

**Proposed Plan Change 1C
(Water Allocation and Use)
to the
Regional Plan: Water for Otago**

**Report on Decisions Requested
Revised Following Hearing**

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CHAPTER 1: COMMUNITY WATER MANAGEMENT

1.1 Policy 6.4.0B – Promotion of shared use and management of water

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Summary of Decisions Requested (Submitters and Further Submitters): pages 1-6

Recommendations following hearing

(a) Amend Policy 6.4.0B as follows:

6.4.0B To promote shared use and management of water that:

- (a) Allows water users the flexibility to work together, with their own supply arrangements; and**
- (b) Utilises shared water infrastructure which is fit for its purpose.**

Explanation

Individual consent holders may choose to work together, so that they have the flexibility to meet day-to-day requirements from available water. Such arrangements could range from two individuals working together, to all water users within an area. Water users could acquire one or more consents, which would enable this flexibility, by:

- (i) Surrendering all individual consents for replacement with fewer consents or a single consent, to take and use water, retaining the existing allocation status; or
- (ii) Transferring all or a part of a consent to another person on another site, or to another site, if both sites are in the same catchment or aquifer, permanently or for a limited period, under Section 136(2)(b)(ii) of the Act and Policy 6.4.17; or
- (iii) Varying a consent under Section 127 of the Act to allow the movement of the point of water take within an area, and/or inclusion of additional land on which the water may be used.

Infrastructure is “fit for purpose” if it is working as it was designed to work, with no more than minor wastage of water.

Such consents to take and use water provide:

- Benefits for the water users, including making the best use of available water;
- Opportunities for shared investment in and optimal use of water transport and storage infrastructure;
- Economies of scale in managing use, maintaining infrastructure and meeting consent and compliance requirements;
- More opportunity for catchment-based programmes;
- A reduced need for involvement by the Council, especially during periods of low flow; and
- Overall potential for greater economic and community prosperity.

Principal reasons for adopting

This policy is adopted to assist in obtaining optimum benefit from the use of Otago’s limited water resources, and to support the development of infrastructure

that will achieve this. Through this policy, the Council is able to leave details to groups of water users regarding everyday water taking and use, as their resource consent(s) allow(s).

- (b) Include a new Method 15.2.3.2 in Chapter 15, section 15.2.3 “Liaison with water users”, as follows:

15.2.3.2 Otago Regional Council will help facilitate responses to local water needs, and collaborate with the community and others in scoping strategic options for development of new infrastructure.

Principal reasons for adopting

This method is adopted to assist in obtaining optimum benefit from the use of Otago’s water resources.

Reasons

- Shared use and management of water is not mandatory.
- The additional bullet point within the explanation better supports the policy and the principal reason for adopting the policy, that being the support of infrastructure development.
- A method is an appropriate means to outline how promotion and support of shared water use and management will be achieved.
- Consent processes are provided for in the RMA and the policy does not allow consents to become less constrained.
- Policy 6.4.0B is one of four policies located in section 6.4 of the Water Plan that seek to achieve integrated catchment management.
- ~~Specific reference to any potential effect on hydroelectric generation or any other specific industry is beyond the scope of the plan change.~~
- This is a high order policy which does not relate to specific activities.
- Policy 5.4.3 already provides for existing lawful uses.
- The Water Plan does not seek to retain the priority system for deemed permits past 2021.

1.2 Policies 6.4.12 and 9.4.12 – water allocation committees

Policy 6.4.12A – water management groups

Method 15.2.2 – water allocation committees and water management groups

Appendix 2A – water management groups

Table of Proposed Changes; References 24, 25, 51, 105 and 123: pages 26, 27, 44-45, 73 and 92-93

Summary of Decisions Requested (Submitters and Further Submitters): pages 7-12, 14-20

Recommendations following hearing

- (a) Adopt Policy 6.4.12 and delete Policy 9.4.12 as proposed.

- (b) Amend Policy 6.4.12A as follows:

6.4.12A To promote, ~~appoint~~ approve and support water management groups to assist the Council in the management of water by the exercise of at least one of the following functions:

- (a) Coordinating the take and use of water authorised by resource consent; or
- (b) Rationing the take and use of water to comply with relevant regulatory requirements; or
- (c) Recording and reporting information to the Council on the exercise of resource consents as required by consent conditions and other regulatory requirements, including enforcement; ~~or~~
- (d) ~~Reporting information to the Council for enforcement of regulatory requirements.~~

Explanation

Water management groups provide flexibility for two or more consent holders to cooperate in exercising their consents, but without the formality of becoming a water allocation committee. Appendix 2A sets out the criteria for a group to be approved ~~appointed~~ by the Council as a water management group, and the functions they may undertake.

To achieve functions (a) to (c), consents may:

- Be rationed on a voluntary basis; or
- Be held by the water management group; or
- Contain a condition requiring the consent to be exercised as directed by the water management group.

The group may also choose to alter the consents under their control to allow metering and reporting requirements to be rationalised and undertaken by the group. Where the group chooses to ration taking and use, or report information for enforcement, the Council may delegate to them powers under the Act so that they can exercise these functions effectively.

Formation of water management groups is voluntary, and the decisions made by the group regarding water rationing will impact only on those consents held by the group or its members, or subject to group control. Water rationing may be undertaken within the group, however, where enforcement of a rationing regime is sought by the group, as provided for by Policy 6.4.13, the rationing regime requires approval of Council.

Council will support water management groups by providing hydrological information and advice on options for rationing as required, and by enforcing approved rationing regimes.

Principal reasons for adopting

This policy is adopted to enable groups of water users to form and take on more responsibility in managing the taking and use of water. Such groups are well placed to use local knowledge of water needs, to ensure local circumstances are taken into account and to avoid unnecessary conflict in periods of water shortage.

(c) Adopt Method 15.1.2.2 as proposed.

(d) Amend Appendix 2A as follows:

2A Water management groups

Water management groups established in terms of Policy 6.4.12A, provide the

opportunity for groups of water users to become more responsible for managing their own water taking by allowing for individual or shared consents held by individuals to be managed by the group being delegated specified functions by the Otago Regional Council under the Resource Management Act 1991. Members must agree to be bound by the group, and must satisfy the Council that they are able to exercise consents under their control delegated functions responsibly. Lists 2A.1 and 2A.2 set out the Council's requirements for the appointment and function of such groups. The form of the group is not otherwise limited by the Council, and the group may also exercise other roles to meet member needs.

2A.1 List of criteria for ~~appointment~~ approval of a Water management group

For a group of water users to be ~~appointed~~ approved by the Council as a water management group with authority and responsibility for specified resource consents (including deemed permits), the Council must be satisfied that:

- (a) A schedule has been provided that specifies the resource consents which are to be managed by the water management group; and
- (b) The water management group has an appropriate form and rules; and
- (c) The water management group seeks to be granted authority and responsibility to manage ~~act as an agent of the Council~~ for the specified consents; and
- (d) The water management group is able to provide documentary evidence that their members and scheduled consent holders agree to be bound by the group.

2A.2 List of functions of a water management group

A water management group which has been approved ~~appointed~~ by the Council in terms of List 2A.1 above:

- (a) May have a terminating date or criteria;
- (b) May apply to have other resource consents included within its management;
- (c) Must have amendments of its form and rules approved by the Council;
- (d) May have its authority to act as an agent of the Council revoked, in part or in full, either:
 - (i) On its request; or
 - (ii) On receipt of not less than 6 months written notice by the Council; and
- (e) Must report annually to the Council on the operation of the group ~~and the exercise of powers as an agent of the Council~~.

Reasons

- Submissions seeking fundamental changes to Policy 6.4.12 are beyond the scope of the plan change.
- Groups are approved, rather than appointed, under Policy 6.4.12A.
- Condition (d) in Policy 6.4.12A is better included within (c).
- Under Section 34A(2) of the RMA the ORC may delegate to any person certain functions, powers or duties. Reference to possible delegation to groups within Policy 6.4.12A and Appendix 2A is not needed.
- Clarification is required regarding how integrated take and use, rationing, recording and reporting under Policy 6.4.12A may be achieved.
- Clarification is required that formation of groups is voluntary, and about who may be affected by decisions made by those groups.
- Clarification is required that consents managed by the group may be held by individuals, or shared by two or more people.
- Clarification is required of how the ORC will support groups.
- Consent processes and terms are provided for in the RMA.

- Policies 6.4.12 and 6.4.12A should remain in section 6.4 of the Water Plan, adjacent to directly relevant Policies 6.4.11 and 6.4.13.
- It is not necessary or appropriate to provide for the creation of groups within Method 15.2.2.1.

1.3 Policy 6.6.0 – Development of shared water infrastructure

Table of Proposed Changes; Reference 33: page 33

Summary of Decisions Requested (Submitters and Further Submitters): pages 12-13

Recommendation following hearing

Adopt Policy 6.6.0 as proposed.

Reasons

- Takes through shared infrastructure may no longer meet the requirement of Section 14(3) of the RMA.
- Industrial and commercial water users may consider joining a shared infrastructure scheme.
- Whether a drinking water supply shares infrastructure to supply irrigators and stock water is their own decision.

CHAPTER 2: INTEGRATED CATCHMENT MANAGEMENT

A) INTEGRATED CATCHMENT MANAGEMENT - GENERAL

2.1 General comments on integrated catchment management

Table of Proposed Changes: N/A

Summary of Decisions Requested (Submitters and Further Submitters): page 29

Recommendation after hearing

(a) Note the submission.

(b) Change the heading of this section to Integrated Water Management.

Reasons

- The individuality of water bodies, and the opportunity for communities to manage their water resources, is provided for by existing policies within the Water Plan and proposed Policies 6.4.0 and 6.4.12A.
- The section addresses integrated water management, and this avoids confusion with the wider concept of integrated catchment management [often associated with land use and water management].

2.2 Issue 6.2.3 – Constraints to opportunities for wider use of available water

Table of Proposed Changes; Reference 3: pages 5-6

Summary of Decisions Requested (Submitters and Further Submitters): pages 21-28

Recommendation after hearing

(a) Amend Issue 6.2.3 as follows:

6.2.3 Opportunities for the wider use of available water resources are constrained by:
(a) Inefficient or inappropriate practices; and
(b) Consent holders retaining authorisation for more water than is actually required for their activities.

Explanation

A range of domestic, agricultural, industrial and commercial uses rely on sufficient quantities of water in Otago. However, wider use of the water is constrained by water shortages. The effects of water shortages can be exacerbated when practices are by-inefficient or inappropriate practices. For example, the following may be inefficient or inappropriate:

- (a) Water being lost through leakage or evaporation from distribution systems;
- (b) Not utilising the most efficient means of taking or using the water;
- (c) Taking more water than is needed and not identifying how much water is taken;
- (d) Exporting water from water-short catchments;
- (e) Taking water on an individual basis, when there is an opportunity for taking cooperatively with regard to the wider community and environment;
- (f) Taking water from established sources, regardless of feasible alternatives;

- (g) Poorly sited, ~~and~~ constructed and maintained bores or excavations into aquifers; and
- (h) Securing water in consents which is more than that which is needed for ~~existing~~ activities.

Transporting water from areas where water is scarce, and delivering it to locations where water is plentiful is poor management of the water resource. It could result in local users, who have no choice other than to utilise that source, having inadequate access to water. Potential users might also find less allocation is available as a result of water being secured by existing consents.

(b) Amend Issue 6.2.2 as follows:

6.2.2 ‘~~The consumptive u~~Uses of Otago’s water resources can be constrained by insufficient supply of water’.

Reasons

- Issue 6.2.3, and the examples given in (a) to (h) of the explanation, accurately state the problem, and should not include matters of policy.
- Poorly maintained bores are a further example of inefficient practice.
- While it is inefficient to secure more water allocation than is needed, the nature of some activities is such that they may reasonably need more water in future.
- Any use of water may be constrained by insufficient water supply.
- Minor amendments to the first paragraph of the explanation assist with clarity.
- Inclusion of inappropriate land use and hydroelectric generation within Issue 6.2.3 are beyond the scope of the proposed plan change.

B) WATER AS A CONNECTED RESOURCE

2.3 Objective 6.3.1 – Retain flows in rivers sufficient to maintain their life-supporting capacity for aquatic ecosystems and their natural character.

Table of Proposed Changes; Reference 5: pages 6-7

Summary of Decisions Requested (Submitters and Further Submitters): page 30 - 31

Recommendation after hearing

Adopt Objective 6.3.1 as proposed.

Reasons

- The additional paragraph within the explanation to Objective 6.3.1 recognises the hydrological connection between groundwater and surface water, and is accurate for Otago.
- Allocation is addressed under Objective 6.3.2.
- Minimum and residual flows are determined on a case-by-case basis under Policies 6.4.3 to 6.4.10.

2.4 Objective 6.3.2A and 9.3.2 – Maintain levels and storage in Otago’s aquifers

Table of Proposed Changes; References 6 and 39: pages 7 and 36-37

Summary of Decisions Requested (Submitters and Further Submitters): page 31

Recommendation after hearing

Adopt Objective 6.3.2A and delete Objective 9.3.2 as proposed.

Reasons

- An objective states what is to be achieved through the resolution of a particular issue.
- The objective recognises the connection between groundwater and surface water.
- In order to achieve integrated management of groundwater and surface water the objective should be located within Chapter 6.

