

**Plan Change 5A  
(Lindis: Integrated water management)**

**Regional  
Plan: Water  
for Otago**

**Operative**



This is a true and correct copy of Plan Change 5A to the Regional Plan: Water for Otago.

Plan Change 5A to the Regional Plan: Water is deemed to be operative on Saturday, 5 March 2022

The Common Seal of the Otago Regional Council was hereto affixed in the presence of:



**Cr Andrew Noone**  
**Chairperson**



**CR HILARY CALVERT**



## Table of Contents

<b>1. Policy 6.4.1B (New Policy inserted on Page 6.16 of the Plan*) .....</b>	<b>2</b>
<b>2. Policy 6.4.5 (Consequential change to Policy on pages 6-21 to 6-23 of Plan*) .....</b>	<b>2</b>
<b>3. Policy 6.4.1B (New Policy inserted on Page 6.16 of the Plan*) .....</b>	<b>2</b>
<b>4. Rule 12.0.1.5 (New Rule inserted on Page 12-2 of the Plan*) .....</b>	<b>6</b>
<b>5. Rule 12.1.4.4 (Consequential change to Rule pages 12-9 to 12-10 of Plan*) .....</b>	<b>6</b>
<b>6. Schedule 2 (pages 20-59 to 20-64 of Plan*).....</b>	<b>10</b>
<b>7. Schedule 4 (pages 20-67 to 20-69 of Plan*).....</b>	<b>13</b>
<b>8. Minor and consequential changes .....</b>	<b>15</b>
<b>9. Maps.....</b>	<b>17</b>

\* Regional Plan: Water for Otago operative as at 1 June 2021.



# 6

## Water Quantity



## **6.1 to 6.3 [Unchanged]**

## **6.4 Policies applying to the management of the taking of water**

### **6.4.0 to 6.4.1A [Unchanged]**

**6.4.1B** To maintain the life-supporting capacity and enhance the natural character of the mainstem of the Lindis River by ceasing to grant (or renew) any water permits for the take and use of water from the Lindis River by the Tarras Race (NZTM 2000 E:1323951, N:5030895), the Ardgour Race (NZTM 2000 E:1324150, N:5032696), the Point Race (NZTM 2000 E:1322752, N:5028693) and the Begg-Stacpoole Race (NZTM 2000 E:1315078, N:5023649).

### **6.4.2 to 6.4.4 [Unchanged]**

**6.4.5** The minimum flows established by Policies 6.4.3, 6.4.4, 6.4.6, 6.4.9 and 6.4.10 will apply to resource consents for the taking of water, as follows:

- (a)** In the case of new takes applied for after 28 February 1998, upon granting of the consent; and
- (b)** In the case of any resource consent to take water from within the Taieri above Paerau and between Sutton and Outram, Welcome Creek, Shag, Kakanui, Water of Leith, Lake Hayes, Waitahuna, Trotters, Waianakarua, Pomahaka, Waiwera and Lake Tuakitoto catchment areas as defined in Schedule 2A, subject to the review of consent conditions under Sections 128 to 132 of the Resource Management Act; and
- (c)** In the case of any existing resource consent to take water from the Luggate catchment area, Manuherikia catchment area (upstream of Ophir) and the Taieri catchment areas Paerau to Waipiata, Waipiata to Tiroiti and Tiroiti to Sutton, as defined in Schedule 2A, upon collective review of consent conditions within those catchments under Sections 128 to 132 of the Resource Management Act; and
- (d)** In the case of any existing resource consent to take water from the Lindis catchment area, as defined in Schedule 2A:
  - (i)** For any resource consent granted under applications RM17.301.07 and RM17.301.09A, in accordance with the conditions of these resource consents; and
  - (ii)** For any other resource consents, at the earlier of the dates specified:
    - (1)** Upon a review of consent conditions under Sections 128 to 132 of the Resource Management Act undertaken following a 5-year transition period from the commencement of any consent granted under applications RM17.301.07 and RM17.301.09A; or



- (2) In accordance with the conditions of a new resource consent.**
- (e) In the case of any existing resource consent to take water within a catchment area not specified in Schedule 2A, upon the establishment of a minimum flow set for the water body by a plan change, subject to the review of consent conditions under Sections 128 to 132 of the Resource Management Act.**

### **Explanation**

This policy provides for the application of minimum flows to consents as follows:

