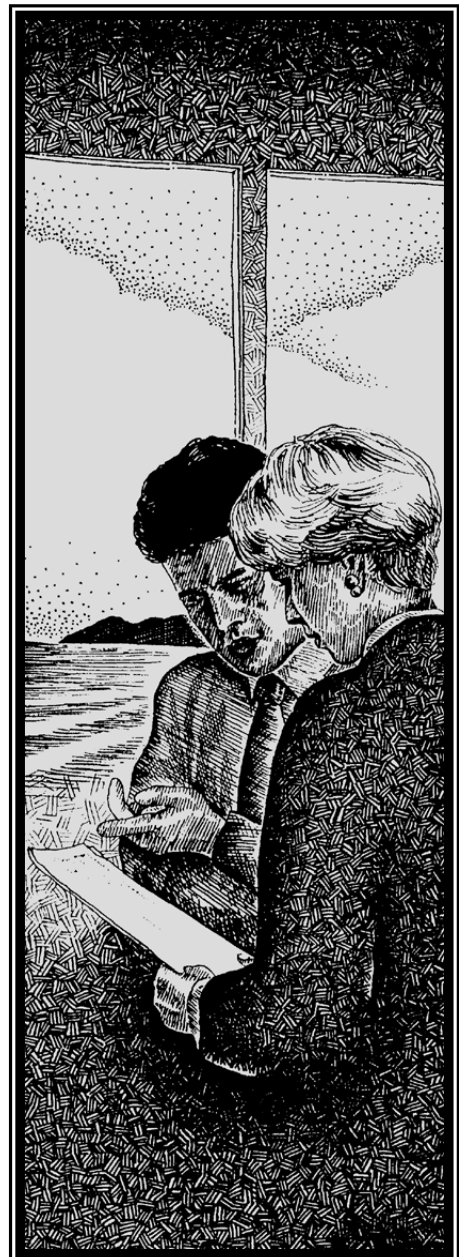
12.11.3.1 *[Unchanged]*

12.12 Discharges from dams and reservoirs *[Unchanged]*

12.13 Other discharges *[Unchanged]*

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Rules: Land Use on Lake or River Beds or Regionally Significant Wetlands



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Note: 1. Where the rules in this chapter provide for any activity in the bed of a lake or river, or in any Regionally Significant Wetland, a resource consent may also be required for activities associated with it, such as discharges to water, takes of water, damming or diversion of water, bed disturbance or structures.
2. A wetland may include open water which is part of a lake.

13.1 The use of a structure [*Unchanged*]

13.2 The erection or placement of a structure

13.2.1 Permitted activities: No resource consent required

Note: Any alteration of the bed of a lake or river, or of any Regionally Significant Wetland, in association with the following activities must also comply with Rules under 13.5 in order to be classified as a permitted activity.

- 13.2.1.1 The erection or placement of any fence, pipe, line or cable over the bed of a lake or river, or a Regionally Significant Wetland, is a **permitted** activity, providing:
- (a) The fence, pipe, line or cable does not cross a lake or river identified in Schedule 1A as being an “Outstanding natural feature or landscape” unless it is attached to an existing lawfully established support structure; and
 - (b) No part of the fence, pipe, line or cable is fixed to the bed of the lake or river unless it is attached to an existing lawfully established support structure; and
 - (c) No part of any pipe, line or cable is less than two metres above the 1 percent probability flood level, unless it is attached to an existing lawful structure; and
 - (d) Where it is attached to an existing lawful structure, no part of any pipe, line or cable extends below the underside of the existing structure; and
 - (e) Any fence over the bed of a lake or river, or a wetland, does not impede the flow of flood water or debris, or is installed and maintained so it results in no flooding or erosion of the bed or banks of the lake or river, or of a wetland; and
 - (f) The fence, pipe, line or cable does not interfere with navigation; and
 - (g) For existing overhead network utility services over the bed of a lake or river, there is no reduction in the height of clearance above the waterway; and
 - (h) The fence, pipe, line or cable is maintained in good repair.

