

**OTAGO REGIONAL COUNCIL'S DECISIONS
ON PROPOSED PLAN CHANGE 1B (MINIMUM FLOWS)
TO THE REGIONAL PLAN: WATER FOR OTAGO**



31 October 2009

Abbreviations

Council	Otago Regional Council
l / s	Litres per second
MALF	Mean annual low flow
NES	National Environmental Standard
Plan	Regional Plan: Water for Otago
Proposed plan change / plan change	Proposed Plan Change 1B (Minimum Flows) to the Regional Plan: Water for Otago
RMA	Resource Management Act 1991
Section	A Section of the RMA.

Reference Material

In preparing the decisions, the following written material was referred to:

- *Proposed Plan Change 1B (Minimum Flows)*, notified 20 December 2008.
- *Table of Proposed Changes*, accompanying Proposed Plan Change 1B (Minimum Flows).
- *Section 32 Report*, accompanying Proposed Plan Change 1B (Minimum Flows).
- *Submissions and Further Submissions on Proposed Plan Change 1B (Minimum Flows)*.
- *Summary of Decisions Requested (Submitters and Further Submitters)*, 12 May 2009.
- Additional information tabled by those submitters presenting their submissions during the hearing.
- *Report on Decisions Requested*, 9 July 2009.
- *Staff Recommending Report Following PC1B Hearing*, 2 August 2009.
- *Hearing Committee Recommending Report to Council*, 14 October 2009.

TABLE OF CONTENTS

	<i>Page</i>
Introduction	1
Part A – Discussion on Council’s Decisions	
A1 Schedule 2D: Schedule of matters to be considered when setting minimum flows and allocation limits	3
A2 Schedule 2A - General Matters.....	4
A3 Schedule 2A – Luggate catchment	6
A4 Schedule 2A – Trotters catchment.....	7
A5 Schedule 2A – Waianakarua catchment.....	9
A6 Other plan change matters	10
A7 Matters beyond the scope of the plan change.....	10
Part B – Decisions	
1) Schedule 2D.....	11
2) Schedule 2A – Luggate, Trotters & Waianakarua catchments.....	12
3) Schedule 2B – Trotters catchment	12
4) Policy 6.4.5.....	12
5) Rule 12.1.4.2.....	12
6) Rule 12.1.4.4.....	13
7) Map B1a – Luggate catchment	13
8) Map B3 – Trotters and Waianakarua catchment	13
9) Minor or consequential changes	13
10) Consultation and communication	13
11) General support or opposition	13
12) Matters beyond the scope	13
Part C – Decisions on Submissions by Submission Point	15
Part D – Proposed Plan Change 1B (Minimum Flows) Incorporating Council’s Decisions	43

Introduction

The purpose of Proposed Plan Change 1B is to add minimum flow regimes and primary allocation limits for three new catchments, and add a new schedule of matters to be considered when setting minimum flows and primary allocation limits.

The document '*Proposed Plan Change 1B (Minimum Flows) to the Regional Plan: Water for Otago*' details all the significant and consequential changes proposed. In summary, the significant changes proposed were:

- The setting of minimum flow regimes and primary allocation limits for the Luggate, Trotters and Waianakarua catchments in Schedule 2A of the Water Plan; and
- Inclusion of new Schedule 2D: Matters to be considered when setting minimum flows and primary allocation limits.

Proposed Plan Change 1B (Minimum Flows) was publicly notified on 20 December 2008 and submissions closed on 9 March 2009. A public notice was placed in the following newspapers: Otago Daily Times; Southland Times; Central Otago News; Taieri Herald; Clutha Leader; and the Oamaru Mail, and a public information brochure was distributed to households and ratepayers across Otago. There were 71 submissions received, all within the statutory timeframe.

The availability of a summary of decisions requested by submitters was publicly notified on 4 April 2009, with further submissions closing on Tuesday 5 May 2009. Six further submissions were received, all within the statutory timeframe.

