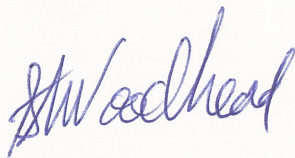


This is a true and correct copy of Plan Change 3A to the Regional Plan: Water for Otago which was approved by the resolution of the Otago Regional Council on Wednesday, 30 March 2011.

Plan Change 3A to the Regional Plan: Water is deemed to be operative on Sunday, 1 May 2011.

The Common Seal of the Otago Regional Council was hereto affixed pursuant to the resolution of the Council passed on Wednesday, 30 March 2011 in the presence of:



**Stephen Woodhead**  
Chairperson



**Graeme Martin**  
Chief Executive



**Plan Change 3A  
(Minimum Flow for Taieri River at Tiroiti)**

**Regional  
Plan: Water  
for Otago**

**Regional Plan: Water for Otago incorporating  
Plan Change 3A (Minimum Flow for Taieri  
River at Tiroiti)**

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*Chapter, schedule and map headings relate to those in the operative Regional Plan: Water for Otago as at 1 March 2010.*

## Introduction

The purpose of Proposed Plan Change 3A (Minimum Flow for Taieri River at Tiroiti) (PC3A) has been to establish an additional minimum flow of 1100 l/s and a monitoring site for the Taieri River at the existing Tiroiti flow recorder.

PC3A was publicly notified on Saturday 26 June 2010. Submissions closed on Monday 26 July 2010. Six submissions were received, one of which was outside the statutory timeframe. The *Summary of Decisions Requested* and call for further submissions were notified on Saturday 14 August 2010, with further submissions closing on Friday 27 August 2010. Two further submissions were received, both within the statutory timeframe.

Hearing of submissions was held on 24 September 2010 in Middlemarch. All but two submitters made presentations to the Hearing Committee.

On 8 December 2010, Council made its decision on PC3A. This decision was publicly notified on 11 December 2010.

No appeals were received on PC3A, so it was approved by Otago Regional Council on 30 March 2011. Plan Change 3A (Minimum Flow for Taieri River at Tiroiti) becomes operative on 1 May 2011.

The following sections detail the operative provisions of PC3A in order of chapters in the Regional Plan: Water for Otago. An updated version of the operative Regional Plan: Water, incorporating this plan change, is also available.



*For table at page ii*

### Chronicle of Key Events

<b>Key event</b>	<b>Date notified</b>	<b>Date decisions released</b>	<b>Date operative</b>
Regional Plan: Water	28 February 1998	7 July 2000	1 January 2004
Variation No. 1 to the Regional Plan: Water	3 October 1998	7 July 2000	1 January 2004
Waitaki Catchment Water Allocation Regional Plan	19 February 2005	30 September 2005	3 July 2006
Plan Change 1A to the Regional Plan: Water	17 August 2005	1 April 2006	1 August 2006
Plan Change 1B (Minimum Flows) to the Regional Plan: Water	20 December 2008	31 October 2009	1 March 2010
Plan Change 3A (Minimum Flow for Taieri River at Tiroiti) to the Regional Plan: Water for Otago	26 June 2010	8 December 2010	1 May 2011



# 1

## Introduction





## 1.4 Process of Plan preparation

A number of legal instruments, which were operative in Otago on 1 October 1991 (when the Resource Management Act came into force), formed rules in the Transitional Regional Plan, constituted by Section 368 of the Resource Management Act. Some of these rules related to water and water bodies, and comprised notices, authorisations, bylaws, determinations and resolutions. This Regional Plan: Water was prepared to partly supersede the Transitional Regional Plan, thus the transitional rules which related to water were deleted when this Plan became operative. The rules deleted, and any replacement provisions, are listed in Schedule 13.

In developing this Regional Plan: Water, the Otago Regional Council consulted with a variety of individuals, groups and agencies.

Following preliminary consultation, a Consultative Draft of the Regional Plan: Water, was released in September 1996. Over 70 meetings were held throughout Otago to introduce and explain the Consultative Draft, and it attracted written comments from 110 individuals and groups representing a wide range of interests. This feedback was used to further refine the provisions of the Plan. Background reports were compiled which provided additional information about aspects of Otago's water resources. These reports remain available from the Otago Regional Council:

Background Report 1:	Water Quantity
Background Report 2:	Water Quality
Background Report 3:	Groundwater
Background Report 4:	Significant Wetlands
Background Report 5:	Resource Description
Background Report 6:	Kakanui Catchment Water Resource Investigations

The Proposed Regional Plan: Water for Otago was notified on 28 February 1998, in accordance with the requirements of the First Schedule of the Resource Management Act 1991. Submissions were received from 280 individuals and groups, followed by 64 further submissions. Many submitters spoke at the 18 public hearings held in Dunedin, Alexandra, Oamaru and Balclutha between 17 August 1998 and 9 November 1998.

Proposed Variation No.1 was notified on 3 October 1998, to manage the construction, reconstruction or modification of defences against water built for the purpose of flood mitigation. Ten submissions and five further submissions were received.

Following the hearings and the consideration of evidence, decisions on the submissions received on both the Proposed Regional Plan: Water and the Proposed Variation No.1 were released on 7 July 2000. Several organisations and individuals made references (appeals) to the Environment Court regarding the decisions. The 171 reference points were resolved by negotiated agreements and Court decisions in the period up to 4 July 2003. These changes were incorporated into the Plan and the Plan made operative.

Proposed Plan Change 1A was notified on 17 August 2005 to make miscellaneous amendments consequential to recent changes to the Resource Management Act and other minor changes. Four submissions and one further submission were received. Following the hearing, decisions on the submissions received were released on 1 April 2006. Plan Change 1A was made operative on 1 August 2006.