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- 13.2.1.2 The placement of any pipe, line, or cable on or under the bed of a lake or river, or any Regionally Significant Wetland, is a **permitted** activity, providing:
- (a) The pipe, line, or cable does not impede the flow of water or debris, or is installed and maintained so it results in no flooding, erosion or sedimentation; and
 - (b) The location of the pipe, line, or cable is identified by markers on the banks of the river or lake; and
 - (c) The pipe, line, or cable is maintained in good repair.
- 13.2.1.3 *[Unchanged]*
- 13.2.1.4 The erection or placement of any flow or level recording device, outfall or intake structure or navigational aid structure, that is fixed in, on or under the bed of any lake or river, or any Regionally Significant Wetland, is a **permitted** activity, providing:
- (a) The structure does not exceed 2 square metres in area provided that in respect of any flow or level recording device any catwalk to the nearest bank shall be excluded from the area calculation; and
 - (b) The structure, or its erection or placement, does not cause any flooding or erosion; and
 - (c) The Otago Regional Council is notified of the location and nature of the structure, at least seven working days prior to commencing the erection or placement; and
 - (d) Except in the case of a navigational aid, or the sight board of any gauge, any visible part of the structure is of a neutral colour to blend in with the surroundings; and
 - (e) The structure is maintained in good repair; and
 - (f) The site is left tidy following the erection or placement.
- 13.2.1.5 The erection or placement of any maimai that is fixed in, on or under the bed of any lake or river, or any Regionally Significant Wetland, is a **permitted** activity, providing:
- (a) The structure does not exceed 10 square metres in area; and
 - (b) The structure is open piled; and
 - (c) The structure is at least 90 metres from any adjacent maimai; and
 - (d) The site is left tidy following the erection or placement.
- 13.2.1.6 The erection or placement of any whitebait stand or eel trap that is fixed in, on or under the bed of any lake or river, or any Regionally Significant Wetland, is a **permitted** activity, providing:
- (a) The structure is open piled; and
 - (b) The structure does not exceed three square metres in area; and
 - (c) The dimension of the structure perpendicular to the flow of water is no more than 10 percent of the width of the bed of the lake or river, or no more than three metres, whichever is the lesser; and

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- (d) The structure is at least 20 metres from any neighbouring structure, flood gate, confluence or culvert located within the bed of a lake or river; and
- (e) In the case of a whitebait stand, the structure is erected or placed in or on the bed of the Clutha River/Mata-Au, or its branches; and
- (f) The site is left tidy following the erection or placement.

13.2.1.7 *[Unchanged]*

13.2.1.8 The placement of a floating boom in, on or over the bed of a lake, or any Regionally Significant Wetland, is a ***permitted*** activity, providing that for the bed of any lake:

- (a) The boom is securely fixed to the bed or margins of the lake; and
- (b) The boom is not more than 850 metres upstream of a lawfully established hydro-electric dam or control structure or within 200 metres of any other lawfully established dam or control structure; and
- (c) The boom is maintained at all times in a safe condition, good repair and substantially free of debris; and
- (d) The boom and all associated equipment are clearly visible.

13.2.2 Restricted discretionary activities: Resource consent required

13.2.2.1 Except as provided for by Rules 13.2.1.1, 13.2.1.2, 13.2.1.5 to 13.2.1.7, the erection or placement of any fence, pipe, line, cable, whitebait stand, eel trap, maimai, jetty, bridge or crossing in, on, under, or over the bed of any lake or river, or the erection or placement of any fence, pipe, line, cable, jetty, bridge, crossing or boardwalk in, on, under or over any Regionally Significant Wetland, is a ***restricted discretionary*** activity.

In considering any resource consent for the erection or placement of any fence, pipe, line, cable, whitebait stand, eel trap, maimai, jetty, bridge, crossing or boardwalk in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (a) Any adverse effects of the activity on:
 - (i) Any natural and human use value identified in Schedule 1 for any affected water body;
 - (ii) The natural character of any affected water body;
 - (iii) Any amenity value supported by any affected water body; and
 - (iv) Any heritage value associated with any affected water body; and
- (b) Any effect on any Regionally Significant Wetland or on any regionally significant wetland value; and
- (c) Flow and sediment processes; and
- (d) Any adverse effect on a defence against water; and
- (e) Any adverse effect on existing public access; and

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- (f) Fish passage; and
- (g) The method of construction; and
- (h) The duration of the resource consent; and
- (i) The information and monitoring requirements; and
- (j) Any existing lawful activity associated with any affected water body; and
- (k) Any bond; and
- (l) The review of conditions of the resource consent.
- (m) Any financial contribution for regionally significant wetland values or Regionally Significant Wetlands that are adversely affected.

The Consent Authority is precluded from giving public notification of an application for a resource consent under this rule.

13.2.3 Discretionary activities: Resource consent required

- 13.2.3.1 Except as provided for by Rules 13.2.1.1 to 13.2.2.1, the erection or placement of any structure fixed in, on, under, or over the bed of any lake or river, or any Regionally Significant Wetland, is a *discretionary* activity.

Principal reasons for adopting [*Unchanged*]

13.3 The extension, alteration, replacement or reconstruction of a structure

13.3.1 Permitted activities: No resource consent required

Note: Any alteration of the bed of a lake or river, or of any Regionally Significant Wetland, in association with the following activities must also comply with Rules under 13.5 in order to be classified as a permitted activity.
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- 13.3.1.1 The repair or maintenance of any lawful structure in, on, under or over the bed of a lake or river, or any Regionally Significant Wetland, is a *permitted* activity providing:
- (a) There is no permanent change to the scale, nature or functions of the structure.
- 13.3.1.2 The extension, alteration, replacement or reconstruction of any lawful structure in, on, under or over the bed of a lake or river, or any Regionally Significant Wetland, is a *permitted* activity providing:
- (a) In the case of a replacement or reconstruction, the structure is replaced or reconstructed in the same location as the original structure; and

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- (b) There is no permanent change to the scale, nature or functions of the structure, except where a rule under 13.2.1 applies to that structure and the conditions of that rule are met.