Hearings were held on 20 July (Dunedin), 24 July (Moeraki) and 28 July 2009 (Luggate). The Hearing Committee, consisting of Councillors Duncan Butcher (Chair), Louise Croot and Michael Deaker (Dunedin and Luggate sittings only) heard submissions on Proposed Plan Change 1B (Minimum Flows). In total, 23 submitters and further submitters made presentations to the Hearing Committee:

- Bronwyn Judge
- Central South Island Fish and Game
- Coastal Otago River Communities
- Craig Trotter
- Criffel Irrigation Scheme
- Department of Conservation
- Elizabeth and Trevor Norton
- Federated Farmers of New Zealand (Inc)
- James and Sarah Matheson
- John Trotter
- Luggate Creek Community and Guardians Group
- MC Holland Farming
- Melvyn Hollis
- MJ O'Connor Family Trust
- Morgan Trotter
- Norman Matheson
- OceanaGold (New Zealand) Ltd
- Otago Fish and Game
- Otago Water Resource Users Group
- Scott Dunavon
- TrustPower Limited
- Waianakarua River Community Users
- William McKerrow

Following the hearing, the report *Hearing Committee Recommending Report to Council (19 October 2009)* on Proposed Plan Change 1B (Minimum Flows) to the Water Plan recommended a number of changes to those notified.

The key changes recommended to the proposed plan change were to:

- Amend proposed Schedule 2D to further clarify the process for setting primary minimum flows and allocation limits, and to add new matters to the list of those that will be considered as part of this process;
- Amend the primary minimum flow regime and primary allocation limit proposed for the Trotters catchment; and
- Amend the current supplementary allocation and flow regime for the Trotters catchment.

On 14 October 2009, the Policy and Resource Planning Committee resolved to forward the recommendations of the Hearing Committee to Council for adoption.

On 28 October 2009, the Otago Regional Council resolved to adopt the recommendations of the Hearing Committee on Proposed Plan Change 1B (Minimum Flows). This decision was publicly notified on Saturday 31 October 2009.

Part A: Discussion on Decisions

A1. Schedule 2D: Schedule of matters to be considered when setting minimum flows and allocation limits

The Otago Regional Council (Council) is committed to implementing minimum flows in catchments throughout Otago by adding more catchments to Schedule 2A, as required by the Environment Court when the Regional Plan: Water for Otago (Plan) was made operative in 2004.

The purpose of Schedule 2D is to ensure transparency around the process for setting minimum flow regimes and associated primary allocation limits in Schedule 2A. The schedule outlines how Council, in consultation with the public of Otago, will assess the range of values that a community holds for their river catchment. Following assessment of the values, including the costs and benefits of the regime to the community, a way forward is proposed that recognises and provides appropriately for these values.

Submitters generally supported the inclusion of Schedule 2D, as well as requesting a number of changes. These include further clarification of which matters must be considered during community discussions, suggested additional matters for consideration, and prioritisation of these matters.

Having heard the requests made by submitters, and taking into consideration the revised recommendations in the *Report on Decisions Requested 3 August 2009*, we consider modification of Schedule 2D is required, as follows:

- Replacement of “may” with “will” in the introduction to both 2D.1 and 2D.2, to give certainty that Council and communities will consider the matters on the list.
- Addition of “existing water uses and associated infrastructure” as new matter 2D.1(f), to ensure that existing uses within a catchment and any infrastructure associated with these will be considered as part of the minimum flow discussion.
- Recognition in 2D.1(g) that environmental, social, cultural, recreational and economic costs and benefits of taking and using water will be considered in terms of both “before” and “after” a minimum flow regime is implemented.
- Clarification in 2D.2(a) that all takes defined within primary allocation (i.e. the sum of ‘paper takes’) will be given consideration.
- Addition of “any other existing taking and using of water” as new matter 2D.2(c), to ensure that the potential impact of allocation limits on any existing consumptive and non-consumptive takes is considered.
- Addition of “and using” to 2D.2(h), to create consistency with 2D.1(g) and with the ‘take and use’ changes under Proposed Plan Change 1C (Water Allocation and Use).
- Amendment of the “Note” to clarify how minimum flow and allocation limits are set for those catchments which are not listed in Schedule 2A (i.e. through Policies 6.4.2 and 6.4.4).