2.5 Policy 6.4.0 and 9.4.3 – Understanding the water system

Table of Proposed Changes; References 8 and 42: pages 9-10 and 38-39

Summary of Decisions Requested (Submitters and Further Submitters): pages 32-33

Recommendation after hearing

Adopt Policy 6.4.0 and delete Policy 9.4.3 as proposed.

Reasons

- It provides for recognition of the connection between surface water and groundwater, to ensure adequate understanding of that connection before allocating water for taking.
- Hydrological characteristics are already adequately defined within the explanation.
- The impact of different land use on water yield, and the effects of intact indigenous vegetation on water quantity and quality are beyond the scope of the proposed plan change.

2.6 Policy 6.4.1 – Surface water allocation system

Table of Proposed Changes; Reference 12: pages 13-15

Summary of Decisions Requested (Submitters and Further Submitters): pages 33-38

Recommendation after hearing

Amend Policy 6.4.1 as follows:

**6.4.1 To manage the taking of surface water, by:
(a) Defined allocation quantities; and
(b) Provision for water body levels and flows,
except when the taking is from Lakes Dunstan, Hawea, Roxburgh, Wanaka
or Wakatipu, or the main stem of the Clutha/Mata-Au or Kawarau Rivers.**

Explanation

This policy provides for the taking of surface water within specified limitations upon the total quantity taken, subject to suspension of takes when specified levels and flows for the water body are reached.

The details for surface water takes are provided in Policies 6.4.2 – 6.4.11. Primary allocation surface water takes are subject to the lowest minimum flows, supplementary allocation surface water takes are subject to higher minimum flows, and further supplementary allocation may be taken at flows greater than

natural mean flow. Taking within the Plan's allocation limits and subject to the Plan's minimum flows is a restricted discretionary activity.

Allocation quantities and minimum flows set by policies in Chapter 6 do not apply to surface water takes from Lakes Dunstan, Hawea, Roxburgh, Wanaka or Wakatipu, or the main stem of the Clutha/Mata-Au or Kawarau Rivers, ~~where large volumes of water are present (although minimum flows may still be set by consent if appropriate, to address matters in Chapter 5)~~ water is plentiful. ~~Because the taking of water creates no currently foreseeable risk to any activity based on these water bodies, there is no need to limit allocation or subject takes to a minimum flow, and these (Takes from these water bodies that are not otherwise permitted,~~ Consented takes are full discretionary activities in terms of this Plan and quantities and minimum flows, where appropriate, are addressed through policies set in Chapter 5.

In the Waitaki catchment, all allocation must also be considered against the Waitaki Catchment Water Allocation Regional Plan (which is incorporated into policies of this Plan in section 6.6A).

Principal reason for adopting

This policy is adopted to enable ~~consumptive~~ users' access to surface water while sustaining ~~aquatic ecological~~ instream values.

Reasons

- The policy introduces the existing framework to taking surface water in Otago.
- The policy encompasses all allocation, not just that specified in Schedule 2.
- Water body flows take into account more than just environmental considerations.
- It is not necessary to provide for takes that are permitted by Section 14 of the RMA within this policy.
- ~~▪ Specific reference to any potential effect on hydroelectric generation is beyond the scope of the plan change.~~
- Clarification should be made to highlight that, for the named water bodies, minimum flows could still be imposed by consent.
- Policy 5.4.3 already provides for existing lawful uses.
- Identification of affected parties is provided for in the RMA and is undertaken on a case-by-case basis on receipt of a consent application.
- "Instream" better encompasses that flows provide for aquatic ecological, cultural and recreational values, and natural character.

2.7 Policy 6.4.1A and 9.4.9 – Groundwater connected to surface water

Table of Proposed Changes; References 13 and 48: pages 15-17 and 42-43

Summary of Decisions Requested (Submitters and Further Submitters): pages 38-40

Recommendations after hearing

(a) Adopt Policy 6.4.1A and delete Policy 9.4.9 as proposed.

(b) Amend existing Policy 6.4.2 as follows:

6.4.2 Except as provided for by Policy 6.4.2A, to limit allocation for the taking of surface water in any catchment, through the identification of a quantity, known as *primary allocation*, which is:

- (a) For catchment areas in Schedule 2A the greater of:
- (i) The primary allocation specified in Schedule 2A; or
 - (ii) The consented maximum instantaneous or consented 7-day surface water take at 28 February 1998 and connected groundwater take at 20 December 2008, less:
 - (1) Any takes with a minimum flow that was set higher than those required by Schedule 2A; and
 - (2) Any takes that immediately return all of the take to the source water body; and
 - (3) Any surface water take consents surrendered, lapsed, cancelled or not replaced on expiry, after 28 February 1998; and
 - (4) Any connected groundwater take consents surrendered, lapsed, cancelled or not replaced on expiry, after 20 December 2008.
- (b) For catchment areas other than those in Schedule 2A the greater of:
- (i) 50% of the 7-day mean annual low flow; or
 - (ii) The consented maximum instantaneous or consented 7-day surface water take at 28 February 1998 and connected groundwater take at 20 December 2008, less:
 - (1) Any takes that immediately return all of the take to the source water body; and
 - (2) Any surface water take consents surrendered, lapsed, cancelled or not replaced on expiry, after 28 February 1998.
 - (3) Any connected groundwater take consents surrendered, lapsed, cancelled or not replaced on expiry, after 20 December 2008.

Explanation

This policy sets a limit for primary allocation for the taking of surface water and connected groundwater (as defined by Policy 6.4.1A (a), (b) and (c)).

The primary allocation limits are:

- Set in Schedule 2A for the specified catchment areas; and
- 50% of the 7-day mean annual low flow (50% MALF) for all other catchment areas. However, if existing consented (maximum instantaneous rate or 7-day rate) surface water takes at the date of notification of the Plan (28 February 1998), or connected groundwater takes at the date of notification of Plan Change 1C (Water Allocation and Use) (20 December 2008) exceeded these allocation limits, then the primary allocation is the volume of these existing takes. This provides for the existing needs for Otago's communities.

The consented 7-day take is the total weekly quantity of surface water allocated through resource consents at 28 February 1998, including deemed permits, and connected groundwater allocated through resource consents at 20 December 2008, using the process outlined in Method 15.8.1.1. In cases where the consented maximum instantaneous take is markedly higher than the 7-day take, the

consented maximum instantaneous take will be used. Before issuing a consent for any new take, it is necessary to establish whether the existing quantity taken from the catchment exceeds the primary allocation specified in Schedule 2A or 50% MALF in the case of unscheduled catchments. Once 50% MALF is calculated by the Regional Council for a catchment, that value becomes fixed in terms of this policy.

Consents that have been granted subject to a higher minimum flow than is set in Schedule 2A, and takes that immediately return all the water taken to the source water body, are not part of the primary allocation.

- (a) For catchments in Schedule 2A;
 - (i) If the consented take is less than the primary allocation specified in Schedule 2A, more water can be allocated as primary allocation under this policy until that limit is reached.
 - (ii) If the surface water consented take at 28 February 1998 and connected groundwater takes at 20 December 2008 exceeded the primary allocation specified in Schedule 2A, no further primary allocation is available and no new primary allocation consents will be granted. The primary allocation will reduce if any permits are surrendered, lapse, are cancelled or not replaced on expiry.
 - (iii) For surface water takes, any further allocation, known as supplementary allocation, must then be considered under Policies 6.4.9 or 6.4.10.
- (b) For catchments other than those in Schedule 2A;
 - (i) If the consented take is less than 50% of the 7-day mean annual low flow, more water can be allocated as primary allocation under this policy until that limit is reached.
 - (ii) If the surface water consented take quantity as at 28 February 1998 and connected groundwater takes at 20 December 2008 exceeded 50% MALF, no further primary allocation is available and no new primary allocation consents will be granted. The primary allocation will reduce if any permits are surrendered, lapse, are cancelled or not replaced on expiry.
 - (iii) For surface water takes, any further allocation, known as supplementary allocation, must then be considered under Policies 6.4.9 or 6.4.10.

Where a consent to replace an existing consent is not applied for within the time frames set in Section 124 of the Resource Management Act, that water take will lose its primary allocation status. The allocation previously provided to that former consent will not be reallocated as primary allocation on any subsequent consent application where the catchment primary allocation exceeds the limits under (a)(i) or (b)(i) of this policy.

The catchments used in terms of calculating allocation under this policy are based on the point at which each catchment enters the Clutha or Kawarau main stems, Lakes Roxburgh, Dunstan, Hawea, Wanaka or Wakatipu, or the coastal marine area. An alternative upstream point may be used where practicable, having regard to the hydrological characteristics of that catchment. Allocation limits will not apply in terms of any surface water take from the main stem of the Clutha or

Kawarau Rivers, or connected groundwater takes, nor do the subsequent policies set minimum flows for these rivers but the provisions of Chapter 5 apply.

The Otago Regional Council will keep a record of the quantity of water allocated from each catchment.

Principal reasons for adopting

This policy is adopted, in conjunction with the application of minimum flows, for catchments identified in Schedule 2A, to provide certainty regarding the availability of water resources for taking, while ensuring the effects of takes on the life-supporting capacity for aquatic ecosystems and natural character of rivers are no more than minor.

This policy also provides a conservative primary allocation for unscheduled catchments until studies can determine the appropriate allocation limits. However these catchments are not identified in Schedule 2A, and they do not have minimum flows specified in the Plan.

- (c) Append the Water Conservation (Mataura River) Order 1997 to the Water Plan as Schedule 11A, and amend section 2.2.5 of the Water Plan as follows:

2.2.5 Water conservation orders and notices

Part IX of the Resource Management Act provides for water conservation orders where there are waters of outstanding amenity or intrinsic value.

The Water Conservation (Kawarau) Order 1997 was enacted on March 17 1997, gazetted on March 20 1997 and came into force on 17 April 1997. The Order has been recognised and provided for within this Plan. The Water Conservation (Mataura River) Order 1997 was gazetted on 10 July 1997 and commenced on 7 August 1997. The Order has been appended to this Plan.

Local water conservation notices, under the former Water and Soil Conservation Act, such as those for Lake Tuakitoto and the Pomahaka River have been incorporated into the provisions of this Plan. As stated in section 1.4, these notices formed part of the Transitional Regional Plan and were superseded by the Regional Plan: Water when it became operative.

Reasons

- The effects of taking groundwater within 100 metres of a perennial surface water body generally has a direct effect on surface water. The accuracy and proportion of total take to surface water effects substantially increase at distances of less than 100 metres from a perennial surface water body, when using the equations given in Schedule 5A.
- Cumulative effects of takes within 100 metres of a perennial surface water body with effects less than 5 l/s could have adverse cumulative effects on smaller water bodies.
- The 100 metre default simplifies plan interpretation and administration.
- A regional plan must not be inconsistent with a water conservation order.
- Amendments are required to ensure those with resource consents to take and use groundwater (granted prior to the notification of this plan change) are recognised and provided for.

2.8 Method 15.8.1 - Method for calculating consented 7-day take and assessed actual take

Table of Proposed Changes; Reference 108: pages 74-75

Summary of Decisions Requested (Submitters and Further Submitters): N/A

Recommendation after hearing

Amend Method 15.8.1 as follows:

15.8.1 Methodology for calculating consented 7-day take and assessed actual take

15.8.1.1 The Otago Regional Council will use the following process when calculating the consented 7-day take of any catchment area for the purposes of Policy 6.4.2(a)(ii) and 6.4.2(b)(ii):

- (a) Establish the weekly rate of surface water take authorised by all consents existing in the catchment at 28 February 1998; and
- (aa) Establish the weekly rate of connected groundwater takes authorised by all consents existing at 20 December 2008; and
- (b) Where a consent does not specify a weekly rate the monthly, daily or instantaneous rate will be converted into a weekly rate; and
- (c) Eliminate takes that immediately return all of that water to the river, and takes that are solely a re-take of irrigation runoff water; and
- (d) Eliminate takes that have a minimum flow higher than that set by Schedule 2A.

In calculating a catchment's assessed actual take for the purposes of Policy 6.4.9(a), steps (a) to (d) above are followed by:

- (e) Eliminate takes that cannot be exercised, whether due to legal or physical constraints, when flows in the catchment main stem are at the natural 7-day mean annual low flow; and
- (f) Establish at what flow the takes identified in (e) above will be exercised, and reinstate if the new allocation may interfere; and
- (g) Consider eliminating mining privilege takes which are not currently being exercised.

Principal reasons for adopting

This method is adopted to assist in determining the allocation status of catchments in order to establish whether further primary allocation is available, in accordance with Policy 6.4.2, and to assist in calculating the minimum flow set in accordance with Policy 6.4.9(a).

Reasons

- As a result of inclusion of Policy 6.4.1A, and subsequent recommended amendments to Policy 6.4.2, consequential amendments are required to Method 15.8.1.
- Amendments are required to ensure those with resource consents to take and use groundwater (granted prior to the notification of this plan change) are recognised and provided for.

2.9 Schedule 2 – Specified restrictions

Schedule 2A – minimum flows and primary allocation limits (excluding Welcome Creek)

Table of Proposed Changes; References 111 and 112: pages 78-79

Summary of Decisions Requested (Submitters and Further Submitters): page 40

Recommendations after hearing

(a) Amend the final paragraph of Schedule 2 as follows:

In accordance with Policy 6.4.1A, groundwater takes from aquifers listed in Schedule 2C and identified in the C-series maps, and groundwater takes from within 100 metres of any connected perennial surface water body, are considered against primary or supplementary allocation limits provided for by Policies 6.4.2 and 6.4.9 and where listed in Schedules 2A and 2B, and may be subject to the minimum flows identified.