13.3.2 Restricted discretionary activities: Resource consent required

- 13.3.2.1 Except as provided for by Rules 13.3.1.1 and 13.3.1.2, the extension, alteration, replacement or reconstruction of any structure, fixed in, on, under or over the bed of any lake or river, or any Regionally Significant Wetland, is a *restricted discretionary* activity.

In considering any resource consent for the extension, alteration, replacement or reconstruction of any structure in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (a) Any adverse effects of the activity on:
- (i) Any natural and human use value identified in Schedule 1 for any affected water body;
 - (ii) The natural character of any affected water body
 - (iii) Any amenity value supported by any affected water body; and
 - (iv) Any heritage value associated with any affected water body; and
- (b) Any effect on any Regionally Significant Wetland or on any regionally significant wetland value; and
- (c) Flow and sediment processes; and
- (d) Any adverse effect on a defence against water; and
- (e) Any adverse effect on existing public access; and
- (f) The method of construction; and
- (g) The duration of the resource consent; and
- (h) The information and monitoring requirements; and
- (i) Any existing lawful activity associated with any affected water body; and
- (j) Any insurance or other appropriate means of remedying the effects of failure; and
- (k) Any bond; and
- (l) A financial contribution if the structure is a dam, or for regionally significant wetland values or Regionally Significant Wetlands that are adversely affected; and
- (m) The review of conditions of the resource consent.

The Consent Authority is precluded from giving public notification of an application for a resource consent under this rule.

Principal reasons for adopting [Unchanged]

13.4 Demolition or removal of a structure

13.4.1 Permitted activities: No resource consent required

Note: Any alteration of the bed of a lake or river, or any Regionally Significant Wetland, in association with the following activities must also comply with Rules under 13.5 in order to be classified as a permitted activity.

13.4.1.1 The demolition or removal of any structure or any part of a structure that is fixed in, on, under, or over the bed of any lake or river, or any Regionally Significant Wetland, is a *permitted* activity providing:

- (a) Where any part of the structure remains in situ, nothing remains above the level of the bed; and
- (b) The structure is not identified as a registered historic place, a building or place identified in any district plan as being of historic value, an archaeological site or a place with interim historic place registration; and
- (c) The structure is not a sacred place identified by Kai Tahu and located in any area identified as MA3 in Schedule 1D; and
- (d) There is no use of explosives; and
- (e) The Otago Regional Council is notified of the demolition or removal, at least seven working days prior to commencing the activity; and
- (f) The demolition or removal of the structure does not cause any erosion; and
- (g) The site is left tidy following the demolition or removal; and
- (h) In the case of any dam structure, the dam is no more than 3 metres high, and the volume of water stored by the dam is no more than 20,000 cubic metres; and
- (i) There is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
- (j) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland.

13.4.2 Restricted discretionary activities: Resource consent required

13.4.2.1 Except as provided for by Rule 13.4.1.1, the demolition or removal of any structure or any part of a structure that is fixed in, on, under, or over the bed of any lake or river, or any Regionally Significant Wetland, is a *restricted discretionary* activity.

In considering any resource consent for the demolition or removal of any structure in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (a) Any adverse effects of the activity on:
 - (i) Any natural and human use value identified in Schedule 1 for any affected water body;

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- (ii) The natural character of any affected water body;
- (iii) Any amenity value supported by any affected water body; and
- (iv) Any heritage value associated with any affected water body; and
- (b) Any effect on any Regionally Significant Wetland or on any regionally significant wetland value; and
- (c) Flow and sediment processes; and
- (d) Any adverse effect on a defence against water; and
- (e) Any adverse effect on existing public access; and
- (f) The method of demolition or removal; and
- (g) The duration of the resource consent; and
- (h) The information and monitoring requirements; and
- (i) Any existing lawful activity associated with any affected water body; and
- (j) Any bond; and
- (k) The review of conditions of the resource consent.
- (l) Any financial contribution for regionally significant wetland values or Regionally Significant Wetlands that are adversely affected.

The Consent Authority is precluded from giving public notification of an application for a resource consent under this rule.

Principal reasons for adopting [*Unchanged*]

13.5 Alteration of the bed of a lake or river, or of a Regionally Significant Wetland

Note: Alteration includes any disturbance, reclamation or deposition.

13.5.1 Permitted activities: No resource consent required

13.5.1.1 The disturbance of the bed of any lake or river, or any Regionally Significant Wetland, associated with:

- (i) The erection, placement, extension, alteration, replacement, reconstruction, repair, maintenance, demolition or removal, of any structure that is fixed in, on, under or over the bed of any lake or river, or the wetland; or
 - (ii) The clearance of debris or alluvium from within, or immediately surrounding, any structure in order to safeguard the function or structural integrity of the structure; or
 - (iii) The maintenance or reinstatement of a water intake, in order to enable the exercise of a lawful take of water,
- is a **permitted** activity, providing:
- (a) Except in the case of the demolition or removal of a structure, the structure is lawfully established; and