We consider the suggested inclusion of the following matters for consideration is not required for the reasons outlined:

- *Part 2 (Purpose and Principles) and Section 6*

It was the Water Plan’s intention to avoid repetition throughout the Plan of a number of matters listed in Part 2 (Purpose and Principles) of the Resource Management Act 1991 (RMA). Instead, natural and human use values of all types are addressed in Chapter 5, rather than repeating these objectives and policies over the rest of the chapters 6 to 10.

Section 6 sits within Part 2 and is appropriately covered by 2D.1(h). Consideration of Part 2 matters also gives effect to Objective 6.3.1 of the Water Plan and Section 30(1)(c)(iia) of the RMA. Schedule 2D.2(e) and 2D.2(h) provides for these sections and negates the need to make reference to specific sections of Part 2.

- *Kai Tahu values*

Chapter 4 of the Plan addresses relevant issues from a Kai Tahu perspective. This meant the Plan's provisions could be considered in the context of the widest cultural meaning, including in Chapter 5 which addresses natural and human use values. Furthermore, the Plan and this change were prepared in recognition of the Kai Tahu ki Otago Natural Resource Management Plan. Consideration of the cultural values of Kai Tahu as expressed in Schedule 1D is covered in 2D.1(g).

- *Effect on reliability of supply*

The effects of minimum flows and primary allocation limits on existing users and their reliability of supply are provided for in 2D.1(f) and (g), and 2D.2(c), (g) and (h).

- *Effects on hydroelectric generation*

The potential impacts of minimum flows and allocation limits on hydroelectric generation are provided for under 2D.1(f), (g) and (h), and 2D.2(c), and (h).

A2. Schedule 2A – General matters

Before addressing the specific catchments proposed to be added to Schedule 2A, we wish to address general concerns raised by submitters.

Methodology and data

A number of submitters requested delaying the introduction of minimum flow regimes until more information was available on a particular catchment, for example hydrological data. Concerns were also raised about the use of surrogate data (i.e. flow data from one catchment to help determine flows in another catchment). We note these concerns.

We also note the other side of the argument:

- The feasibility of gathering sufficient data that would satisfy all interested parties;
- The cost of continuing to collect such data; and
- The social, economic and environmental costs and risks of delaying introduction of the protection afforded by minimum flows.

We considered the Environment Court cases cited by submitters and believe that the practice of utilising adjacent catchments' data is consistent with the Environment Court's ruling. The critical case cited, C71/2002, arose from appeals to the Proposed Water Plan. When notified in 1998, the Proposed Water Plan subjected many water takes within 'Minimum Flow Management Areas' to minimum flows based on monitoring flows at a small number of representative sites, called 'indicator monitoring sites'. This was done on NIWA's recommendation that it was scientifically credible for three sub-areas of Otago to be covered by a small number of indicator sites. The Court's concern with surrogacy, in this circumstance, was that catchments in the management areas were a large distance apart and were dissimilar. In the present situation the catchments, being adjacent, have very similar characteristics.

The appeals were resolved when Council committed to undertake a work programme to establish minimum flows on a catchment-by-catchment basis, with more thorough investigation of each catchment. The Court did not criticise the use of surrogate information between adjacent catchments, as this is an accepted method of synthesising records when

there is little or no monitoring data available. A council simply cannot monitor every catchment in the region and that is generally accepted. Communities expect that takes will be subject to minimum flows, so councils have to occasionally synthesise flow records. We consider that the Court's rejection of an extreme form of surrogacy in flow record use has been taken out of context by some submitters.