1. New takes are subject to minimum flow provisions when the consent is granted.
2. For resource consents to take from rivers within catchments specified in Schedule 2A, except for the Lindis, Luggate, Manuherikia (upstream of Ophir) and the Taieri between Paerau and Sutton, the minimum flow provisions apply, subject to the review of consent conditions under Sections 128 to 132 of the RMA.
3. For the Luggate, Manuherikia (upstream of Ophir) and the Taieri between Paerau and Sutton, the minimum flows will not apply until after a collective review of the consents in the catchments. This will occur before 2021 if there is agreement by the holders of mining privileges (deemed permits) to adhere to the minimum flows, or on the expiry of the mining privileges on 2 October 2021. Where environmental benefit will result from applying minimum flows to any resource consents (other than deemed permits) in these catchments, the review of those resource consent conditions may also occur earlier.
4. For the Lindis, minimum flows will apply in accordance with the minimum flow conditions on any resource consents granted under applications RM17.301.07 and RM17.301.09A. For any other resource consents the minimum flow will at the earlier of the following dates specified:
  - (1) Upon a review of consent conditions under Sections 128 to 132 of the Resource Management Act undertaken following a 5-year transition period from the commencement of any consent granted under applications RM17.301.07 and RM17.301.09A; or
  - (2) In accordance with the conditions of a new resource consent.
5. For resource consents to take from rivers within catchments not specified in Schedule 2A, the minimum flow provisions will apply from the operative date of a plan change setting the minimum flow for the river, subject to the review of consent conditions under Sections 128 to 132 of the RMA.

Reviews under Section 128 of the Resource Management Act will be undertaken simultaneously on all reviewable takes within each catchment, in the interests of equity.

In the case of mining privileges in respect of water (deemed permits, see Appendix 2) the Resource Management Act provides for their continuation without restriction, unless compensation is made, until they expire in 2021.

However, arrangements for the conversion of such permits to resource consents may be developed before that time. Alternatively, arrangements for voluntary adherence by deemed permit holders to the minimum flows may occur. Under voluntary arrangements, or conversion of deemed permits to resource consents, or in 2021, these resource consents or deemed permits will become subject to the minimum flows established by this Plan.

The process of consent review must be completed by 2 October 2021, allowing coordination with the review of any deemed permits that may be operating in an area.

#### **Principal reasons for adopting**

This policy is adopted to enable the minimum flow provisions of the Plan to be applied as soon as practicable to existing resource consents to take water.

In the Luggate catchment area, Manuherikia catchment area (upstream of Ophir) and Taieri catchment areas between Paerau and Sutton, there is a very high proportion of mining privileges. Therefore the application of minimum flows to resource consents may be timed to coincide with their application to deemed permits (either through voluntary methods or in 2021). Where environmental benefit will result from applying minimum flows to any resource consents (other than deemed permits) in these catchments, the review of those resource consent conditions may also occur earlier.

In unscheduled catchments the minimum flows, once established and set by a plan change, will be applied to the reviewable consents in those catchments.

This will ensure that restricting water takes will result in actual environmental benefits.

*Rules: 12.1.4.2 to 12.1.5.1*

*Other methods: 15.9.1.3, 15.9.1.4*

**6.4.6 to 6.7.8**            *[Unchanged]*

# 12

## Rules: Water Take, Use and Management



## 12.0. Applications for taking water

### 12.0.1 Prohibited activity: No resource consent will be granted

12.0.1.1 to 12.0.1.4 *[Unchanged]*

12.0.1.5 The taking and use of water from the Lindis River by the Tarras Race (NZTM 2000 E:1323951 , N:5030895), the Ardgour Race (NZTM 2000 E:1324150, N:5032696), the Point Race (NZTM 2000 E:1322752 N:5028693) and the Begg-Stacpoole Race (NZTM 2000 E:1315078 N:5023649) are prohibited activities, except as expressly allowed:

- (a) By deemed permits WR1753CR.V2 and WR7787/96CR.V2 until they expire on 1 October 2021
- (b) For up to five (5) years from the commencement of any consent which may be granted under applications RM17.301.07 and RM17.301.09A (which are the subject of ENV-2018-CHC-155).