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- (b) Except in the case of (i) above, there is no increase in the scale of the existing structure; and
- (c) The bed or wetland disturbance is limited to the extent necessary to undertake the work; and
- (d) The bed or wetland disturbance does not cause any flooding or erosion; and
- (e) The time necessary to carry out and complete the whole of the work does not exceed 10 consecutive hours in duration; and
- (f) All reasonable steps are taken to minimise the release of sediment to the lake or river during the disturbance, and there is no conspicuous change in the colour or visual clarity of the water body beyond a distance of 250 metres downstream of the disturbance; and
- (g) No lawful take of water is adversely affected as a result of the bed or wetland disturbance; and
- (h) The site is left tidy following completion of the activity; and
- (i) Except for activities covered by Rules 13.2.1.5, 13.2.1.6, or 13.2.1.8, there is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
- (j) Except for activities covered by Rules 13.2.1.5, 13.2.1.6, or 13.2.1.8, there is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland.

13.5.1.2 *[Unchanged]*

13.5.1.3 The disturbance or reclamation of, or the deposition of any substance in, on or under, either the bed of any lake or river, or any Regionally Significant Wetland, for the purpose of:

- (i) The erection, placement, extension, alteration, replacement, reconstruction, repair, maintenance, demolition or removal, of any structure carried out under Rules 13.2.1.1 to 13.2.1.7, 13.3.1.1, 13.3.1.2 or 13.4.1.1; or
- (ii) The repair or maintenance of any defence against water constructed or placed by artificial means,

is a *permitted* activity providing:

- (a) The structure or defence against water is lawfully established; and
- (b) There is no change to the original scale of the structure or defence against water; and
- (c) The time necessary to carry out and complete the whole of the work does not exceed 10 consecutive hours in duration; and
- (d) All reasonable steps are taken to minimise the release of sediment to the lake, river or wetland during the activity, and there is no conspicuous change in the colour or visual clarity of the water body beyond a distance of 250 metres downstream of the activity; and

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- (e) No lawful take of water is adversely affected as a result of the activity; and
- (f) In the case of reclamation or deposition, only cleanfill is used; and
- (g) The site is left tidy following completion of the activity; and
- (h) Except for activities covered by Rules 13.2.1.5, 13.2.1.6, 13.2.1.8, there is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
- (i) Except for activities covered by Rules 13.2.1.5, 13.2.1.6, or 13.2.1.8, there is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland.

13.5.1.4 and 13.5.1.5 [Unchanged]

13.5.1.5A The alteration of any Regionally Significant Wetland, associated with the introduction, planting, removal or clearance of plant material is a **permitted** activity providing:

- (a) The introduction, planting, removal or clearance is carried out under Rule 13.6.2.0 or 13.7.1.2, or
- (b) The introduction, planting, removal or clearance is carried out under a resource consent.

13.5.1.5B The disturbance of any Regionally Significant Wetland, for the purpose of drain maintenance, is a **permitted** activity, providing:

- (a) The disturbance is limited to that necessary to address water accumulating on land outside of any Regionally Significant Wetland; and
- (b) The drain was lawfully constructed on or before 2 July 2011; and
- (c) The drain has been maintained within the preceding 15 years; and
- (d) There is no increase in the drain dimensions from the last maintenance; and
- (e) All reasonable measures are taken to minimise the release of sediment to any water body during the disturbance, and there is no conspicuous change in the colour or visual clarity of any water body beyond a distance of 100 metres downstream of the disturbance; and
- (f) All reasonable steps are taken to minimise damage to fauna and New Zealand native flora; and
- (g) At least ten working days prior to commencing the maintenance, the Otago Regional Council is given notice of the location and date of the drain maintenance; and
- (h) Within ten working days after the drain maintenance is carried out, the Otago Regional Council is provided with:
 - (i) Photographs of:
 - (a) The drain immediately before and after maintenance; and

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- (b) The wetland adjoining the drain being maintained, showing vegetation cover; and
- (ii) Dimensions (longitude and cross-section) of the drain immediately before and after maintenance; and
- (iii) A map or line diagram identifying the location and course of the drain.

13.5.1.6 Except as provided for by Rule 13.5.1.1, the extraction of alluvium within the bed of a river is a *permitted* activity, providing:

- (a) No person takes more than 20 cubic metres in any month; and
- (b) The alluvium is not taken from the wet bed of the river and the surface of the remaining alluvium is not left lower than the level of the water in the river; and
- (c) The area from which the material is taken is smoothed over, as far as practicable; and
- (d) The activity is not carried out within 20 metres of any structure which has foundations in the river bed, or any ford or pipeline; and
- (e) No material is taken directly from the bank or from any defence against water.

13.5.1.7 to 13.5.1.9 [*Unchanged*]

13.5.2 Restricted discretionary activities: Resource consent required

13.5.2.1 Except as provided for by Rules 13.5.1.1 and 13.5.1.6, the extraction of alluvium within the bed of a lake or river, or within any Regionally Significant Wetland, is a *restricted discretionary* activity.