We are also satisfied that the data gathered to date are sufficient, and over such a period to be sufficient to draw conclusions regarding 'ecological flows' (management flows for aquatic ecosystems). We also note that instream flow incremental methodology (IFIM) is accepted as industry best practice.

We consider that withdrawing the proposed plan change or delaying the implementation of minimum flow regimes until there is higher satisfaction amongst stakeholders regarding the methodology and data set would potentially be at the expense of the catchment, its ecology and the community. Withdrawal or delay would impose substantial additional costs on the catchment and its values for little expected benefit.

Consistency with the Proposed NES on Ecological Flows and Water Levels

Some submitters commented on the Proposed NES on Ecological Flows and Water Levels, and requested Council give effect to the proposal.

We note that the Proposed NES is still in draft form and has no legal standing. The Proposed NES clearly differentiates ecological flows (which reflect the suggested management flows for aquatic ecosystems) from environmental flows (which reflect the Schedule 2D matters being considered in setting minimum flows). Were it in effect, the NES's interim limits for rivers and streams are for minimum flows of 80–90% of MALF and are precautionary defaults for catchments where the minimum flow-setting process has not or will not be undertaken.

We consider that the interim limits are starting points for discussion, not end points. If any policy framework and terminology changes are required to the Plan following the gazetting of the NES, these will be addressed at that time.

Management flows versus minimum flows

A number of submitters requested that minimum flows be set at the levels recommended in the 2006 science reports "Management Flows for Aquatic Ecosystems..."

We note that these reports identify seasonal management flows that would provide for the needs of valued aquatic ecosystems in each of the three catchments. These management flow suggestions do not take into consideration the needs of the catchments' other important social, economic, cultural, recreational and ecological values.

We consider that when setting a minimum flow regime each catchment should be assessed on its own merits. It may be appropriate to apply a minimum flow regime that relates closely to management flow recommendations for some catchments, while in others this may not be the case.

Changing land use and its impact on water

Some submitters raised concerns about the impact of changing land use on water quantity and quality.

We note that while land use plays an important role in the overall health of the catchment, territorial authorities are responsible for the control of land use. Dialogue needs to occur between councils regarding land use change and its effect on water quantity and quality.

We consider that this issue is best addressed as part of the forthcoming Regional Policy Statement review.

Effects of climate change

Some submitters raised concerns about the effects of climate change.

We note that predicting the effects of climate change is an uncertain science and it is questionable whether setting a higher minimum flow or taking a conservative approach to water management simply because there may be climate change is necessary.

We consider that climate change appears to be occurring at a rate that is sufficiently slow so that, in time, if a negative impact on catchment values becomes apparent, further investigation of the catchment and appropriate review of the minimum flow regime can occur.

Taking a precautionary approach

Some submitters commented on the need to take a precautionary approach and have policies to ensure this.

We consider that taking an overly cautious approach to minimum flow setting is unnecessary as further investigations can be undertaken if there are undesired impacts on catchment values.

Likewise, we consider existing policies 6.4.2, 6.4.3, 6.4.4 and 6.4.6 in the Plan adequately enable the setting of variable minimum flows (e.g. seasonal flows) which provide for aquatic ecosystems and flow variability without the need of further policies.

A3. Schedule 2A – Luggate catchment

We note that the small Central Otago catchment of Luggate Creek and tributaries is valued for its water clarity, attractiveness, biodiversity, native and trout fisheries, and its support of commercial and recreational opportunities. Twelve deemed permits and one primary allocation resource consent exist in the catchment. There is currently no minimum flow regime on the Luggate catchment, which means at times there is potential for all the water to be taken.

We note that the proposed minimum flow regime of 180 l/s (November to April) and 500 l/s (May to October) was developed in conjunction with the Luggate community. During the April 2008 workshop, the community identified their preference for “real data” and suggested the actual flow at the time of the meeting was appropriate. The Council then gauged river flow and found it to be 180 l/s. Workshop and working group participants (including representatives from Council, Fish & Game Otago and the Department of Conservation) agreed the observed flow would provide for out-of-stream values while sustaining the catchment’s instream values.