(b) Amend Schedule 2A (excluding Welcome Creek) as proposed.

Reasons

- There were no submissions in opposition to Schedules 2 or 2A.
- Groundwater takes from within 100 metres of a surface water body are considered against primary allocation and minimum flows, in accordance with Policy 6.4.1A
- The effects of taking groundwater within 100 metres of a perennial surface water body generally has a direct effect on surface water. The accuracy and proportion of total take to surface water effects substantially increase at distances of less than 100 metres from a perennial surface water body, when using the equations given in Schedule 5A.
- The 100 metre default simplifies plan interpretation and administration.

C) HISTORICALLY ACCESSED WATER

2.10 Policy 6.4.2A – Historically accessed water

Table of Proposed Changes; Reference 15: pages 17-19

Summary of Decisions Requested (Submitters and Further Submitters): pages 83-90

Recommendation after hearing

Amend Policy 6.4.2A as follows:

6.4.2A In considering any application for a replacement resource consent to take surface water within primary allocation specified in Policy 6.4.2(a)(ii) or (b)(ii), to grant consent only for taking a rate and volume of water no more water than that which has been historically accessed under the previous

consent, although consideration will be given to reasonably anticipated growth for community supply.

Explanation

This policy ensures that only the water physically taken under the previously existing resource consent will be considered for granting when an application to replace that consent is made.

The right to access water given by a consent is not always fully exercised, for example, because:

- (i) The consent holder does not need that amount of water, given their intended purpose of use of that water; or
- (ii) Water is unable to be physically accessed because the source does not sustain such taking.

If surface water is physically unable to be accessed, then reallocating such amounts within primary allocation is not sustainable management. Where that water is only able to be accessed at ~~high~~ flows greater than the supplementary minimum flow, calculated on the basis of assessed actual take as provided for by Policy 6.4.9, the take is effectively exercised as if it were of supplementary status under Policies 6.4.9 or 6.4.10, and it would be more appropriately granted as supplementary allocation. When making an assessment of historical access to water, the effect of seasonal extremes shall be considered.

Where an application is to take more water than has been physically taken from the source utilised by the previously existing consent, in a catchment to which Policy 6.4.2(a)(ii) or (b)(ii) applies, any new take will come from supplementary or further supplementary allocation, or from an alternative source.

Evidence of the rate and volume of water historically accessed will be required when such replacement consents are sought. Where there is limited or no flow monitoring data available for the take, any relevant evidence may be presented, for example, existing infrastructure, or aerial photography showing irrigated land.

Consideration will be given to future needs for community ~~water~~ supplies, where growth is reasonably anticipated.

Principal reasons for adopting

This policy is adopted to assist in the reduction of primary allocation under Policy 6.4.2(a)(ii) or (b)(ii), and to ensure any water that is available can be reasonably accessed by other water users as primary allocation or by lowering the supplementary minimum flow set by Policy 6.4.9. This policy also ensures allocation is not constrained by resource consent holders who are not using all or part of their allocated water. It is unfair to potential users of the water resource if primary allocation is tied up in underutilised consents.

Reasons

- All potential users of previously unused allocation should have access to that water on a first-in, first-served basis.
- The lapse period of a consent is considered adequate for any consent holder to either take and use their allocated water, or to make substantial progress towards installing infrastructure for that consented take and use.

- If new technology or other advances allow the same volume of water to be used for additional purposes, this policy does not preclude the consent holder benefiting from using that water.
- Reasonably anticipated community growth should be provided for by the policy.
- Note that consequential changes may be required to ensure that where an allowance for growth is considered reasonable, provision is consistent and appropriate between the relevant policies.
- The effects of seasonal extremes on access to water should be considered.
- Clarification is required to describe what evidence of historical use may be supplied, should insufficient take monitoring data be available.
- The value of the investment of the existing consent holder is provided for by Section 104(2A) of the RMA.
- Economic efficiency of a system is not a relevant consideration when assessing historical access to water.
- The potential for water storage should only be considered where that volume of water has been previously accessed.
- It is not necessary or appropriate for consent processing matters to be included within this policy.
- Consent conditions typically require that water is used efficiently.
- ~~Specific reference to any potential effect on hydroelectric generation is beyond the scope of the plan change.~~

D) TAKE AND USE OF WATER

2.11 Chapter 12 – General

Title of Chapter 12: Rules: Water Take, Use and Management

Section 12.1 – The taking and use of surface water

Principal reasons for adopting section 12.1

Table of Proposed Changes; References 59, 60 and 83: pages 49 and 58-60

Summary of Decisions Requested (Submitters and Further Submitters): page 41, N/A

Recommendations after hearing

(a) Adopt the title of Chapter 12 and section 12.1 of the Water Plan as proposed.

(b) Include the following permitted activity rule in section 12.1.1 of the Water Plan:

12.1.2.0 The use of surface water for the purpose specified under an existing resource consent to take surface water, granted before 20 December 2008, is a *permitted activity* until the existing resource consent to take surface water:

- (a) lapses, is surrendered or expires; or
- (b) is replaced; or
- (c) is varied under Section 127 of the Act; or
- (d) is transferred under Section 137(2)(b)(ii) of the Act;

providing that the use does not, or is not likely to, have an adverse effect on the environment.

(c) Amend the principal reasons for adopting section 12.1 of the Water Plan by adding a new second paragraph as follows:

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 12.1.2.0 is adopted to provide for resource consents to take water granted prior to 20 December 2008, where there is no associated resource consent to use water but the purpose of use is specified on the take consent.

(d) Include the following permitted activity rule in section 12.2.1 of the Water Plan:

12.2.2.0 The use of groundwater for the purpose specified under an existing resource consent to take groundwater, granted before 20 December 2008, is a *permitted activity* until the existing resource consent to take groundwater:

- (a) lapses, is surrendered or expires; or
- (b) is replaced; or
- (c) is varied under Section 127 of the Act; or
- (d) is transferred under Section 137(2)(b)(ii) of the Act;

providing that the use does not, or is not likely to, have an adverse effect on the environment.

(e) Amend the principal reasons for adopting section 12.2 of the Water Plan (see section 4.6) as recommended under (c) above.

Reasons

- Amendments to the headings and principal reasons for adopting section 12.1 of the Water Plan accurately reflect the content of Chapter 12 and section 12.1.
- There were no submissions in opposition to these amendments.
- Clarification is required to avoid the need to consent use, where the take only is consented and the use is described in that consent, and where there will be no adverse effect on the environment.
- The new permitted activity rules contain the same condition as permitted activity takes under Section 14(3) – that the taking or use does not, or is not likely to, have an adverse effect on the environment. It is likely that any adverse effects relating to the use were adequately addressed through the take consent.
- Section 137 of the RMA was inadvertently referenced in error.

2.12 Prohibited and permitted activity rules to take surface water (Rules 12.1.1.1 and 12.1.1.2, and 12.1.2.1 to 12.1.2.5)

Table of Proposed Changes; References 61 – 67: pages 49-50

Summary of Decisions Requested (Submitters and Further Submitters): pages 41-43

Recommendation after hearing

Adopt Rules 12.1.1.1 and 12.1.1.2, and 12.1.2.1 to 12.1.2.5 as proposed.

Reasons

- The take and use of water are inherently linked, and unless provided for by the Water Plan, become discretionary activities under the RMA.
- There were no submissions in opposition to these Rules.

2.13 Taking and use of surface water for community supply (Rule 12.1.3.1)

Table of Proposed Changes; Reference 68: page 50

Summary of Decisions Requested (Submitters and Further Submitters): pages 43-44

Recommendation

Amend Rule 12.1.3.1 as follows:

12.1.3.1 The taking and use of groundwater 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:...

Reasons

- The term “*and use*” was inadvertently omitted from this part of the rule, and should be included, particularly as item (d) of the list relates to use of water.
- The take and use of water are inherently linked, and unless provided for by the Water Plan, become discretionary activities under the RMA.
- Deletion of the phrase “*up to any volume or rate authorised as at 28 February 1998*” is beyond the scope of the plan change.

2.14 Restricted discretionary, discretionary and non-complying activity rules to take surface water (Rules 12.1.4.1 to 12.1.4.7 (excluding 12.1.4.4A for Welcome Creek), 12.1.5.1, 12.1.6.1, 12.1.6.2), and the note above Rule 12.1.4.2.

Table of Proposed Changes; References 69-73, 75-77, 80-82: pages 50-55, 58

Summary of Decisions Requested (Submitters and Further Submitters): pages 44-51 and 57

Recommendations after hearing

- (a) Adopt Rules 12.1.4.1 to 12.1.4.7 (excluding 12.1.4.4A), 12.1.5.1, 12.1.6.1 and 12.1.6.2 as proposed.
- (b) For the recommendation on Rule 12.1.4.4A and Welcome Creek primary and supplementary minimum flows, see section 3.5.

Reason

- The take and use of water are inherently linked, and unless provided for by the Water Plan, become discretionary activities under the RMA.

2.15 Glossary – Definition of use

Table of Proposed Changes; Reference 122: pages 91-92

Recommendation after hearing

Delete the definition of “use” within the glossary as proposed.

Reason

- To attempt to define “use” when there is no specific meaning beyond the ordinary dictionary meaning, is not necessary.

E) PURPOSE OF USE

2.16 Policy 6.4.0A, 6.4.15 and 9.4.8 – Allocation for intended purpose of use

Table of Proposed Changes; References 9, 27 and 47: pages 10-11, 28 and 41-42

Summary of Decisions Requested (Submitters and Further Submitters): pages 58-62

Recommendation after hearing

Amend Policy 6.4.0A as follows:

6.4.0A To ensure that the quantity of water granted to take is no more than that required for the intended purpose of use, taking into account matters including the extent to which:

- (a) Local climate, soil, vegetation and water availability affect the quantity of water requested; and
- (b) The proposed water transport system is efficient; and
- (c) The application system is efficient.

Explanation

When considering applications for resource consents to take water, the actual quantity required for the intended purpose of use of the water taken must be reflected in any consent granted. Reasonably foreseeable future growth, seasonal crop rotations, water storage or changes in water use may be provided for considered. While it may not be possible to avoid all wastage of water, every effort should be made to reduce it as much as possible.

Principal reason for adopting

This policy is adopted to ensure that wastage is avoided when water is granted to any use under a resource consent. This will enable more people to benefit from water available for consumptive uses.

Reasons

- The principal reason for adopting the policy is to “avoid” wastage.
- Efficiencies considered under this policy relate to distribution and application (or use) efficiencies. Resource allocation efficiency is considered by Policy 6.4.0C, while the value of an existing investment is considered under Section 124 of the RMA. Economic efficiency should not be included in the policy as a key argument used against improving resource allocation, delivery and application efficiencies.
- If an application system is not relevant to a consent application, then (c) would not be taken into account.

- “Intended purpose of use” is clarified to allow—for reasonably foreseeable future community growth, seasonal crop rotations, change in land use and water storage to be considered.
- Note that consequential changes may be required to ensure that where an allowance for growth is considered reasonable, provision is consistent and appropriate between the relevant policies.
- ~~Specific reference to any potential effect on hydroelectric generation is beyond the scope of the plan change.~~
- All water users will benefit from reduced water wastage.
- The quantity of water to be taken relates to the intended use [the vegetation use could be pasture, crops, fruit etc.] and physical characteristics of the land [such as soil characteristics]. It does not relate to the appropriateness of any land use within the catchment.

2.17 Method 15.3.1 – Provision of information about effective water utilisation

Table of Proposed Changes; Reference 106: pages 73-74

Summary of Decisions Requested (Submitters and Further Submitters): page 63

Recommendation after hearing

Adopt Method 15.3.1.1 as proposed.

Reason

- The ORC should provide available information on water resources to assist users who are required to assess alternative sources when applying for resource consent.

F) LOCAL SOURCE AND LOCAL USE

2.18 Policy 6.4.0C – Local source and local use

Table of Proposed Changes; Reference 11: page 12-13

Summary of Decisions Requested (Submitters and Further Submitters): pages 64-75

Recommendation after hearing

(a) Amend Policy 6.4.0C as follows:

6.4.0C To ~~prioritise~~ give preference to the use of water within the area it is taken from, over its use elsewhere, taking into account matters including:

- (a) Competing local demands for that water; and**
- (b) Whether the take and use of that water is an efficient use of the water resource; and**
- (c) Whether another ~~possible~~ source of water, including a water supply scheme, is available; and**
- (d) The economic, social, environmental and cultural costs and benefits that would result from the proposed take and use of water from the source applied for compared to the take and use of water from the other possible sources.**

Explanation

In considering an application to take water, the Council will give regard to competing demands for water. Essential local uses such as domestic, stock drinking, fire-fighting, hydro-electric power generation and community water supplies ~~under Policy 6.4.8~~ require adequate water supply. If local demand is satisfied then water may be exported to users elsewhere.

The Council may decline a consent application if it considers taking from another source of water is possible and is a more efficient allocation of the water resource.

Sections 124A, 124B and 124C of the Act recognise the priority for processing that replacement consents have over new applications. This policy requires all applicants to consider alternatives, including any water supply scheme in the area, so that the most feasible source(s) with available water is utilised.

Principal reasons for adopting

This policy promotes the management of Otago's water resources in a way that enables continued access to suitable water. This will ensure Otago's communities can provide for their social, cultural and economic wellbeing, now and for the future.