In considering any resource consent for the extraction of alluvium in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (a) Any adverse effects of the activity on:
 - (i) Any natural and human use value identified in Schedule 1 for any affected water body;
 - (ii) The natural character of any affected water body;
 - (iii) Any amenity value supported by any affected water body; and
 - (iv) Any heritage value associated with any affected water body; and
- (b) Any effect on any Regionally Significant Wetland or on any regionally significant wetland value; and
- (c) Any financial contribution for regionally significant wetland values or Regionally Significant Wetlands that are adversely affected;
- (d) Any adverse effect on a defence against water; and
- (e) The quantity of alluvium to be extracted, and the location and the method of removal; and

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- (f) Any adverse effect on existing public access; and
- (g) The duration of the resource consent; and
- (h) The information and monitoring requirements; and
- (i) Any existing lawful activity associated with any affected water body; and
- (j) Any bond; and
- (k) The review of conditions of the resource consent.

Except in the case of extraction from the wet bed of a lake or river, or within a Regionally Significant Wetland, the Consent Authority is precluded from giving public notification of an application for a resource consent under this rule.

13.5.3 Discretionary activities: Resource consent required

13.5.3.1 [Unchanged]

13.5.3.2 Unless covered by Rules 13.5.1.1, 13.5.1.3, 13.5.1.5A, or 13.5.1.5B, the alteration of any Regionally Significant Wetland, is a *discretionary* activity.

Principal reasons for adopting [Unchanged]

13.6 The introduction or planting of vegetation

Note: The Otago Regional Council's Pest Management Strategy 2009 addresses the management of pest plants in Otago under the Biosecurity Act 1993. The Biosecurity Act 1993 bans a number of aquatic plants that have been declared unwanted organisms, from sale, distribution and propagation.

13.6.1 Prohibited activities: No resource consent granted

13.6.1.1 The introduction of material of the following species:

- (i) Lagarosiphon *Lagarosiphon major*; or
- (ii) Eel Grass *Vallisneria spiralis*; or
- (iii) Egeria *Egeria densa*; or
- (iv) Hornwort *Ceratophyllum demersum*; or
- (v) Hydrilla *Hydrilla verticillata*; or
- (vi) Sagittaria *Sagittaria graminea ssp platyphylla*; or
- (vii) Spartina *Spartina anglica*; or
- (viii) Salvinia *Salvinia molesta*; or
- (ix) Water Hyacinth *Eichhornia crassipes*; or
- (x) Water Lettuce *Pistia stratiotes*,

to the bed or water of any Otago lake, river, or any Regionally Significant Wetland, is a *prohibited* activity for which no resource consent will be granted.

13.6.2 Permitted activities: No resource consent required

13.6.2.0 The introduction or planting of any New Zealand native plant to any Regionally Significant Wetland, is a *permitted* activity providing:

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- (a) All reasonable measures are taken to minimise effects on any Regionally Significant Wetland or on any regionally significant wetland value; and
- (b) The introduction or planting does not cause any flooding or erosion.

13.6.2.1 [Unchanged]

13.6.3 Discretionary activities: Resource consent required

13.6.3.1 Except as provided for by Rules 13.6.1.1 to 13.6.2.1, the introduction or planting of vegetation to the bed of any lake or river, or any Regionally Significant Wetland, is a *discretionary* activity.

Principal reasons for adopting [Unchanged]

13.7 The removal of vegetation

13.7.1 Permitted activities: No resource consent required

13.7.1.1 [Unchanged]

13.7.1.2 The removal or clearance of plant material exotic to New Zealand from any Regionally Significant Wetland, is a permitted activity providing:

- (a) The plant is not Lagarosiphon (*Lagarosiphon major*) in Lake Wanaka or Lake Dunstan; and
- (b) All reasonable measures are taken to minimise effects on any Regionally Significant Wetland or on any regionally significant wetland value.

13.7.2 Controlled Activities: Resource consent required but always granted

13.7.2.1 Except as provided for by Rules 13.7.1.1 and 13.7.1.2, physical removal of material of any of the following plants:

- (i) Lagarosiphon *Lagarosiphon major*; or
- (ii) Eel Grass *Vallisneria spiralis*; or
- (iii) Egeria *Egeria densa*; or
- (iv) Hornwort *Ceratophyllum demersum*; or
- (v) Hydrilla *Hydrilla verticillata*; or
- (vi) Sagittaria *Sagittaria graminea ssp platyphylla*; or
- (vii) Spartina *Spartina anglica*; or
- (viii) Salvinia *Salvinia molesta*; or
- (ix) Water Hyacinth *Eichhornia crassipes*; or
- (x) Water Lettuce *Pistia stratiotes*,

from the bed of any lake or river, or from any Regionally Significant Wetland, is a *controlled* activity.

In granting any resource consent for the removal of material of the above identified plants in terms of this rule, the Otago

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Regional Council will restrict the exercise of its control to the following:

- (a) The method of removal; and
- (b) The effects on any Regionally Significant Wetland or on any regionally significant wetland value; and
- (c) The duration of the resource consent; and
- (d) The information and monitoring requirements; and
- (e) Any bond; and
- (f) The review of conditions of the resource consent.

The Consent Authority is precluded from giving public notification of an application for a resource consent under this rule.