Flow investigations

We note that a series of one-off flow gaugings taken by the State Highway 6 bridge at Luggate were used, in conjunction with flow records from the adjacent Cardrona catchment, to get an understanding of the natural flow regime of the Luggate catchment.

There is currently pressure on values within the catchment and there is a need to protect these values. Therefore, we consider that there is sufficient information, albeit limited, to set a minimum flow now rather than waiting until more catchment specific data is collected.

Ensuring reliability of supply

Some submitters have requested reassurance of reliability of water supply.

We note that within Otago, resource consents enable the consent holder to take water when it is available for taking; they do not ensure certainty of supply. Reliability of supply is affected by seasonal influences and, in the case of the Luggate catchment, the varying water requirements of deemed permit holders.

We consider that lowering the minimum flow to ensure reliability of supply would be at the expense of the other catchment values.

Adjusting minimum flows to reflect changes in water take and use

Some submitters were concerned about the possible re-activation of currently unused deemed permits along with changing land use.

We note their concerns, but consider that the plan change process is not the mechanism to address this issue. The RMA sets the process for managing such deemed permits, including the procedure for transfer and operation of these permits. The minimum flow regime will be given effect when all water takes abide by the minimum flow, either by resource consent or by voluntary actions of those continuing to hold deemed permits until October 2021.

We consider it inappropriate to reset a minimum flow regime whenever a change occurs to water allocation within a catchment. Any minimum flow regime should be set to accommodate foreseeable changes in land uses. We also consider identifying the flows and limits now will enable deemed permit and consent holders to better prepare for their eventual implementation. We note that the plan change process cannot resolve issues relating to the operation of individual consents.

A4. Schedule 2A – Trotters catchment

We note that the Trotters catchment is located in East Otago and experiences significant flow changes over reasonably short periods. The catchment's water clarity, attractiveness, good quality drinking water, highly valued biodiversity, extensive native fishery, traditional food gathering, cultural values, and recreational and commercial opportunities are highly regarded. There is one primary allocation consent that has a 5 l/s residual flow requirement, and there is currently no minimum flow regime set for the catchment.

Flow investigations

We note that a series of one-off flow gaugings have been taken in a variety of locations throughout the catchment (including State of the Environment May 2007 monitoring sites). This information, in conjunction with rainfall data, catchment area analysis and data from

the Waianakarua catchment, was used to understand the natural flow regime for the Trotters catchment.

We are satisfied that the correlation between the two adjacent catchments is useful for hydrological modelling. There is currently pressure on values within the catchment and there is a need to protect these values. We therefore consider that there is sufficient information, albeit limited, to set a minimum flow now rather than waiting until more catchment specific data is collected.

Impact of minimum flow on river mouth functioning

Some submitters expressed concern about the effect the proposed minimum flow regime may have on the functioning of the river mouth.

We note that factors that cause mouth closure can be entirely natural and unrelated to the taking of water (e.g. deposition of sand due to onshore sea currents). The introduction of a minimum flow regime will mean more water will remain instream during times of low flow, assisting the natural functioning of the river mouth.

We are satisfied that the flow regime will not affect flushing flows that open the mouth. The implementation of an even more conservative minimum flow regime would have a negligible effect on mouth closure and could not guarantee the mouth will remain open at all times.

Reducing the primary allocation limit and increasing the summer minimum flow

Some submitters requested the primary allocation limit and summer minimum flow be changed, most commonly to reflect the suggested management flow of 20 l/s for the summer season identified in the report, *Management Flows for Aquatic Ecosystems in Trotters Creek*, prepared in August 2006, and to provide greater flow variability to better reflect natural flows.