(b) Re-name the policy as 'Local source and local demand'

Reasons

- The regional community has requested local water is available for local use.
- What constitutes "local use" is best determined on a case-by-case basis.
- Exporting water from a catchment may be appropriate, once local needs are met.
- RMA provisions for replacement consents always apply.
- RMA and Water Plan provisions for preferential access to water for specified uses such as drinking water always apply.
- Relative costs and benefits are considered for the possible sources.
- Section 7(b) of the RMA refers to the efficient use and development of natural and physical resources, not 'appropriate' use.
- Community supplies require adequate water supply, regardless of whether they are listed in Schedule 1B (Policy 6.4.8), as do community hydro-electric power supplies.
- Note that consequential changes may be required to ensure that where an allowance for growth is considered reasonable, provision is consistent and appropriate between the relevant policies.
- Alternative models to water allocation were considered but discarded as not sufficiently providing for community wellbeing through allocation efficiency of the water resource as a whole.
- Giving preference to particular activities is beyond the scope of the plan change.
- Under this policy and Sections 124A to 124C of the RMA, the assessment is on the merits of an individual's application, and is not directly compared to any other application.
- The RMA requires consideration about the effects of taking water on other users.
- Deletion of the last sentence of the first paragraph to the explanation to Policy 6.4.0C would not address concerns regarding the export of water.
- ~~Apart from deleting the word "possible" from item (c) of the policy, and including it within the explanation, which provides clarity, requested minor wording changes add no value to the policy.~~
- The value of existing investments is considered with regard to the term of the consent and likely ongoing access to a water source.

- The RMA does not provide for compensation arising from change to resource allocation.
- ORC will liaise with any applicant regarding alternative water sources, if a recommendation to decline consent to take from a preferred source is likely.
- Re-naming the policy more accurately reflects the policy wording about ‘local demand’.

G) SUSPENSION OF TAKING

2.19 Policy 6.4.11 and 9.4.6 – Suspension of takes

Table of Proposed Changes; References 23 and 45: pages 25-26 and 40-41

Summary of Decisions Requested (Submitters and Further Submitters): page 76

Recommendation after hearing

Adopt Policy 6.4.11 and delete Policy 9.4.6 as proposed.

Reasons

- Imposing water use restrictions on consents to take water for community supply is beyond the scope of this plan change.
- Permitted takes under the Section 14 of the RMA are not affected by this policy.

2.20 Policy 6.4.13 and 9.4.13 – Suspension of takes by a Council recognised rationing regime

Table of Proposed Changes; References 26 and 52: pages 27-28 and 45

Summary of Decisions Requested (Submitters and Further Submitters): pages 76-77

Recommendation after hearing

Amend Policy 6.4.13 as follows:

6.4.13 To suspend the taking of water as required to comply with any Council recognised rationing regime.

Explanation

This policy provides for the suspension of water takes in accordance with the requirements of any Council recognised rationing regime. Rationing regimes may be proposed by water allocation committees, water management groups, or by the Council. A rationing regime will include:

- The area ~~or consent holders~~ covered by the regime;
- The consent holders who have agreed to be covered by the regime;
- The flow at which the regime will commence; and
- A description of how the regime will be applied.

The requirement for compliance with any recognised rationing regime of a water allocation committee or the Council will be a condition of resource consents that can be included on new consents, or upon the review of existing consents. For water management groups, the requirement for compliance with a recognised rationing regime may be a condition of all resource consents exercised under control of that group.

Principal reasons for adopting

This policy is adopted to enable the fair sharing of water under low flow conditions, and to assist in delaying the wider suspension of takes.

Reasons

- The ORC must approve all rationing regimes, and will determine on a case-by-case basis whether it is appropriate for consented non-consumptive water takes to be subject to those regimes.
- Permitted takes under Section 14 of the RMA will not be affected by this policy.
- Some clarification regarding rationing within groups is required.
- As the ORC and water allocation committees may also direct the taking of water, the policy should remain in section 6.4 of the Water Plan.
- The words ‘who have agreed to be’ in the Explanation have been deleted as they are unnecessary.

2.21 Rules 12.1.4.9 and 12.2.3.5 – Suspension of takes

Table of Proposed Changes; References 79 and 101: pages 58 and 69-70

Summary of Decisions Requested (Submitters and Further Submitters): page 78

Recommendation after hearing

Adopt Rules 12.1.4.9 and 12.2.3.5 as proposed.

Reasons

- There were no submissions regarding amendment of Rule 12.2.3.5.
- The amendments to Rule 12.1.4.9 will not result in consented takes not subject to the minimum flow being suspended.

H) OTHER CONSENT MATTERS

2.22 Policy 6.4.17 and 9.4.11 – Transfer of consent

Table of Proposed Changes; References 29 and 50: pages 29-30 and 43-44

Summary of Decisions Requested (Submitters and Further Submitters): page 82

Recommendations after hearing

(a) Amend Policy 6.4.17 as follows:

6.4.17 On the application of any resource consent holder, to approve the transfer of consents to take or use water in terms of Section 136(2)(b)(ii) of the Resource Management Act, retaining the take’s allocation status, providing:

- (a) The transferred take is exercised within the same catchment or aquifer as the original resource consent or both sites are connected in terms of Policy 6.4.1A(a) or (b); and**
- (b) The total take from the water body following transfer does not exceed that occurring prior to the transfer, as a result of the transfer; and**
- (c) The quantity of water taken is no more than that required for the intended purpose of use of that water, having regard to the local conditions; and**

(d) There is no more than minor adverse effect on any other take, any right to store water, or on any natural or human use value, as a result of the transfer.

Explanation

Section 136(2)(b) of the Resource Management Act provides for the transfer of a resource consent, or part of a consent, to another site or to another person on another site, if both sites are in the same catchment (either upstream or downstream) or aquifer. Transferring a take under this policy will not change its allocation status. A take originally in the primary allocation will be transferred as a primary allocation take, and will remain subject to the primary allocation minimum flow.

An application to transfer the consent must be made to the Council. This policy sets out the requirements for the transfer of consents to take water to be approved by the Council. The explanation to Policy 6.4.0A provides additional guidance in terms of (c).

Principal reasons for adopting

This policy is adopted to enable new users to gain access to existing allocated resources provided the natural and human use values of Otago's water bodies, and other water users' interests in the water resource, are not adversely affected.

Such transfers may become important where the demand on the water resource is already high. In such circumstances, transfers are a means by which opportunities for diverse consumptive use of the allocated resource can be achieved.

(b) Delete Policy 9.4.11 as proposed.

Reasons

- To achieve integrated management of groundwater and surface water the policies should be merged. Other changes to the policy are minor and inconsequential.
- The policy should recognise the hydrological connection between groundwater and surface water under Policy 6.4.1A.

2.23 Restricted discretionary considerations (Rule 12.1.4.8)

Table of Proposed Changes; Reference 78: pages 55-58

Summary of Decisions Requested (Submitters and Further Submitters): pages 52-56

Recommendation after hearing

Amend Rule 12.1.4.8 as follows:

12.1.4.8 Restricted discretionary activity considerations

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

- (i) The amount of water to be taken and used; and
- (ii) The means and timing of the take, and the rate of take; and
- (iii) The quantity of water required for the intended purpose of use;

and

- (iv) In the case of a replacement primary allocation consent, the rate and volume of water historically accessed under the previous consent; and
- (v) The proposed method(s) of delivery and application of the water taken (~~including efficiency~~); and
- (vi) The source(s) of water available to be taken; and
- (vii) The location(s) of the use of the water, when it will be taken out of a local catchment; and
- (viii) Competing lawful local demand for that water; and
- (ix) The primary and supplementary allocation limits for the catchment; and
- (x) Whether the proposed take is primary or supplementary allocation for the catchment; and
- (xi) Any arrangement for cooperation with other takers and/or users, with the ability to respond flexibly to local circumstances, that has been entered into; and
- (xii) Any water storage facility available for the water taken, and its capacity; and
- (xiii) The minimum flow to be applied to the take of water, if consent is granted; and
- (xiv) Where the minimum flow is to be measured, if consent is granted; and
- (xv) Any adverse effect on any lawful take of water, if consent is granted, including potential bore interference; and
- (xvi) Any actual or potential effects on any groundwater body; and
- (xvii) The consent being exercised or suspended in accordance with any Council recognised rationing regime in that catchment or, in its absence, the Council; and
- (xviii) Any need for a residual flow at the point of take; and
- (xix) Any need to prevent fish entering the intake; and
- (xx) Any adverse effect on a significant wetland value identified in Schedule 9 or any wetland higher than 800 metres above sea level; and
- (xxi) Any financial contribution for Type B wetland values that are adversely affected; and
- (xxii) The duration of the resource consent; and
- (xxiii) The information, monitoring and metering requirements; and
- (xxiv) Any bond; and
- (xxv) The review of conditions of the resource consent; and
- (xxvi) For resource consents in the Waitaki catchment the matters in (i) to (xxv) above, as well as matters in Policies 6.6A.1 to 6.6A.6.

Notification and written approvals

- (a) Applications for resource consent to which this Rule applies, to take and use water from a river, may be considered without notification under Section 93 and without service under Section 94(1) of the Resource Management Act on persons who, in the opinion of the consent authority, may be adversely affected by the activity, 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 under Section 93 of the Resource Management Act in those circumstances in which the Act allows applications to be considered on a non-notified basis.

- (b) Applications for resource consent to which this rule applies, to take and use water from a water body other than a river, may be considered without notification under Section 93 and without service under Section 94(1) of the Resource Management Act on persons who, in the opinion of the consent authority, may be adversely affected by the activity.

Reason

- Amendments to the list of matters to which discretion has been restricted in Rule 12.1.4.8 is a reflection of amendments to policies within Chapter 6 of the Water Plan.
- Competing local lawful demand [item viii] encapsulates Rule 12.1.4.8(g) and (h), namely:
 - Any adverse effect on any lawful priority attached to any resource consent or deemed permit;
 - Whether the taking of water under a water permit should be restricted to allow the taking or damming of water under another permit.

2.24 Section 16.3.1 - Information requirements

Table of Proposed Changes; Reference 110: page 77

Summary of Decisions Requested (Submitters and Further Submitters): pages 79-82

Recommendation after hearing

Amend section 16.3.1 of the Water Plan as follows:

16.3 Specific information requirements

In addition to the general information required by section 16.2 above, where the proposed activity involves the following activities, the information listed will be required.

16.3.1 The taking of surface water or groundwater

1. A description of the quantity, rate and timing; (including the 7-day take and annual or seasonal volumes), of the proposed take and an assessment of the need for the take.
2. A statement of the intended purpose of use for which the water is to be taken and the location(s) where the water is to be used.

3. A description of the means of the take, delivery, storage (if any) and application to be used.
- *4. An assessment of the effect of the take on other users of the source water body.
- *4A. A description of all possible sources of water, with ~~an assessment~~ a brief outline of the economic, social, environmental and cultural costs and benefits of taking from ~~the each~~ source applied for, over other possible sources.
- *4B. A statement about how, or if, the applicant proposes to work with other water users to meet day-to-day water requirements; and whether there is a water supply scheme in the area.
- 4C. For replacement consent applications in over-allocated catchments or aquifers, evidence of the rate and volume of water historically accessed**.
- *4D. For replacement consent applications to take or use water, a brief outline of the value of the investment made, reliant on that take or use of water.
5. In the case of the taking of groundwater, a description of the bore used or to be used**.
- *5A. In the case of the taking of groundwater, affected parties who are those taking from that aquifer, within a radius r of the proposed pumping bore as specified in Schedule 5B.
6. In the case of the taking of groundwater, a description of the likely adverse effect on the aquifer or any connected surface water body using the equations given in Schedule 5A of this Plan.
7. In the case of the taking of groundwater for irrigation purposes, a description of the quality of the groundwater where there is likely to be any adverse effect on soils.
8. In the case of any resource consent application for the taking of water under Rule 12.1.5.1 or 12.2.4.1, an assessment of the effects of the activity on:
 - (a) The natural and human use values including those identified in Schedule 1 for any affected water body; and
 - (b) The natural character of any affected water body; and
 - (c) The amenity values supports by any affected water body.

* Where the activity is controlled under Rule 12.1.3.1 or 12.2.2A.1, the requirements listed under 4, 4A, 4B, 4D and 5A are not required.

**Where the Council already holds this information under the requirements of another consent or an expiring consent, the applicant may provide a cross-reference to the consent number in relation to which this information is held.

Reasons

- An assessment of environmental effects needs only include detail as corresponds with the scale and significance of the effects that the activity may have on the environment.
- A brief outline of the cost and benefit assessment of taking is only required from the source applied for, relative to any other possible source.
- Clarification of which requirements apply to applications which are controlled activities under Rules 12.1.3.1 and 12.2.2A.1 is required.
- Schedule 5B allows determination of who is considered an affected party for groundwater takes.
- Amendment to requirement 8 is beyond the scope of this plan change.
- Where certain information and records are already held by ORC, a cross-reference to that data is adequate.

- For replacement applications, regard must be given to the value of the investment of the existing consent holder under the RMA.
- It is implicit within Policy 6.4.2A and Rule 12.1.4.8(iv) that historical access information is required, and it is recommended that this information is also required of groundwater takers in over-allocated aquifers.