On 3 July 2006, the Waitaki Catchment Water Allocation Regional Plan became operative and added new provisions to this Plan.

Proposed Plan Change 1B was notified on 20 December 2008 to set minimum flows and primary allocation limits for the Luggate, Trotters and Waianakarua catchments in Schedule 2A, and to include Schedule 2D outlining matters for consideration when setting minimum flows and primary allocation limits. A total of 71 submissions and six further submissions were received. Following the hearing, decisions on the submissions received were released on 31 October 2009. Plan Change 1B was made operative on 1 March 2010.

Proposed Plan Change 3A (Minimum Flow for Taieri River at Tiroiti) was notified on 26 June 2010 to introduce an additional minimum flow monitoring site at Tiroiti. A total of six submissions and two further submissions were received. Following the hearing, decisions on the submissions received were released on 8 December 2010. Plan Change 3A (Minimum Flow for Taieri River at Tiroiti) was made operative on 1 May 2011.



# 6

## Water Quantity



...

## 6.4 Policies applying to the taking of water

...

**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 surface water from within the Taieri above Paerau and between Sutton and Outram, Shag, Kakanui, Water of Leith, Lake Hayes, Waitahuna, Trotters, Waianakarua 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 surface 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 surface 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 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 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.

...

# 12

## Rules: Water Use and Management



...

## 12.1 The taking of surface water

...

### 12.1.4 Restricted discretionary activities: Resource consent required

...

#### 12.1.4.4 Taking of surface water as primary allocation applied for prior to 28 February 1998 in the following Schedule 2A catchments:

Luggate Catchment (Map B1a),

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

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

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

Taieri Catchment Tiroiti to Sutton (Maps B3 and B4):

- (i) This rule applies to the taking of surface water, as primary allocation, in the above catchment areas, if the taking was the subject of a resource consent or other authority:
  - (a) Granted before 28 February 1998, or
  - (b) Granted after 28 February 1998, but was applied for prior to 28 February 1998; or
  - (c) Granted to replace a resource consent or authority of the kind referred to in paragraph (a) or (b).
- (ii) The taking of surface water to which this rule applies is a *restricted discretionary* activity. The matters to which the Otago Regional Council has restricted the exercise of its discretion are set out in Rule 12.1.4.8.
- (iii) The minimum flows set out in Schedule 2A of this Plan for the above catchments shall affect the exercise of every resource consent or other authority, of the kind referred to in paragraph (i) of this rule, in the Luggate catchment area, Manuherikia catchment area (upstream of Ophir) and Taieri catchment areas Paerau to Waipiata, Waipiata to Tiroiti and Tiroiti to Sutton, upon review of consent conditions.
- (iv) The conditions of all such consents will be reviewed by the Otago Regional Council under Sections 128 to 132 of the Act to enable the minimum flows set by Schedule 2A to be met, the volume and rate of take to be measured in accordance with Policy 6.4.16 and the taking to be subject to Rule 12.1.4.9.
- (v) The minimum flows set in Schedule 2A for the Luggate catchment area, Manuherikia catchment area (upstream of



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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.

...

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

**2 Schedule of specified restrictions on the exercise of permits to take surface water**

...

**2A Schedule of specific minimum flows for primary allocation takes in accordance with ...**

...

<b>Catchment See Maps B1-B5</b>	<b>Monitoring Site (with MS number) See Maps B1-B5</b>	<b>Minimum flow (litres per second)</b>	<b>Primary Allocation Limits in accord with Policy 6.4.2(a)(i)</b>
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...

<b>Taieri River upstream of Paerau</b>	Paerau Dam (MS 5a)	850	4860 litres/sec <i>Taieri River catchment from mouth to headwaters.</i>
<b>Taieri River catchment between Paerau and Waipiata</b>	Taieri River at Waipiata (MS 5)	1000	
<b>Taieri River catchment between Waipiata and Tiroiti</b>	Taieri River at Tiroiti (MS 5b)	1100	
<b>Taieri River catchment between Tiroiti and Sutton</b>	Taieri River at Sutton (MS 6)	1250	
<b>Taieri River catchment between Sutton and Outram</b>	Taieri River at Outram (MS 6a)	2500	

...

## Maps Section B:

### Change to Maps B2, B3, B4 and Map B Index

*See following pages.*

- Link to PDF document in ORC Global Folder > File Plan > Regulatory > Policy Development > Water Plan > Plan Change 3A Minimum Flow Taieri River at Tiroiti > 09 Operative PC3A (no appeals) > B-series Index map with new subcatchment areas
- Link to PDF document in ORC Global Folder > File Plan > Regulatory > Policy Development > Water Plan > Plan Change 3A Minimum Flow Taieri River at Tiroiti > 09 Operative PC3A (no appeals) > B-series map B2 with new subcatchment areas
- Link to PDF document in ORC Global Folder > File Plan > Regulatory > Policy Development > Water Plan > Plan Change 3A Minimum Flow Taieri River at Tiroiti > 09 Operative PC3A (no appeals) > B-series map B3 with new subcatchment areas and minimum flow site MS5b (Tiroiti)
- Link to PDF document in ORC Global Folder > File Plan > Regulatory > Policy Development > Water Plan > Plan Change 3A Minimum Flow Taieri River at Tiroiti > 09 Operative PC3A (no appeals) > B-series map B4 with new subcatchment areas

**Remaining consequential and minor changes**

<b>Operative Plan Provision</b>	<b>Operative Plan Page number</b>	<b>Detail of consequential or minor change</b>
Page numbers	All pages	<i>Change page numbers.</i>
Table of Contents	Pages vi–xi	<i>Change page numbers.</i>