13.7.3 Discretionary activities: Resource consent required

13.7.3.1 Unless covered by Rules 13.7.1.1 to 13.7.2.1, removal or clearance of plant material from any Regionally Significant Wetland, is a *discretionary* activity.

Principal reasons for adopting *[Unchanged]*

15

Methods other than Rules



METHODS OTHER THAN RULES

15.1 to 15.3 [*Unchanged*]

15.4 Promotion and education

15.4.1 to 15.4.2 [*Unchanged*]

15.4.3 [*Repealed – 1 October 2013*]

15.5 to 15.9 [*Unchanged*]

16

Information Requirements



INFORMATION REQUIREMENTS

16.1 to 16.2 *[Unchanged]*

16.3 Specific information requirements

16.3.1 to 16.3.10 *[Unchanged]*

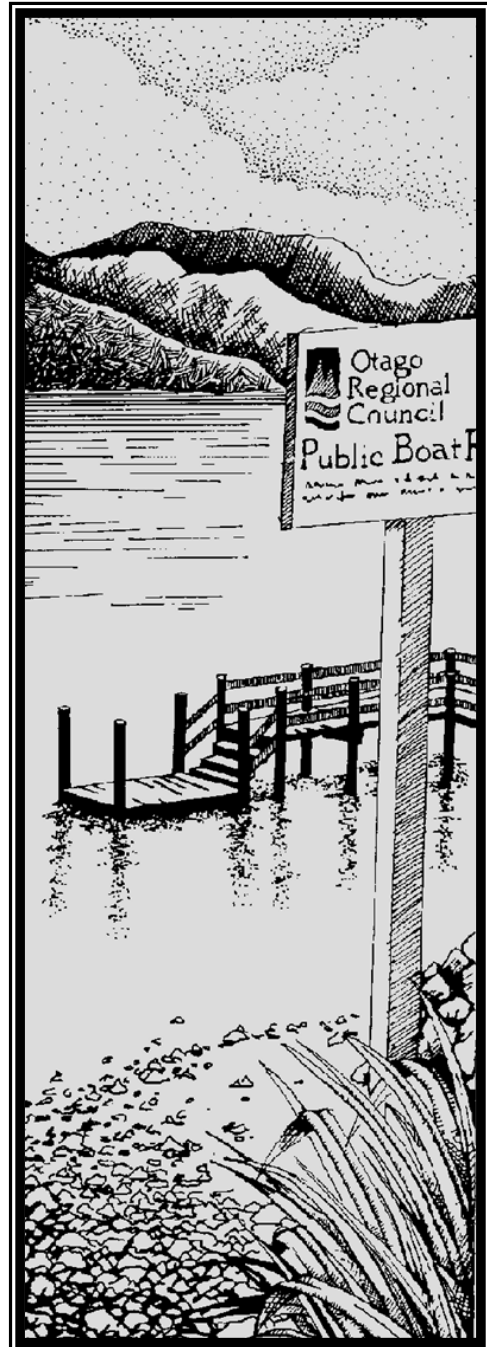
16.3.11 to 16.3.12 *[Repealed – 1 October 2013]*

16.3.13 *[Unchanged]*

16.4 *[Unchanged]*

17

Financial Contributions



17.1 Introduction

Where the Otago Regional Council grants a resource consent under the rules in this Plan for diversions, reclamations or dams, and for activities that adversely affect Regionally Significant Wetlands or regionally significant wetland values, it may impose a condition requiring that a financial contribution be made for the purposes specified in this chapter of the Plan.

The term “financial contribution” is defined in Section 108(9) of the Resource Management Act as a contribution of:

- (a) *Money; or*
- (b) *Land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Maori land within the meaning of the Maori Land Act 1993 unless that Act provides otherwise; or*
- (c) *A combination of money and land.*

Policies 6.5.6, 8.4.2 and 10.4.2A of the Plan outline the activities for which a financial contribution, or for which works or services, may be required.

Policies 6.5.6 and 8.4.2 require financial contributions, or works or services, for activities involving the diversion of water, reclamation or damming, to offset, remedy or mitigate unavoidable adverse effects on:

- (a) Any natural or human use value identified in Schedule 1;
- (b) The natural character of the water body;
- (c) Any amenity value supported by the water body; or
- (d) Any heritage value associated with any affected water body.

Policy 10.4.2A allows financial contributions to offset the adverse effects of activities on Regionally Significant Wetlands or regionally significant wetland values where the avoidance, remediation or mitigation of adverse effects is not adequate.

Works and services apply to remediation or mitigation activities, while financial contributions may apply to the offsetting of adverse effects that cannot be fully avoided or completely remedied or, in the Council’s opinion, adequately mitigated.

Financial contributions may be for various purposes including ensuring positive effects on the environment to offset any adverse effects. The provisions which follow are intended to reflect the requirements of Section 108(9) of the Resource Management Act and Clause 5 of Part 1 of the Second Schedule of the Act, and set out:

1. The circumstances when such contributions may be imposed;
2. The purposes for which such contributions may be required and used;
3. The manner in which the level of the contribution will be determined.