CHAPTER 3: SURFACE WATER

A) NEW CONSENTS FROM PRIMARY ALLOCATION

3.1 Policy 6.4.2B – New consents from primary allocation

Table of Proposed Changes; Reference 16: page 19

Summary of Decisions Requested (Submitters and Further Submitters): pages 91-92

Recommendation after hearing

Amend Policy 6.4.2B as follows:

6.4.2B In considering any new resource consent to take surface water within primary allocation in terms of Policy 6.4.2(a)(ii) or (b)(ii) for any catchment, to grant consent only when actual allocation is less than the quantities specified in Policy 6.4.2(a)(i) or (b)(i).

Explanation

This policy recognises that the quantity in Policy 6.4.2(a)(ii) or (b)(ii) will decrease with time. No new resource consent for primary allocation shall be issued unless water of that status has become, or is still, available in any catchment. This means water available as primary allocation has:

- (i) Fallen below the limit listed in Schedule 2A, in terms of 6.4.2(a)(i); or
- (ii) Fallen below or not yet reached 50% of the 7-day mean annual low flow, in terms of 6.4.2(b)(i).

Any further allocation, known as supplementary allocation, must then be considered under Policies 6.4.9 or 6.4.10, or be considered as a full discretionary activity under Rule 12.1.5.1.

Principal reasons for adopting

This policy is adopted to avoid any continuation or increase in the catchment primary allocation as a result of any new consent application, and its effects on lawful users, where allocation exceeds the limits under Policy 6.4.2(a)(i) or (b)(i).

Reasons

- The amendment better explains the principal reasons for adopting the policy, with the policy.
- The policy is not new, but highlights what is already encapsulated in the explanation to Policy 6.4.2.
- Replacement consents with primary allocation status are not adversely affected by this policy.
- The total amount of water available for allocation in over-allocated catchments is not reduced by gradually decreasing existing consented primary allocation takes to reflect actual take.

B) SUPPLEMENTARY ALLOCATION

3.2 Policy 6.4.9 – Supplementary allocation

Table of Proposed Changes; Reference 17: pages 19-21

Recommendation after hearing

Adopt Policy 6.4.9 as proposed.

Reason

- The amendments provide clarity that the policy applies only to surface water, widen the reference to any catchment listed in Schedule 2B and make reference to Method 15.8.1A.

3.3 Method 15.8.1A – Determining supplementary allocation

Table of Proposed Changes; Reference 109: pages 75-76

Summary of Decisions Requested (Submitters and Further Submitters): pages 93-94

Recommendations after hearing

(a) Amend Method 15.8.1A.1 as follows:

15.8.1A.1 The Otago Regional Council will assign supplementary allocation blocks for any catchment area, excluding the Kakanui, for the purposes of Policy 6.4.9(a) using the following table:

| 7 day mean annual low flow of catchment (litres per second) | Supplementary allocation block (litres per second) |
|---|--|
| <10 | 50 |
| 10 – 299 | 100 |
| 300 – 999 | 250 |
| >1000 | 500 |

The size of the first and any subsequent supplementary allocation blocks ~~will be assigned on the basis of~~ are based on the 7-day mean annual low flow of that catchment, and ensure flow variability is maintained.

A formula for assigning supplementary allocation blocks in the Kakanui catchment is given in Schedule 2B.

(b) Adopt section 15.8.1A of the Water Plan, including Method 15.8.1A.2 as proposed.

Reasons

- The NES on Ecological Flows and Water Levels is only proposed, and does not address supplementary allocation.
- Section 15.8.1A of the Water Plan provides certainty and consistency in the determination of the size of supplementary allocation blocks. The additional text highlights that

supplementary allocation block sizes vary between catchments, and the reason why size is important.

- Supplementary minimum flows are set by existing Policy 6.4.9 using a simple formula.
- It is not necessary to further provide for social, economic, cultural and environmental matters when setting supplementary minimum flows and allocation blocks, as the Water Plan already recognises the benefits of taking surface water for consumptive use.
- The Kakanui catchment supplementary allocation blocks have not been calculated using Method 15.8.1A.1.

3.4 Schedule 2B – Supplementary allocation blocks and minimum flows (excluding Welcome Creek)

Table of Proposed Changes; Reference 113: pages 81-82

Summary of Decisions Requested (Submitters and Further Submitters): pages 94-101

Recommendation after hearing

Amend Schedule 2B as follows:

| Catchment See Maps B1-B5 & Supplementary Block Number | Minimum Flow (litres per second instantaneous flow) at the monitoring site(s) See Maps B1-B5 | Supplementary Allocation Block (litres per second instantaneous flow) |
|--|--|--|
| <u>Kakanui catchment</u> | For each minimum flow listed below: 1. <u>At Mill Dam (MS 3) for takes downstream of Clifton Falls monitoring site, or</u> 2. <u>At both Mill Dam (MS 3) and Clifton Falls (MS 3a) for takes upstream of Clifton Falls monitoring site.</u> | |
| Kakanui catchment (first supplementary allocation block) | October to April: 1050: 1. At Mill Dam (MS 3) for takes downstream of Clifton Falls monitoring site, or 2. At both Mill Dam (MS 3) and Clifton Falls (MS 3a) for takes upstream of Clifton Falls monitoring site. | October to April: 300 |
| | May to September: 1500: 1. At Mill Dam (MS 3) for takes downstream of Clifton Falls monitoring site, or 2. At both Mill Dam (MS 3) and Clifton Falls (MS 3a) for takes upstream of Clifton Falls monitoring site. | May to September: 500 |
| <u>Kakanui catchment</u> (second supplementary allocation block) | October to April: 1350: 1. At Mill Dam (MS 3) for takes downstream of Clifton Falls monitoring site, or 2. At both Mill Dam (MS 3) and Clifton Falls (MS 3a) for takes upstream of Clifton Falls monitoring site. | October to April: 300 |
| | May to September: 2000: 1. At Mill Dam (MS 3) for takes downstream of Clifton Falls monitoring site, or 2. At both Mill Dam (MS 3) and Clifton Falls (MS 3a) for takes upstream of Clifton Falls monitoring site. | May to September: 500 |
| <u>Kakanui catchment</u> (subsequent supplementary allocation blocks) | <u>All subsequent minimum flows corresponding to supplementary allocation blocks in the Kakanui catchment will be based on the following formula:</u> <u>October to April: 1050 + (300 x number of supplementary allocation block*)</u> <u>May to September: 1500: + (500 x number of supplementary allocation block*)</u> <u>* 2 for the 2nd, 3 for the 3rd allocation block, and so on.</u> | <u>All subsequent supplementary allocation blocks in the Kakanui catchment will be based on the following sizes:</u> <u>October to April: 300</u> <u>May to September: 500</u> |
| Shag catchment (first supplementary) | 650 At Craig Road (MS 2) | 100 |

| | | |
|---|---|--|
| allocation block) | 401 At Goodwood Pump (MS 1) | |
| Shag catchment (second supplementary allocation block) | 750 At Craig Road (MS 2) 501 At Goodwood Pump (MS 1) | 100 |
| Trotters Creek catchment (first supplementary allocation block) | 130 At Matheson's weir | 100 |
| Waianakarua catchment (first supplementary allocation block) | 311 At Browns Pump | 100 |
| Welcome Creek catchment (first supplementary allocation block) | 1000 At Steward Road | 400 (Also subject to Table 12.1.4.4A) |

Reasons

- The catchments listed within Schedule 2B are also listed within Schedule 2A (or are proposed to be listed by Plan Change 1B (Minimum Flows)) and actual primary allocation in accordance with Policy 6.4.2 is known in these catchments.
- The figures listed for the supplementary allocation block have been determined using Method 15.8.1A.1, and the figures listed for the supplementary minimum flow have been determined using Method 15.8.1A.2).
- In the Kakanui seasonal block sizes were determined by the Environment Court and it is not proposed to amend the block size, or the formula for calculating minimum flows set in Policy 6.4.9. As four blocks have now been allocated, a formula to calculate block sizes is appropriate, particularly since this formula differs slightly from that given in Method 15.8.1A.1.

C) WELCOME CREEK

3.5 Rule 12.1.4.4A - to take and use water as a restricted discretionary activity from Welcome Creek

Schedule 2A - Minimum flows and primary allocation for Welcome Creek

Schedule 2B – Supplementary allocation blocks and minimum flows (Welcome Creek)

Map B3 - Welcome Creek monitoring site

Table of Proposed Changes; References 74, 112, 113, 124: pages 53, 79-82 and 94

Summary of Submissions by Topic; pages 94-100, 102-107 and 108-114

Recommendation after hearing

Adopt Rule 12.1.4.4A, Schedule 2A and Schedule 2B (relating to Welcome Creek), and new Map B3, as proposed.

Reasons

- The minimum flow of 700 l/s for Welcome Creek ~~is considered to adequately protect in-stream values, is already a condition of all existing consents, and given flow gaugings of the creek will likely be able to be met across the year~~ provides more certainty that current Water Plan provisions and acts as a safeguard for in-stream values until such time as a revised minimum flow regime is proposed that is based on scientific study of aquatic values and community consultation.

- The figures listed for the supplementary allocation block have been determined using Method 15.8.1A.1 and the figures listed for the supplementary minimum flow have been determined using Method 15.8.1A.2).

D) OTHER SURFACE WATER MATTERS

3.6 Policy 6.4.19 – Term of consent

Table of Proposed Changes; Reference 30: page 30

Summary of Decisions Requested (Submitters and Further Submitters): page 115-117

Recommendation after hearing

Delete Policy 6.4.19 as proposed.

Reasons

- Section 123(d) of the RMA provides for terms of consent for permits to take and use water.
- The policy is not needed to provide security for consents as consent applications are considered on its own merits and terms applied accordingly.
- Guidance in setting a longer or shorter consent term was considered in preparing the plan change and in response to submissions. The following matters were considered:
 - Whether a collaborative arrangement had been entered into [refer Policy 6.4.0B];
 - Whether the collaborative arrangement included use of a Council recognised rationing regime;
 - Whether the proposal covered most or all of a catchment [Policy 6.4.0A];
 - Whether taking was for an essential local use [refer Policy 6.4.0C];
 - Level of infrastructure investment [Section 104(2A)];
 - Whether the infrastructure was shared [Policy 6.6.0];
 - Whether there is a minimum flow regime in place under Schedule 2A;
 - Whether the proposal offered environmental enhancements in addition to those required [Chapter 5 and policies under section 6.6]

However, as the list may be interpreted in different ways under different circumstances, the draft policy provided limited guidance and the recommendation remains unchanged.

- It may be more appropriate to amend consent information requirements under 16.3.1, to require the applicant to state the preferred duration of the consent and give reasons.

3.7 Policy 6.4.20 – Permits affected by mining privileges

Policy 6.4.21 – Restrictions on the exercise of water permits

Table of Proposed Changes; References 31 and 32: pages 30-33

Summary of Decisions Requested (Submitters and Further Submitters): pages 118-119

Recommendation after hearing

(a) Delete Policies ~~6.4.20 and 6.4.21~~ as proposed.

(b) Amend Policy 6.4.21 as follows:

6.4.21 In granting water permits, the Council may restrict the exercise of a water permit to allow the exercise of another water permit.

Explanation

In some circumstances, the exercise of a water permit may need to be subject to, or subservient to, the exercise of another water permit.

For example, such consideration may be required to ensure that a water body is not adversely affected by the simultaneous exercise of multiple takes or the exercise of one take is not adversely affected by the exercise of another take or takes. This can occur when the instantaneous take volumes are larger than the water available to be taken and there are takes that can conflict with each other. Similar considerations may be needed on a river where there are dams that may affect or be affected by other takes or other dams.

~~The Council may consider making one permit subservient to another permit when it deals with an application for consent for a water permit currently authorised by a mining privilege. In such cases, no assurance can be given that a replacement permit will be granted, nor that a new permit will continue any existing priorities.~~

~~Where a permit is made to replace an expiring mining privilege, the Council will consider, but not exclusively:~~

- ~~1. Whether the take previously held priority or was subject to a priority;~~
- ~~2. When the mining privilege is exercised;~~
- ~~3. The extent to which the mining privilege is exercised;~~
- ~~4. How often the exercise, or the potential exercise, of any water permit or lower priority mining privilege is, or could be, affected by the priority attached to a mining privilege;~~
- ~~5. Whether the amount of water authorised to be taken under the mining privilege is more than needed for the actual use.~~

Principal reasons for adopting

This policy is adopted to indicate that the Council may make water permits subject to or subservient to other water permits where appropriate and necessary ~~whether mining privileges are involved or not.~~

Reasons

- Policy 6.4.20 is longer needed as this plan change addresses the transition from mining privileges on or before 1 October 2021.
- Common expiry dates for consents were considered as an option [refer to the section 32A report] but discarded as posing a high level of risk for water users, being difficult administratively and potentially deferring the transition for an indefinite period.
- The policies do not provide any incentive for deemed permits to be replaced with water permits prior to 2021.
- The Water Plan contains clear policies for the taking and use of water that will provide for the transition of deemed permits to water permits, including:
 - Policy 6.4.0B promotes shared use and management of water, which enables mining privilege holders to work with other water users to establish arrangements that suit them;
 - Policy 6.4.2A effectively ensures that any actual advantage conferred in access to water by higher priority deemed permits is reflected in the quantity of water allocated in the new consent. This is illustrated in the diagram on the next page.
- ~~Retaining the priority system is not sustainable management of the water resource.~~

- In some situations, water permits may need to be subservient to other water permits to ensure that existing lawful uses and priorities are provided for [Policy 5.4.3].