12.1.1 to 12.1.3 *[Unchanged]*

### 12.1.4 Restricted discretionary activities: Resource consent required

12.1.4.1 to 12.1.4.3 *[Unchanged]*

12.1.4.4 Taking and use of surface water as primary allocation applied for prior to 28 February 1998 in the following Schedule 2A catchments, shown on the B-series maps:

Lindis Catchment,  
Luggate Catchment,  
Manuherikia Catchment Upstream of Ophir,  
Taieri Catchment Paerau to Waipiata,  
Taieri Catchment Waipiata to Tiroiti, and  
Taieri Catchment Tiroiti to Sutton:

- (i) This rule applies to the taking of surface water, as primary allocation, in the above catchment areas, if the taking was the subject of a resource consent or other authority:
  - (a) Granted before 28 February 1998; or
  - (b) Granted after 28 February 1998, but was applied for prior to 28 February 1998; or
  - (c) Granted to replace a resource consent or authority of the kind referred to in paragraph (a) or (b).
- (ii) Unless covered by Rule 12.1.1A.1, the taking and use of surface water to which this rule applies is a **restricted discretionary** activity. The matters to which the Otago Regional Council has restricted the exercise of its discretion are set out in Rule 12.1.4.8.

- (iii) The minimum flows set out in Schedule 2A of this Plan for the above catchments shall affect the exercise of every resource consent or other authority, of the kind referred to in paragraph (i) of this rule, in the Lindis catchment area, Luggate catchment area, Manuherikia catchment area (upstream of Ophir) and Taieri catchment areas Paerau to Waipiata, Waipiata to Tiroiti and Tiroiti to Sutton, upon review of consent conditions.
- (iv) The conditions of all such consents will be reviewed by the Otago Regional Council under Sections 128 to 132 of the Act to enable the minimum flows set by Schedule 2A to be met, the volume and rate of take to be measured in accordance with Policy 6.4.16 and the taking to be subject to Rule 12.1.4.9.
- (v) The minimum flows set in Schedule 2A for the Luggate catchment area, Manuherikia catchment area (upstream of Ophir) and Taieri catchment areas Paerau to Waipiata, Waipiata to Tiroiti and Tiroiti to Sutton, shall not apply to any consents referred to in clause (i), paragraphs (a) to (c) of this rule until the review of consent conditions set out in clause (iv) of this rule occurs.
- (vi) The minimum flows set in Schedule 2A for the Lindis catchment area, shall apply as follows.
  - (a) For takes authorised by resource consents granted under applications RM17.301.07 and RM17.301.09A, in accordance with the conditions of these resource consents; and
  - (b) For any other resource consents, at the earlier of the dates specified:
    - (1) Upon a review of consent conditions under Sections 128 to 132 of the Resource Management Act undertaken following a 5-year transition period from the commencement of any consent granted under applications RM17.301.07 and RM17.301.09A; or
    - (2) In accordance with the conditions of a new resource consent.

12.1.4.4A *[Repealed – 1 March 2012]*

12.1.4.5 to 12.1.4.9 *[Unchanged]*

12.1.5 to 12.1.6 *[Unchanged]*

12.2 to 12.11 *[Unchanged]*

R U L E S : W A T E R T A K E , U S E A N D M A N A G E M E N T

# 20

## Schedules



SCHEDULE 2: SPECIFIED RESTRICTIONS ON THE EXERCISE OF PERMITS TO TAKE WATER

**2A Schedule of specific minimum flows for primary allocation takes in accordance with Policy 6.4.3, and primary allocation limits in accordance with Policies 6.4.2(a) and 6.4.1A**

The following schedule:

1. Identifies the minimum flows that apply to the taking of surface water, which includes groundwater managed as surface water in terms of Policy 6.4.1A within primary allocation from the catchments shown in the B-series maps, Welcome Creek and aquifers shown in the C-series maps. The B-series maps identify the location of catchment area boundaries and numbered monitoring sites referred to in the schedule for setting and measuring the minimum flows.
2. Specifies the primary allocation limit in accordance with Policy 6.4.2(a). That limit is exceeded in catchments where the consented takes as at 28 February 1998 (or 19 February 2005 in the Welcome Creek catchment, or 7 July 2000 in the Waianakarua catchment) set a higher limit in accordance with Policy 6.4.2(b). The catchments in which the limit set by Policy 6.4.2(a) is exceeded by Policy 6.4.2(b) (as at 20 December 2008) are the Shag, Kakanui, Taieri, Lake Hayes, Luggate and Manuherikia.