In addition to these matters, the chapter also specifies the assessment criteria to which the Council will have regard when deciding whether to impose a financial contribution, the type and amount of any such contribution, and the general provisions that would apply.

In deciding on any financial contribution, the Otago Regional Council will take into account that requiring a contribution may not be appropriate in every case, even where there are adverse effects. Every resource consent application needs to be considered on a case by case basis as to the nature and extent of any contribution that may be required. The Otago Regional Council does not intend that environmental effects should be “fully mitigated” or fully compensated in every case. The actual amount of particular contributions will vary depending upon the circumstances.

In considering the use to which financial contributions may be put, the Otago Regional Council may consult special interest groups as it considers appropriate.

17.2 Circumstances, purpose and method of determining contribution amount

17.2.1 to 17.2.7 *[Unchanged]*

17.2.8 To:

- (a) **Improve Regionally Significant Wetlands or regionally significant wetland values; or**
- (b) **Create or reinstate wetland habitat or wetland values.**

Circumstances: Where the activity for which consent is granted will have an adverse effect on a Regionally Significant Wetland or a regionally significant wetland value.

Purposes: To offset the effects of the activity by providing money, land or a combination of each, to:

- (a) Improve Regionally Significant Wetlands or regionally significant wetland values; or
- (b) Make alternative provision for any loss of Regionally Significant Wetlands or regionally significant wetland values beyond the area used or immediately affected by the activity.

Method of determining contribution amount:

The amount of the contribution will be determined having regard to the criteria set out in 17.3, but will reflect the actual costs of works and of providing land sufficient to offset such effects.

17.3 Financial contribution assessment criteria *[Unchanged]*

1. Schedule of natural and human use values of Otago's surface water bodies

This schedule identifies some of the natural and human use values of Otago's lakes and rivers. These are the characteristics of a water body which are important to, or are an essential part of, ecological communities, or are enjoyed or utilised by people and communities. The values are identified by geographic subregion and by individual water bodies, or groups of water bodies, within each subregion (see Maps A1-A8 for subregions).

The identification of natural and human use values supported by Otago's lakes and rivers provides a mechanism for recognising the existence of values which need to be taken into account and given appropriate protection in managing water use and land use activities (see Policy 5.4.2). The opportunity to provide such protection will arise when preparing or reviewing regional and district plans under the Resource Management Act, and when considering applications for resource consents.

This schedule of natural and human use values is divided into four parts:

- (a) Schedule 1A: Natural values (page 20-6);
- (b) Schedule 1B: Water supply values (page 20-47);
- (c) Schedule 1C: Registered historic places (page 20-50);
- (d) Schedule 1D: Spiritual and cultural beliefs, values and uses of significance to Kai Tahu (page 20-52).

The natural values identified in Schedule 1A are specifically related to Part II of the Resource Management Act but are limited to the attributes of the aquatic ecosystem that support indigenous flora and fauna, trout and salmon, and the regionally significant presence of gamebirds. The outstanding features and landscapes relate to those in Part II of the Act or those identified in the Water Conservation (Kawarau) Order, which this Plan recognises.

Natural and human use values are not limited to those characteristics identified in the schedule. The natural character and amenity values of lakes and rivers are also important natural and human use values, which are given particular regard to by Policies 5.4.8 and 5.4.9. The non-listing of values in Schedule 1A is not to be taken as meaning that an area, value or habitat is not important or worthy of protection.

Some water bodies may be wholly or partly wetland, with regionally significant wetland values. These water bodies may be identified in Schedule 9.

This schedule is not intended to represent a comprehensive or exhaustive list of natural and human use values. It contains information available during the preparation process of this Plan. There is now additional information available for many water bodies, however there may still be lakes or rivers for which there is no or insufficient information. Water bodies not included in the schedule, but in close proximity to those that have values identified, may share similar values.

SCHEDULE 1

Conversely, identification of a particular value for a river does not necessarily mean that value occurs at every point throughout that river. Identification does, however, provide a starting point, in identifying what values are expected to occur.

SCHEDULE 9: IDENTIFIED REGIONALLY SIGNIFICANT WETLANDS AND WETLAND MANAGEMENT AREAS

9 Schedule of identified Regionally Significant Wetlands and Wetland Management Areas

This schedule lists Otago's identified Regionally Significant Wetlands and Wetland Management Areas. An identified Regionally Significant Wetland or Wetland Management Area is one that has been mapped in Maps F1–F63 and contains one or more regionally significant wetland values (see Chapter 10).

The ORC holds an inventory on wetlands, including all Regionally Significant Wetlands listed in Schedule 9, as well as some wetlands that are not included in this Schedule. The inventory is available on the ORC website. The inventory is intended for information purposes only. It is not incorporated by reference in this plan and does not form part of this plan or any other regulatory document. It is a stand-alone repository for data and information and has no legal effect.

In addition, GIS (geographical information systems) data on wetland extents can be made available on request.