CHAPTER 4: GROUNDWATER

A) GROUNDWATER MANAGEMENT

4.1 Policies 6.4.10A, 9.4.4, 9.4.5, 9.4.6 – Groundwater allocation system

*Table of Proposed Changes; References 18, 43, 44 and 49: pages 21-23, 39-40 and 43
Summary of Decisions Requested (Submitters and Further Submitters): pages 120-123*

Recommendations after hearing

(a) Amend Policy 6.4.10A as follows:

6.4.10A To manage the taking of groundwater by:

- (a) Limiting allocation through the identification of a quantity, known as the *maximum allocation volume*, which is the greater of:
 - (i) That specified in Schedule 4A; or**
 - (ii) 50% of the calculated mean annual recharge for those aquifers not specified in Schedule 4A; or**
 - (iii) The consented maximum daily take at 20 December 2008, less any consents surrendered, lapsed, cancelled or not replaced on expiry, after this date;**
except as provided for in Policy 6.4.1A (a) and (b); and**
- (b) Applying aquifer restriction levels where specified in Schedule 4B, except as provided for in Policy 6.4.1A (a) and (b); and**
- (c) Avoiding contamination of groundwater or surface water; and**
- (d) Avoiding permanent aquifer compression.**

Explanation

All water allocated as groundwater in terms of Policy 6.4.1A (c) or (d) needs to be managed for the protection of aquifers and the maintenance of any long term outflows. The outflows from any aquifer need to be maintained to prevent long term depletion of base flow to surface water bodies and prevent seawater intrusion.

Sustainable allocation of groundwater will be achieved by considering as restricted discretionary activities, those applications where:

- (i) The individual take would not cause the cumulative take from the aquifer to exceed 50% of the mean annual recharge of the aquifer, or the maximum allocation volume listed in Schedule 4A, unless that take was the subject of a resource consent granted before 20 December 2008; and**
- (ii) Relevant aquifer restriction levels are met; and**
- (iii) Aquifer contamination or compression will be avoided.**

For some aquifers identified in Maps C1–C17, maximum allocation volumes are specified in Schedule 4A, where there is sufficient information to set them. Maximum allocation volumes are appropriate for managing the cumulative effects of groundwater takes on long term storage of an aquifer and on outflows to surface water bodies. Significant drawdown effects are addressed under section (b) of this policy.

When the aquifer levels specified in Schedule 4B are reached, the actual taking of water will be restricted as provided for in the Schedule. Restrictions will apply to

all consents to take groundwater under Policy 6.4.1A (c) or (d), including those for community water supply specified in Schedule 3B, as well as permitted taking in accordance with Rule 12.2.2.2. Maps D1–D4 show the Schedule 4B aquifers to which the restrictions apply.

If existing consented maximum daily take at the date of notification of Plan Change 1C (20 December 2008) exceeded the relevant maximum allocation limit, then those takes will be recognised to provide for the existing needs of Otago’s communities. Where a consent to replace an existing consent is not applied for within the time frames set in Section 124 of the Resource Management Act, that water take will lose its status under this policy.

When considering the taking of any groundwater, the adverse effects identified in (c) and (d) of the policy must be avoided.

Principal reasons for adopting

This policy is adopted to ensure that potentially long term or irreversible adverse effects on aquifer properties resulting from taking groundwater are avoided. It is important to achieve this outcome in order to provide for the needs of Otago’s present and future generations.

This policy also maintains levels and pressures within identified aquifers. This will assist in achieving the environmental results detailed in Schedule 4B, by avoiding significant reductions.

This policy allows for sustainable taking of groundwater from aquifers, where the take will not have a direct effect on any surface water body, while avoiding adverse effects, including in particular the matters listed in Policy 5.4.2 and 5.4.3. Allocating 50% of mean annual recharge ensures the remaining 50% provides for adequate levels of system outflow.

(b) Delete Policies 9.4.4, 9.4.5 and 9.4.10 as proposed.

(c) Adopt new policies as follows (to be located directly after Policy 6.4.10A – resulting in the renumbering of notified proposed Policies 6.4.10B to 6.4.10E (for reference in this document, they are referred to as 6.4.10AA, and 6.4.10AB):

6.4.10AA In considering any application for a replacement resource consent to take groundwater as specified in Policy 6.4.10A(a)(iii), to grant consent only for a rate and volume of water no more than that which has been historically accessed under the previous consent.

Explanation

This policy ensures that only the water physically taken under the previously existing resource consent will be considered for granting when an application to replace that consent is made.

The right to access water given by a consent is not always fully exercised, for example, because:

(i) The consent holder does not need that amount of water, given their intended purpose of use of that water; or

(ii) Water is unable to be physically accessed because the source does not sustain such taking.

If groundwater is physically unable to be accessed, then reallocating such amounts is not sustainable management. Evidence of the rate and volume of water historically accessed will be required when such replacement consents are sought.

Principal reasons for adopting

This policy is adopted to assist in the reduction of maximum allocation volume under Policy 6.4.10(a)(iii). This policy also ensures allocation is not constrained by resource consent holders who are not using all or part of their allocated water. It is unfair to potential users of the water resource if available allocation is tied up in underutilised consents.

6.4.10AB In considering any new resource consent to take groundwater in terms of Policy 6.4.10(a)(iii), to grant consent only when actual allocation is less than the quantities specified in Policy 6.4.10(a)(i) or (a)(ii).

Explanation

This policy recognises that the quantity in Policy 6.4.2(a)(i) or (a)(ii) will decrease with time. No new resource consent to take groundwater shall be issued unless it is within the maximum allocation volume.

Principal reasons for adopting

This policy is adopted to avoid any continuation or increase in the maximum allocation volume as a result of any new consent application, and its effects on lawful users, where allocation exceeds the limits under Policy 6.4.10(a)(i) or (a)(ii).

- (d) Amend Rule 12.2.3.2A to be consistent with Policy 6.4.10A and 6.4.10AA (see section 4.4).
- (e) Amend Rule 12.2.3.4 to be consistent with Policy 6.4.10AA (see section 4.5).
- (f) Amend the information requirements in section 16.3.1 of the Water Plan to ensure evidence of the rate and volume of groundwater historically accessed under Policy 6.4.10AA is provided (see section 2.24).

Reasons

- Land surface recharge is too conservative as it disregards overall replenishment of the aquifer and unnecessarily limits groundwater allocation.
- Using mean annual recharge is appropriate based on the climate and groundwater resources of Otago, and a 50% default threshold is considered appropriate to provide for both takers and natural systems.
- The proposed NES interim limits preliminary and subservient to policies and rules within regional plans.
- Amendments are required to ensure those with resource consents to take and use groundwater (granted prior to the notification of this plan change) are recognised and provided for.

- Amendments are required to Rule 12.2.3.2A to ensure it remains consistent with Policy 6.4.10A.
- Over the next few years, the maximum allocation volumes for aquifers will be set in Schedule 4A, informed by science and consultation with the community, through the plan change process.

4.2 Prohibited and permitted activity rules to take groundwater (Rules 12.2.1.1 and 12.2.1.2, and 12.2.2.1 to 12.2.2.6)

Table of Proposed Changes; References 86 – 92: pages 60 to 63

Summary of Decisions Requested (Submitters and Further Submitters): pages 124-128

Recommendations after hearing

(a) Amend Rule 12.2.2.4 as follows:

12.2.2.4 Except as provided for by Rule 12.2.1.1, the taking of groundwater from within 100 metres of the main stem of the Clutha or Kawarau Rivers, or from Lakes Wanaka, Hawea, Wakatipu, Dunstan and 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) The take is not within 100 metres of any wetland or other lake or river.

(b) Adopt Rules 12.2.2.1, 12.2.2.2, 12.2.2.5 and 12.2.2.6 as proposed.

Reasons

- To ensure Rule 12.2.2.4 is consistent with Policy 6.4.1A and Rule 12.2.2.5.
- The take and use of water are inherently linked, and unless provided for by the Water Plan, become discretionary activities under the RMA.
- The effects of taking groundwater within 100 metres of a perennial surface water body generally has a direct effect on surface water. The accuracy and proportion of total take to surface water effects substantially increases at distances of less than 100 metres from a perennial surface water body, when using the equations given in Schedule 5A.
- The 100 metre default simplifies plan interpretation and administration
- Any adverse effects on other lawful takers should continue to be considered when permitting groundwater takes effectively considered surface water under Policy 6.4.1A (a) and (b).

4.3 Taking and use of groundwater for community supply (section 12.2.2A and Rule 12.2.2A.1)

Table of Proposed Changes; References 93 and 94: page 63

Summary of Decisions Requested (Submitters and Further Submitters): page 128

Recommendations after hearing

(a) Amend Rule 12.2.2A.1 as follows:

12.2.2A.1 The taking and use of groundwater 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) The means and timing of the take, and the rate of take; and
- (b) The quantity of water required to meet the needs of the community; 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.

Applications may be considered without notification under Section 93 and without service under Section 94(1) of the Resource Management Act on persons who, in the opinion of the consent authority, may be adversely affected by the activity.

(b) Asterisk* all aquifers listed in Schedule 3B, excluding Warrington (site 9), to note that the point of take is located within 100 metres of a surface water body (see section 5.6).

Reasons

- Policy 6.4.1A provides for certain groundwater takes to be managed as surface water. To ensure that the correct rule is located by users of the Water Plan, groundwater and surface water rules must be complimentary.
- The amendments to Rule 12.2.2A.1 and Schedule 3B better mirror Rule 12.1.3.1, and help avoid confusion between groundwater and surface water.

4.4 Restricted discretionary, discretionary and non-complying activity rules to take groundwater (Rules 12.2.3.1 to 12.2.3.3, 12.2.4.1 and 12.2.5.1)

Table of Proposed Changes; References 93 – 99, 102-103: pages 63-67, 71

Summary of Decisions Requested (Submitters and Further Submitters): pages 128-129, 132

Recommendations after hearing

(a) Amend Rule 12.2.3.1A as follows:

12.2.3.1A The taking of any groundwater from any Schedule 2C aquifer or from within 100 metres of any connected perennial surface body, and the use of that groundwater ...

(b) Adopt Rules ~~12.2.3.1A~~, 12.2.4.1 and 12.2.5.1, and delete Rules 12.2.3.1 and 12.2.3.2, as proposed.

(c) Amend Rule 12.2.3.2A as follows:

12.2.3.2A Except as provided for by 12.2.3.1A, the taking of groundwater from any point 100 metres or more from any perennial surface water body, and the use of that groundwater, is a ***restricted discretionary*** activity, if:

(a) The volume sought is within:

(i) The available allocation volume identified in Schedule 4A; or

(ii) 50% of the calculated mean annual recharge for any aquifer not specified in Schedule 4A; or and

(iii) That specified on a resource consent granted before 20 December 2008, and the application seeks a replacement consent; and

(b) Aquifer restriction levels identified in Schedule 4B are met; and

(c) Where the rate of surface water depletion is greater than 5 l/s, as calculated using Schedule 5A:

(i) Primary allocation is available; and

(ii) For the Waitaki catchment, allocation to activities set out in Table 12.1.4.4A 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.

Reasons

- The take and use of water are inherently linked, and unless provided for by the Water Plan, become discretionary activities under the RMA.
- Amendment is required to Rule 12.2.3.1A to give effect to Policy 6.4.1A(b), which relates to groundwater taking within 100 metres of any connected perennial surface water.
- Amendments are required to Rule 12.2.3.2A to ensure it remains consistent with Policy 6.4.10A.
- The effect of taking connected groundwater within 100 metres of a perennial surface water body generally has a direct effect on surface water. The accuracy and proportion of total take to surface water effects substantially increase at distances of less than 100 metres from a perennial surface water body, when using the equations given in Schedule 5A.
- The 100 metre default simplifies plan interpretation and administration
- Using mean annual recharge is appropriate based on the climate and groundwater resources of Otago, and a 50% default threshold is considered appropriate to provide for both takers and natural systems.
- Amendments are required to ensure those with resource consents to take and use groundwater (granted prior to the notification of this plan change) are recognised and provided for.

4.5 Restricted discretionary considerations Rule 12.2.3.4

Table of Proposed Changes; Reference 100: pages 67-69

Summary of Decisions Requested (Submitters and Further Submitters): pages 129-132

Recommendation after hearing

Amend Rule 12.2.3.4 as follows:

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 amount of water to be taken and used; and
- (ii) The means and timing of the take, and the rate of take; and
- (iii) The quantity of water required for the intended purpose of use; and
- (iiia) In the case of a replacement primary allocation consent, the rate and volume of water historically accessed under the previous consent; and
- (iv) The proposed method(s) of delivery and application of the water taken ~~(including efficiency)~~; and
- (v) The source(s) of water available to be taken; and
- (vi) The location(s) of the use of the water, when it will be taken out of a local catchment; and
- (vii) Any arrangement for cooperation with other takers and/or users, with the ability to respond flexibly to local circumstances, that has been entered into; and
- (viii) Any water storage facility available for the water taken, and its capacity; 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) Any adverse effect on any lawful take of water, if consent is granted, including potential bore interference; and
- (xi) Any actual or potential effects on any surface water body; and
- (xii) Whether any part of the take would constitute primary allocation from any connected surface water body; and
- (xiii) The availability of primary allocation for the connected surface water body; and
- (xiv) The consent being exercised or suspended in accordance with any Council recognised rationing regime in that catchment or, in its absence, the Council; and
- (xv) Any adverse effect on the existing quality of groundwater in the aquifer; and
- (xvi) Any adverse effect on a significant wetland value identified in Schedule 9 or any wetland higher than 800 metres above sea level; and
- (xvii) Any financial contribution for Type B wetland values that are adversely affected; and
- (xviii) The duration of the resource consent; and
- (xix) The information, monitoring and metering requirements; and
- (xx) Any bond; and
- (xxi) The review of conditions of the resource consent; and

(xxii) For resource consents in the Waitaki catchment the matters in (i) to (xix) above, as well as matters in Policies 6.6A.1 to 6.6A.6.