<b>Catchment (See the B-series maps)</b>	<b>Minimum Flow Monitoring Site (with MS number) See the B-series maps</b>	<b>Minimum flow (litres per second – instantaneous flow)</b>	<b>Primary Allocation Limits in accord with Policy 6.4.2(a) (litres per second – instantaneous flow)</b>
...			
<b>Total Allocation Lindis River</b>	Lindis at Ardgour Road (MS 17)	550 (1 October to 31 May)  1,600 (1 June to 30 September)	1,612
<b>Upstream of the Lindis Peak flow monitoring site.</b>	Lindis at Ardgour Road (MS 17)	550 (1 October to 31 May)  1,600 (1 June to 30 September)	132
<b>Tributaries downstream of the Lindis Peak flow monitoring site (grid reference E:1323545 N:5039400).</b>	Lindis at Ardgour Road (MS 17)	550 (1 October to 31 May)  1,600 (1 June to 30 September)	265*
<b>Mainstem between the Lindis Peak flow monitoring site, and the Ardgour Road flow monitoring site.</b>	Lindis at Ardgour Road (MS 17)	550 (1 October to 31 May)  1,600 (1 June to 30 September)	1,104*
<b>Mainstem downstream of the Ardgour Road flow monitoring site.</b>	Lindis at Ardgour Road (MS 17)	550 (1 October to 31 May)  1,600 (1 June to 30 September)	138



SCHEDULE 2: SPECIFIED RESTRICTIONS ON THE  
EXERCISE OF PERMITS TO TAKE WATER

- \* These figures include 28 l/s, which can be taken from either a tributary or mainstem downstream of Lindis Peak flow recorder, but not from both at the same time. This results in total allocation being 1,612 l/s for the Lindis catchment.

...

SCHEDULE 2: SPECIFIED RESTRICTIONS ON THE EXERCISE OF PERMITS TO TAKE WATER

**2B Schedule of supplementary allocation blocks and specific minimum flows in accordance with Policy 6.4.9(c)**

Catchment (See the B-series maps) & Supplementary Block Number	Minimum Flow (litres per second – instantaneous flow) at the monitoring site(s) (See the B-series maps)	Supplementary Allocation Block (litres per second – instantaneous flow)
...		
<b>Lindis catchment</b> (first supplementary allocation block)	1 May to 30 November: 2200 Ardgour Road (MS 17)	500
	1 December to 30 April: 1600 Ardgour Road (MS 17)	500
<b>Lindis catchment</b> (second supplementary allocation block)	1 May to 30 November: 2700 Ardgour Road (MS 17)	500
	1 December to 30 April: 2100 Ardgour Road (MS 17)	500

...

**2C Schedule of aquifers where groundwater takes are to be considered as primary allocation, and subject to minimum flows of specified catchments in accordance with Policy 6.4.1A**

Aquifer Name	Map Reference	Catchment to which primary or supplementary allocation limits apply, and minimum flows may apply*
<b>Kakanui-Kauru Alluvium Aquifer</b>	C17 & C18	Kakanui catchment*
<b>Shag Alluvium Aquifer</b>	C19	Shag catchment*
<b>Lindis Alluvial Ribbon Aquifer</b>	C5 & C6	Lindis catchment**
<b>Cardrona Alluvial Ribbon Aquifer</b>	C2 & C3	Cardrona catchment upstream of the Mount Barker recorder site**
<b>Lowburn Alluvial Ribbon Aquifer</b>	C7	Lowburn Stream**
<b>Pomahaka Alluvial Ribbon Aquifer</b>	C22 & C23	Pomahaka catchment*

\* as given in Schedules 2A and 2B.

\*\* as provided for by Policies 6.4.2, 6.4.3 and 6.4.9.

SCHEDULE 4: SPECIFIED RESTRICTIONS ON THE  
EXERCISE OF PERMITS TO TAKE GROUNDWATER

#### 4. Schedule of the allocation and restriction regime for groundwater

This schedule sets out restrictions that apply to the taking of groundwater from certain aquifers in Otago.

Schedule 4A identifies maximum allocation limits for the taking of groundwater from aquifers identified in the C-series maps, in accordance with Policy 6.4.10A2 of this Plan. Schedule 4B.1 identifies water levels at which the taking of groundwater will be restricted in accordance with Policy 6.4.10A1 of this Plan. Schedule 4C identifies matters to be considered when making additions to these schedules through a plan change.