SCHEDULE 9: IDENTIFIED REGIONALLY SIGNIFICANT
WETLANDS AND WETLAND MANAGEMENT AREAS

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Management Areas**

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2	All Day Bay Lagoon	F60
3	Andersons Pond Margins	F52
4	Aramoana Saltmarsh	F53
6	Belmont Inland Saline Wetland Management Area	F22
7	Bendigo Wetland	F16
8	Big Boggy Swamp	F1
9	Black Rock Marshes	F63
10	Black Swamp	F29
11	Blackcleugh Burn Swamp	F28
12	Blackmans Inland Saline Wetland Management Area	F12
13	Blair Fen	F31
14	Blair Swamp	F31
15	Boundary Creek Fen	F27
16	Braeside Swamp	F57
17	Bungtown Bog	F47
18	Butterfield Wetland	F2
172	Cairn Road Bog	F35
19	Camp Stream Swamp	F40
20	Campbells Reserve Pond Margins	F3
21	Cannibal Bay Road Swamp	F36
22	Catlins River Wetland	F33
23	Chapman Road Inland Saline Wetland	F16
24	Cheetwood Road Wetlands	F38
25	Church Hill Wetland Complex	F6
26	Clachanburn Marsh	F22
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WETLANDS AND WETLAND MANAGEMENT AREAS

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59	Hazeldale Fens	F49
60	Henley Swamp	F44
61	Hoopers Inlet Swamp	F54
62	Hukihuki Swamp	F32
63	Hungerford Point Saltmarsh	F32
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65	Island Block Pond Marshes	F15
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67	John O'Groats Hill Fen	F28
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69	Kakaho Creek Swamp	F60
70	Kemp Road Lagoon	F60
71	Kinloch Wetland	F3
72	Kirk Creek Headwaters Marsh Complex	F15
73	Kirkwoods Creek Wetland Management Area	F14
74	Kuriwao Saddle Fen Complex	F49
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78	Lake Wilkie Swamp	F32
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80	Laws Road Swamp	F11
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SCHEDULE 9: IDENTIFIED REGIONALLY SIGNIFICANT
WETLANDS AND WETLAND MANAGEMENT AREAS

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115	Okia Flat Wetland Management Area	F63
116	Old Dunstan Road Swamp	F52
117	Otanomomo Tuatiki Reserve	F33
118	Otokia Swamp	F57
119	Paddys Rock Ephemeral Tarn	F59
120	Papanui Inlet Saltmarsh	F61
121	Patearoa Inland Saline Wetland	F22
122	Peat Moss Hills Fen Complex	F55
123	Pleasant River Estuary Wetland Complex	F62
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126	Ratanui Swamp	F33
127	Red Bank Wetland Management Area	F62
128	Reefs Pond Margins	F52
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131	Rocky Hill Tidal Marshes	F43
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SCHEDULE 9: IDENTIFIED REGIONALLY SIGNIFICANT
WETLANDS AND WETLAND MANAGEMENT AREAS

#	Wetland Name	Map
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167	Waipori/Waihola Wetland Complex	F44 & F45
168	Wairepo Creek Marsh Complex	F34
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170	Willowburn Bog	F30

SCHEDULE 10: ADDITIONAL WETLANDS

10 *[Repealed – 1 October 2013]*

Glossary

.... Regionally Significant Wetland	See Policy 10.4.1A.
.... Regionally significant wetland value	See Policy 10.4.1.
....	

Consequential and minor changes

Plan Provision	Detail of consequential or minor change								
Page numbers	<i>Change page numbers.</i>								
Footer	<i>Change each footer to read:</i> Regional Plan: Water for Otago (Updated to 1 October 2013)								
Various	<i>Amend or delete all references to changed provisions as appropriate.</i>								
Various	<i>Replace references to “Pest Management Strategy for Otago 2001” with “Pest Management Strategy for Otago 2009”.</i>								
Title page	<i>Change the date to read:</i> Updated to 1 October 2013								
Chronicle of Key Events	<p><i>Add the following to the end of the table:</i></p> <table border="1"> <thead> <tr> <th>Key event</th> <th>Date notified</th> <th>Date decisions released</th> <th>Date operative</th> </tr> </thead> <tbody> <tr> <td>Plan Change 2 (Regionally Significant Wetlands)</td> <td>2 July 2011</td> <td>12 May 2012</td> <td>1 October 2013</td> </tr> </tbody> </table>	Key event	Date notified	Date decisions released	Date operative	Plan Change 2 (Regionally Significant Wetlands)	2 July 2011	12 May 2012	1 October 2013
Key event	Date notified	Date decisions released	Date operative						
Plan Change 2 (Regionally Significant Wetlands)	2 July 2011	12 May 2012	1 October 2013						
Section 1.4 Process of Plan preparation	<p><i>Add</i></p> <p>“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.”</p>								
Schedule 1A	<i>Delete notes throughout Schedule 1A that state: “(note: see Schedule 9 for wetland values)”</i>								
Schedule 9	<i>Reorder list of wetlands.</i>								
Regional Plan: Water for Otago Maps	<i>Change proposed date to operative date.</i>								

Regional Plan: Water for Otago Maps