Notification and written approvals

Applications may be considered without notification under Section 93 and without service under Section 94(1) of the Resource Management Act on persons who, in the opinion of the consent authority, may be adversely affected by the activity.

Reason

- Amendments to the list of matters to which discretion is restricted in Rule 12.2.3.4 is a reflection of amendments to policies within Chapter 6 of the Water Plan, and should also reflect any amendments made as a result of submissions on Rule 12.1.4.8 to ensure they are consistent.

4.6 Principal reasons for adopting section 12.2

Table of Proposed Changes; Reference 104: pages 70-72

Summary of Decisions Requested (Submitters and Further Submitters): page 133

Recommendations after hearing

- (a) Add the following text to the principal reasons for adopting section 12.2 of the Water Plan:

Principal reasons for adopting

The taking and use of water 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 12.2.2.0 is adopted to provide for resource consents to take water granted prior to 20 December 2008, where there is no associated resource consent to use water but the purpose of use is specified on the take consent.

...

- (b) That except as provided for above, adopt the principal reasons for adopting section 12.2 of the Water Plan as proposed.

Reasons

- It is not appropriate to list all the values that will be protected within a surface water body by the groundwater rules.
- Clarification is required to avoid the consenting of numerous use consents, where the take is already consented, where there will be no environmental benefit.

4.7 Section 12.2 – The taking and use of groundwater, and Note above Rule 12.2.1 regarding construction and alteration of any bore

Table of Proposed Changes; Reference 84 and 85: page 60

Summary of Decisions Requested (Submitters and Further Submitters): N/A

Recommendation after hearing

Adopt the title of section 12.2 of the Water Plan and the Note above Rule 12.2.1 as proposed.

Reasons

- There were no submissions regarding the title of section 12.2 of the Water Plan and the Note above Rule 12.2.1.

4.8 Schedule 2C – Groundwater takes considered primary allocation and subject to minimum flows

Table of Proposed Changes; Reference 114: page 83

Summary of Decisions Requested (Submitters and Further Submitters): N/A

Recommendation after hearing

Amend Schedule 2C as follows:

| Aquifer Name | Map Reference | Catchment to which primary or supplementary allocation limits apply, and minimum flows may apply* |
|--|--------------------|---|
| Kakanui-Kauru Alluvium Aquifer | C10 | Kakanui catchment* |
| Shag Alluvium Aquifer | C11 | Shag catchment* |
| Lindis <u>Alluvial Ribbon</u> Aquifer | C A C1b | Lindis catchment** |
| Cardrona <u>Alluvial Ribbon</u> Aquifer | C B C1a | Cardrona catchment upstream of the Mount Barker recorder site** |
| Lowburn <u>Alluvial Ribbon</u> Aquifer | C C C3 | Lowburn Stream* |

* as given in Schedules 2A and 2B
** as provided for by Policies 6.4.2, 6.4.3 and 6.4.9

Reasons

- The aquifer names require amendment to match those given on the maps, and the map numbers require correction.

4.9 Schedule 4 – Restrictions on the exercise of groundwater permits

Schedule 4A – Maximum allocation volumes

Schedule 4B – Restriction levels

Table of Proposed Changes; References 116, 117, 118: pages 84-85

Summary of Decisions Requested (Submitters and Further Submitters): N/A

Recommendations after hearing

(a) Amend the second table in Schedule 4B to delete reference to the Papakaio Aquifer as follows:

| Aquifer | Management Objectives | Environmental Result |
|----------|---|---|
| Papakaio | Mean quarterly static pressure maintained to within 3.0 metres of Aquifer Maximum | <ul style="list-style-type: none">▪ Surface water flows (Kakanui particularly) are not adversely affected;▪ Existing free flowing artesian conditions are retained over the greater part of the aquifer;▪ Aquifer yield is maintained;▪ Any risk of land subsidence and/or irreversible compression of the aquifer is avoided. |

(b) Except as provided for above, adopt Schedule 4 (including new Schedules 4A and 4B) as proposed.

Reasons

- The Papakaio reference bore has failed and is no longer used.
- There were no submissions received regarding amendments to Schedule 4.

4.10 Schedule 5A – Equations to determine stream depletion effects

Table of Proposed Changes; Reference 119: pages 85-89

Summary of Decisions Requested (Submitters and Further Submitters): page 134

Recommendations after hearing

(a) Amend Schedule 5A as by adding the following text as final paragraphs (prior to the reference list):

| |
|--|
| <p>...</p> <p><u>Use of analytical equations other than the Jenkins Equation:</u></p> <p><u>The use of analytical equations will be accepted over the equations given above, when an applicant can clearly demonstrate:</u></p> <ol style="list-style-type: none">1) <u>That the analytical equation is derived from, or otherwise comparable to, the Jenkins Equation; and</u>2) <u>That the alternative equation is in common use for the purpose, and shares a degree of acceptance in such use amongst groundwater professionals.</u> <p><u>Use of numerical groundwater flow models:</u></p> <p><u>The use of numerical groundwater flow models will be accepted over the equations given above, when an applicant can clearly demonstrate:</u></p> <ol style="list-style-type: none">1) <u>That the numerical method is validated or potentially validated at a generic level against either the Theis Equation or the Jenkins Equation; and</u>2) <u>That the model is in common use for the purpose, and shares a degree of acceptance in such use among groundwater professionals.</u> <p>...</p> |
|--|

(b) Except as provided for above, adopt Schedule 5A, and delete Schedule 5 as proposed.

Reasons

- Schedule 5A provides simple and straightforward calculations for many people to determine potential effects on surface water as the result of a groundwater take.
- Amendment is required to ensure consent applicants are not prevented from using more sophisticated numerical groundwater flow models should they chose.
- The complexity of applying the Hunt methodologies makes it impractical for inclusion in Schedule 5A.

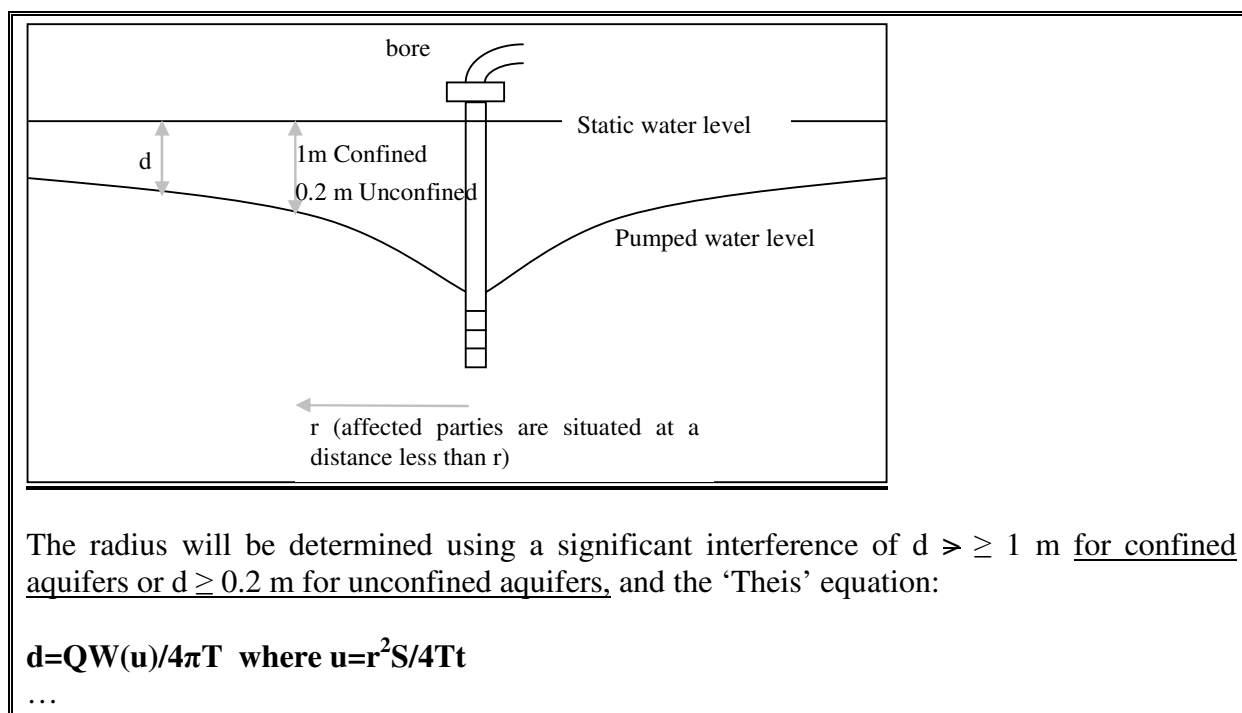
4.11 Schedule 5B – Method for identifying groundwater takes potentially affected by bore interference

Table of Proposed Changes; Reference 120: pages 89-91

Summary of Decisions Requested (Submitters and Further Submitters): N/A

Recommendations after hearing

(a) Amend the sentence introducing the equation given below the figure in Schedule 5B as follows:



(c) Except as provided for above, adopt Schedule 5B as proposed.

Reasons

- The sentence introducing the equation given below the figure in Schedule 5B, and the values given in the figure in Schedule 5B do not correspond.
- There were no submissions received regarding amendments to Schedule 5B.

B) MERGING OF CHAPTER 6 (WATER QUANTITY) AND CHAPTER 9 (GROUNDWATER)

4.12 Issues 6.2.1A and 9.2.1 – Taking of water from Otago’s aquifers

Table of Proposed Changes; References 2 and 37: pages 5 and 34-36

Summary of Decisions Requested (Submitters and Further Submitters): page 120

Recommendation after hearing

Adopt Issue 6.2.1A and delete Issue 9.2.1 as proposed.

Reasons

- The concerns raised by the submitter are already encompassed by the issue.

4.13 Policy 6.4.10C – Wastage and loss of artesian pressure

Table of Proposed Changes; Reference 20: pages 23-24

Summary of Decisions Requested (Submitters and Further Submitters): page 123

Recommendation after hearing

Amend Policy 6.4.10C as follows:

6.4.10C To require appropriate siting, construction and operation of new groundwater bores, to prevent the unauthorised loss of pressure or water wastage in confined artesian conditions, and to promote such management for existing bores.

Explanation

Bores may be located, constructed or operated in a manner that allows unauthorised loss of pressure in confined artesian conditions. Confined artesian aquifer conditions occur where the pressure of water in an aquifer, beneath an impermeable or semi-permeable layer, results in water level rise above the bottom of that confining layer. Therefore, new bores—must be adequately sealed to maintain artesian pressure.

The opportunity to upgrade existing bores that allow loss of artesian pressure will be taken through promotion programmes.

Principal reasons for adopting

This policy is adopted to ensure that bores are sited, constructed and operated in a manner that generally maintains pressures within an aquifer so that the aquifer can support present and future uses. It is also adopted to avoid localised adverse effects on other groundwater users.

Reasons

- The wording of Policy 6.4.10C as notified is ambiguous, and requires clarification.
- Interference from existing poorly constructed bores is beyond the scope of this plan change.

4.14 Issues 6.2.4A and 9.2.2 - Taking of water from bore can lower water level in neighbouring bores

Policies 6.4.10B and 9.4.7 - Managing bore interference

Policies 6.4.10D and 9.4.15 - Papakaio/Lower Taieri bore construction

Policies 6.4.10E and 9.4.16 - Papakaio/Lower Taieri bore certification

Objective 9.3.4 – Minimise conflict among users of groundwater bores

Table of Proposed Changes; References 4, 19, 21, 22, 38, 40, 46, 54 and 55: pages 6, 23-25, 33-37, 41 and 47

Summary of Decisions Requested (Submitters and Further Submitters): N/A

Recommendation after hearing

Adopt Issue 6.4.2A, Policies 6.4.10B, 6.4.10C, 6.4.10D and 6.4.10E, and delete Issue 9.2.2, Objective 9.3.4, Policies 9.4.7, 9.4.15 and 9.4.16 as proposed.

Reasons

- There were no submissions regarding moving Issue 9.2.2 or Policies 9.4.7, 9.4.15 and 9.4.16 into Chapter 6, or regarding deletion of Objective 9.3.4.

C) CHAPTER 9 (GROUNDWATER)

4.15 Policy 9.4.2 – Managing taking of groundwater

Table of Proposed Changes; Reference 41: pages 37-38

Summary of Decisions Requested (Submitters and Further Submitters): page 124

Recommendation after hearing

Adopt Policy 9.4.2 as proposed.

Reasons

- Most of original Policy 9.4.2 is incorporated into Policy 6.4.10A.
- The effect of removal of part of this policy to Chapter 6 does not materially affect the remainder of the policy.
- Recognising positive effects of groundwater application to soil quality is not necessary.