#### 4A Maximum allocation limits for groundwater takes from aquifers

Aquifer Name	Map Reference	Maximum Allocation Limit (million cubic metres per year)
Ardgour Valley Aquifer	C6	0.19
Bendigo Aquifer	C6	29
Cromwell Terrace Aquifer	C7	4
Lower Tarras Aquifer	C5 & C6	18.8
North Otago Volcanic Aquifer	C15, C16, C17 & C18	7

#### 4B *[Unchanged]*

SCHEDULE 4: SPECIFIED RESTRICTIONS ON THE  
EXERCISE OF PERMITS TO TAKE GROUNDWATER

### Table of minor and consequential changes

Plan Provision	Detail of proposed change			
Page numbers	Update page numbers.			
Footers	Change footer to read “Regional Plan: Water for Otago (Updated to 5 March 2022)”.			
Title page	Change the date to read “Updated to 5 March 2022 “.			
ISBN number	Obtain new ISBN numbers for the Regional Plan: Water for Otago.			
Chronicle of key events	Add the following to the end of table:			
	Key event	Date notified	Date decisions released	Date operative
	Plan Change 5A (Lindis: Integrated water management) to the Regional Plan: Water	8 August 2015	13 August 2016	5 March 2022
Section 1.4	<p>Add the following paragraph:                      “Proposed Plan Change 5A (Lindis: Integrated water management) sets minimum flows and allocation limits for the Lindis River and sets maximum allocation limits for the Ardgour Valley, Bendigo and Lower Tarras aquifers. It was notified on 8 August 2015, and a total of 81 submissions and 6 further submissions were received. Following the hearing, decisions on submissions received were released on 13 August 2016. Plan Change 5A was made operative on 5 March 2022, following the hearing of appeals.”</p>			
Section 6.4	Update the table labelled “Index to policies in 6.4” on pages 6-10 to 6.11 to include reference to new Policy 6.4.1B.			
Section 6.4, Section 12.0.1 and Schedule 2A	<p>Minor editorial changes to new Policy 6.4.1B, new Rule 12.0.1.5 and Schedule 2A (from the version of the provisions stated in the Environment Court Decisions <i>Lindis Catchment Group Incorporated v Otago Regional Council [2020] NZEnvC 166 (29 September 2020)</i> and <i>Lindis Catchment Group Incorporated v Otago Regional Council [2020] NZEnvC 100 (7 July 2020)</i>, including:</p> <ul style="list-style-type: none"> <li>• Use of colons when referring to NZTM coordinates, and</li> <li>• Capitalisation, punctuation and other style changes.</li> </ul>			
Section 6.4 and Section 12.1.4	<p>Amend Policy 6.4.5, its Explanation and Principal reasons for adopting, and to Rule 12.1.4.4 to recognise that:</p> <ul style="list-style-type: none"> <li>• Under applications RM17.301.07 and RM17.301.09A new resource consents have been granted for the majority of the water permits (including deemed permits) that existed at the time Plan Change 5A was notified</li> <li>• These new resource consents require compliance with the minimum flow 5 years after commencement.</li> </ul>			

MINOR AND CONSEQUENTIAL CHANGES

Plan Provision	Detail of proposed change
	<ul style="list-style-type: none"> <li>• There are some water permits remaining for which no replacements permits were not sought under applications RM17.301.07 and RM17.301.09A.</li> </ul>
Schedule 2A	<p>Amend the table in Schedule 2A as follows:</p> <ul style="list-style-type: none"> <li>• List the catchments in alphabetical order.</li> <li>• Include the names of the flow monitoring sites as shown on the B-series of the Water Plan Maps.</li> <li>• Add the words “Minimum Flow” to the table header where it refers to the monitoring site.</li> </ul> <p>Retain introductory paragraphs 1 and 2 as shown in Schedule 2A of the Regional Plan: Water for Otago operative as at 1 June 2021 to reflect that the primary allocation limit in Policy 6.4.2(a) is not exceeded by Policy 6.4.2(b).</p> <p>Amend the layout of the table shown in the Environment Court Decision <i>Lindis Catchment Group Incorporated v Otago Regional Council [2020] NZEnvC 100 (7 July 2020)</i> to provide consistency with the layout of the table in the Schedule 2A of the operative Water Plan.</p>
Schedule 2B	<p>Amend Schedule 2B as follows to provide greater consistency:</p> <ul style="list-style-type: none"> <li>• List the catchments in alphabetical order.</li> <li>• Include the names of the flow monitoring sites as shown on the B-series of the Water Plan Maps.</li> </ul>
Water Plan Maps	<p>Amend “Map B Index – Minimum Flow Catchment Boundaries and Monitoring Sites” to include the new Maps B4 and B7. Map B17 also added through Plan Change 5A, following direction of Environment Court.</p>
	<p>Amend “Map C Index – Aquifers, ...” to include the new Maps C5 and C6</p> <p>Update references in title to all Map C series, including reference to Schedule 4.</p>

# **Regional Plan: Water for Otago**

# **Maps**