4.16 Policy 9.4.14 - Siting, construction and operation of new bores

Table of Proposed Changes; Reference 53: page 46

Summary of Decisions Requested (Submitters and Further Submitters): page 124

Recommendation after hearing

Adopt Policy 9.4.14 as proposed.

Reasons

- There were no submissions in opposition to Policy 9.4.14.

4.17 Policy 9.4.22 – Groundwater quality to be monitored

Table of Proposed Changes; Reference 56: pages 47-48

Summary of Decisions Requested (Submitters and Further Submitters): page 124

Recommendation after hearing

Adopt Policy 9.4.22 as proposed.

Reasons

- Policy 6.4.16 already requires the rate and volume of a consented take to be measured.
- The effect of removal of part of Policy 9.4.22 does not materially affect the remainder of the policy.
- The policy is clear any monitoring relates to the effects of the groundwater take on water quality in the aquifer, rather than water quality monitoring relating to the use of that water.

D) GENERAL COMMENTS ON GROUNDWATER

4.18 General comments on groundwater

Table of Proposed Changes: N/A

Summary of Decisions Requested (Submitters and Further Submitters): page 134

Recommendation after hearing

Reject the submission.

Reason

- It is unclear what the submitter is referring to, as the submission lacks clarity.

CHAPTER 5: OTHER PLAN CHANGE MATTERS

A) MINOR AND CONSEQUENTIAL CHANGES

5.1 Introduction 6.1

Table of Proposed Changes; Reference 1: pages 4-5

Summary of Decisions Requested (Submitters and Further Submitters): page 138

Recommendation after hearing

~~Adopt 6.1 Introduction as proposed.~~

(a) Amend 6.1 Introduction by adding to the last sentence of the third paragraph as follows:

'...will recognise current access to water and avoidance of adverse effects on other lawful uses of that water, but will consider ...'

(b) Amend 6.1 Introduction by amending the sixth paragraph as follows:

'The ~~water allocation~~ minimum flow provisions of this chapter are intended to provide for the maintenance of aquatic ecosystem and natural character values of water bodies. The water allocation provisions of this chapter are intended to provide for the sustainable taking of water for use. The provisions for the regulation of takes, in terms of minimum flow and allocation limits, are considered to be generally conservative of aquatic life and natural character. Allocation beyond those requirements must have regard to any potential adverse effects on the natural and human use values of affected water bodies, including effects arising from any loss of capacity to assimilate contaminant discharges, and any raising of water temperatures.'

Reasons

- The introduction must reflect the overall changes to proposed to Chapter 6, including that groundwater is now addressed within the chapter, and that community co-operation in water management is important.
- While it is not essential to recognise current lawful uses in the third paragraph, the addition avoids the perceived risk that existing uses may be overlooked in the transition as they may not be consumptive uses.
- The re-wording of the sixth paragraph more accurately reflects the intent of the minimum flow provisions.
- The other minor amendments (including for deemed permits) add clarity to the introduction.
- Wider recognition of the transition from deemed permits to water permits in the introduction to Chapter 6 is unnecessary.
- "Acknowledge" and "recognise" have the same meaning.
- Intended purpose of use relates to a specific policy within the chapter.

5.2 Index to Policies in 6.4 applying to management of taking water

Table of Proposed Changes; Reference 7: pages 7-9

Summary of Decisions Requested (Submitters and Further Submitters): page 135

Recommendation after hearing

Adopt the index to policies in 6.4, subject to amendment of the following subheading (and subject to any consequential changes to the policies or their ordering):

Surface Water Takes and Connected Groundwater Takes

Reasons

- The index to policies assists users in navigation of section 6.4 of the Water Plan.
- The amendment to the sub-heading provides clarity.

5.3 Policy 6.4.16 - measurement of takes

Table of Proposed Changes; Reference 28: pages 28-29

Summary of Decisions Requested (Submitters and Further Submitters): page 136

Recommendation after hearing

Adopt Policy 6.4.16 as proposed.

Reason

- The submitter supports the proposed amendment to Policy 6.4.16.

5.4 Definition of “Resource consent” - note for “new resource consent” and “replacement resource consent”

Table of Proposed Changes; Reference 121: page 91

Summary of Decisions Requested (Submitters and Further Submitters): page 138

Recommendation after hearing

Adopt Amend the glossary definition of “resource consent”, as proposed to address the issues raised regarding transfer and surrender of consents raised by submitter 41.

Reasons

- “Resource consent” is both the formal term and that most sought after, so it is appropriate that the corresponding distinction between replacement or new resource consents is placed here, in its context.
- Clarifying what is meant by a “new” and “replacement” resource consent allows these terms to be succinctly used in the policies and rules of the Water Plan.
- The definitions are consistent with the RMA.
- Replacement consents sought in substitution of existing water permits or deemed permits are not adversely affected by this definition.

5.5 Policy 6.4.2 - Primary allocation

Anticipated Environmental Results 6.7.2 and 9.5.1 - Access to suitable supplies of water

Anticipated Environmental Results 6.7.8 and 9.5.3 - Conflict among those taking water is minimised

Introduction 9.1 - Introduction Chapter 9: Groundwater

Title Chapter 12 - Rules: Water Take, Use and Management

Header section 15.8 - Methods for calculating allocation and applying minimum flows

Table of Proposed Changes; References 14, 34 & 57, 35 & 58, 36, 59, 107: pages 17, 33, 34, 48, 49.

Summary of Decisions Requested (Submitters and Further Submitters): N/A

Recommendation after hearing

Adopt amendments to Policy 6.4.2, Introduction 9.1, Title Chapter 12, Header section 15.8 and Schedule 3, and deletion of anticipated environmental results 9.5.1 and 9.5.3, as proposed.

Reasons

- The amendments are minor and necessary.
- There were no submissions received regarding these minor and consequential amendments.

5.6 Schedule 3 - Human use values of Otago's aquifers

Table of Proposed Changes; Reference 115: page 83

Summary of Decisions Requested (Submitters and Further Submitters): N/A

Recommendations after hearing

(a) Adopt Schedule 3 as proposed.

(b) Amend Schedule 3B as follows:

| 3B Groundwater takes for the purpose of community water supply | |
|---|---|
| Site No. | Community Water Supply Takes (at NZMS 260 Series Map Grid Reference) |
| 1* | Glenorchy Water Supply at E41:459_841. |
| 2* | Arthurs Point Water Supply at E41:686_713. |
| 3* | Dalefield Water Supply at F41:739_724. |
| 4* | Arrowtown Water Supply at F41:806_773. |
| 5* | Cromwell Water Supply at G41:119_671. |
| 6* | Alexandra Water Supplies at: G42:253_444; G42:263_454; and G42:271_442 |
| 7* | Roxburgh Water Supply at G43:210_132. |
| 8* | Dunedin and Outram Water Supplies at: I44:956_803; I44:956_805; and I44:956_804. |
| 9 | Warrington Water Supplies at: I44:221_982; and I44:224_980 |
| 10* | East Taieri Water Supply at I44:007_763. |
| 11* | Owaka Water Supply at H46:533_124. |

*Point of take located within 100 metres of a surface water body.

Reasons

- The amendments are minor and necessary.
- There were no submissions received regarding these amendments.
- To avoid confusion it should be highlighted that under the proposed new framework for integrated management of surface water and groundwater, ten of the eleven “groundwater” takes are managed as surface water under proposed Policy 6.4.1A, as each is within 100 metres of a surface water body.

5.7 Other minor and consequential changes

Table of Proposed Changes; Reference 128: page 98

Summary of Decisions Requested (Submitters and Further Submitters): page 138

Recommendations after hearing

- (a) Make such further amendments required to give effect to the final decision.
- (b) Amend Schedule 1B as follows:

| Water body or Catchment | Site No. | Water Supply Values |
|-------------------------|----------|--|
| Kauru River | 5 | Kauru <u>Hill</u> Water Supply at J41:314637 |

Reasons

- Consequential amendments are provided for in the RMA.
- Kauru Hill is the correct name of the water supply.

B) GENERAL SUPPORT FOR, OR OPPOSITION AGAINST, THE PROPOSED PLAN CHANGE

5.8 General support for, or opposition against, the proposed plan change

Table of Proposed Changes: N/A

Summary of Decisions Requested (Submitters and Further Submitters): pages 139-142

Recommendations after hearing

- (a) Adopt Plan Change 1C (Water Allocation and Use) subject to the recommended amendments in this report and any consequential changes required to give it effect.
- (b) Adopt the recommendations on individual submissions as detailed in the Appendix to this report.

Reason

- The proposed plan change encourages collaborative approaches to water management by water users, achieves integrated management of surface water and groundwater resources, limits groundwater allocation in a manner similar to surface water, gives preference to

local sources and local uses, limits water wastage, and identifies primary and supplementary allocation blocks and minimum flows for Welcome Creek.

C) CONSULTATION AND COMMUNICATION

5.9 Comment on communication and consultation for the proposed plan change

Table of Proposed Changes: N/A

Summary of Decisions Requested (Submitters and Further Submitters): page 143

Recommendation after hearing

Note these submissions.

Reason

- The proposed plan change was notified in accordance with the First Schedule of the RMA.

D) SECTION 32 REPORT

5.10 Comment on the report prepared under Section 32 of the RMA for the proposed plan change

Table of Proposed Changes: N/A

Summary of Decisions Requested (Submitters and Further Submitters): page 143

Recommendation after hearing

Note these submissions.

Reason

- The submitters did not request any decision of the Hearing Panel regarding the Section 32 report.

CHAPTER 6: MATTERS BEYOND THE SCOPE OF THE PROPOSED PLAN CHANGE

6.1 Matters beyond the scope of the proposed plan change

Summary of Decisions Requested (Submitters and Further Submitters): pages 144-164

Staff evaluation

The nature of these submissions means that the comments made and decisions requested are matters beyond the scope of proposed Plan Change 1C. Giving consideration to any of these matters would require a variation to the plan change, or a new plan change, to ensure persons potentially affected by these matters are consulted and heard.

Decisions requested relating to the same matters included within Plan Change 1C

Minor amendments only were proposed to some items in the Water Plan as part of Plan Change 1C. Decisions requested on these same items include:

- Recognition that some effects on neighbouring bores is acceptable (Issue 6.2.4 and Policy 6.4.10B);
- Amendment and support of metering provisions (Policy 6.4.16);
- That proof of impact of abstraction should be on those taking that water;
- Amendment of Method 15.8.1 to be consistent with a proposed National Environmental Standard on Environmental Flows and Methods; and
- Elimination of mining privileges (in relation to Method 15.8.1) that have not been used.

These requests change the basic intent of the items listed and are therefore beyond the scope of the plan change.

Decisions requested that do not relate to Plan Change 1C

A number of decisions requested related to matters that were not proposed by Plan Change 1C, including:

- Retention of the priority system (beyond 2021);
- Allowance for the ongoing unrestricted rights of existing consent holders, and favour given as the right conveys value to a property;
- New rules for the transfers of consents;
- Inclusion of the North Otago Volcanic aquifer in Schedule 4A;
- A new glossary definition for what amount of water constitutes “reasonable needs” for an animal’s drinking water;
- Inclusion of a number of new community supplies on Schedule 1B;
- Catching rainwater in tanks;
- Obtain water from the oceans;
- Reconsider the allocation and minimum flow framework and the identification of the values to be protected by it (including amendments to section 6.1 of the Water Plan and other Chapter 6 objectives and policies not otherwise proposed to be amended);
- Rules and objectives linking quantity and quality to protect and enhance waterways and amendment to section 6.1 of the Water Plan to highlight this;
- Prevention of pollution;
- Restricting land use developments;
- Controlling land use in drinking water supply catchments (including amendments to sections 6.1 and 9.1 of the Water Plan, and anticipated environmental results and methods not otherwise proposed to be amended);
- Research into plants and animals that do well in dry conditions;
- Restrictions on goats;

- Recognition of the value of vegetation in enhancing water quantity and quality;
- Amendments to permitted activity rules relating to wetlands; and
- Charging for water that is used to make money.

The purpose of Plan Change 1C is to encourage collaborative approaches to water management, manage surface and ground water as a connected resource, give preference to local sources and local uses of water, limit water wastage, acknowledge allocation and minimum flows in Welcome Creek, and provide for maximum allocation volumes for groundwater. These requests raise matters that substantially extend the purpose of this plan change.

Future plan changes

Wetland, water quality and groundwater/bore issues are being addressed through future plan changes. The list of community water supplies could be extended in Schedule 1B through a plan change, although there is no current proposal to do this.

Hydroelectric generation

Any change to provisions relating to hydroelectric generation would be significant, and the Water Plan has been written so that no industry or activity is favoured over another. The proposed plan change did not seek to change this approach.

Review of the Regional Policy Statement for Otago will consider regional energy issues and responses. This review is intended to commence within two years.

Consent matters

The cost of consents is an individual's concern that should be addressed directly with the ORC, or should be addressed as an annual plan matter. Who may be an affected party to a consent application is provided for under the RMA, and is assessed on receipt of a consent application.

General comments

General comment on the plan change was made by one submitter who did not request a decision from the ORC, but sought to give details at the hearing. Such a submission is invalid because it did not request a decision on the plan change, thereby denying potential further submitters opportunity to comment.

Recommendation after hearing

That the submissions be noted.

Reasons

These requests relate to matters which are outside of the scope of this proposed plan change.

Note that with changes to the recommendations proposed in this report, there may consequential changes required where submissions were initially considered to be beyond the scope of the proposed plan change.