We note that, currently, there is one consent to take primary allocation at 30 l/s in the Trotters catchment. The 50% MALF estimate for the catchment is 12.5 l/s.

Prior to the hearing, Council staff recommended a revision of the proposal to help maintain flow variability by:

- Increasing the summer primary minimum flow to 10 l/s to help ensure more water remains instream;
- Reducing proposed primary allocation limit to 15 l/s to help increase flow variability and eventually reduce the amount of water that is available as new primary allocation; and
- Splitting the first supplementary allocation block of 100 l/s into three blocks (one block of 15 l/s and two blocks of 30 l/s, each with a block-specific supplementary flow).

This mix of changes is intended to minimise the effects of artificial occurrences of “flat-lining” flows during extended dry periods.

We consider the recommended increase in the summer minimum flow to 10 l/s will help to protect aquatic habitat and minimise the effects on fish passage, while the adjustment to the supplementary flow regime will better provide for flow variability. In doing this, any adverse economic impact on the primary allocation consent holder of introducing the minimum flow regime will be kept to an acceptable level.

A5. Schedule 2A – Waianakarua catchment

We note that the Waianakarua catchment is valued for many reasons, including for its good water quality, attractiveness, geology, biodiversity, fishery, cultural history, and commercial and recreational opportunities. These values are present even with the current level of abstraction from the river which includes eight resource consents; two of which are for community water supply. We also note that at the community workshops in 2007 and 2008, the community acknowledged that when water is scarce due to natural influences there will be insufficient flow to support all uses and values and that unavoidable stress on values needs to be shared equitably.

Flow investigations

A relatively short period of flow recordings (a permanent continuous flow recorder was installed at Browns Pump in April 2005), along with a series of one-off flow records dating back to 1977, was used to gain an understanding of the natural flow regime in the catchment. Council were originally using this gauging data, catchment runoff models and “synthetic records” as the best means to determine the 7-day MALF (and other measurements) for the catchment. This method has been superseded by four seasons’ worth of data from the permanent flow recorder at the Browns Pump monitoring site. The actual flow data recordings show consistency with earlier flow estimates.

We consider that there is now sufficient catchment specific flow information available to set a minimum flow.

Impact of minimum flow on river mouth functioning

Some submitters expressed concern about the effect the proposed minimum flow regime may have on the functioning of the river mouth.

We note that factors that cause mouth closure can be entirely natural and unrelated to the taking of water (e.g. deposition of sand due to onshore sea currents). The introduction of a minimum flow regime will mean more water will remain instream during times of low flow, assisting the natural functioning of the river mouth.

We are satisfied that the flow regime will not affect flushing flows that open the mouth. The implementation of an even more conservative minimum flow regime would have a negligible effect on mouth closure and could not guarantee the mouth will remain open at all times.

Changing the minimum flow regime

Some submitters requested the summer minimum flow regime be changed by:

- increasing or decreasing the minimum flow to create greater flow variability better reflecting natural flows; and / or
- extending the summer flow period to reduce the impact on economic activities.

We note that the summer minimum flow provides for fish passage while the winter flow ensures water is available for upstream fish migration and spawning. Any flow regime needs to ensure flow variability so that extended periods of low flows do not lead to “flat-lining” of flows in the catchment. As the river approaches the minimum flow, taking will need to be modified through rationing (as carried out in catchments with a water allocation committee) to avoid the minimum flow being reached. Any breach of the minimum flow is dealt with by current consent conditions and compliance measures.

We note that the seasonal minimum flow periods will provide for the needs of fish migration and spawning while allowing the reasonable taking of water. Flows for fish migration and spawning are important from early May. The summer flow period is set around fish passage requirements rather than around irrigator or farming requirements.

We were presented with irrigation related economic information, but cannot, on balance, justify a lower summer minimum flow. We consider that, given the current good health of the Waianakarua catchment, the minimum flow proposal of 200 l/s from October to April and 400 l/s from May to September, will ensure more water remains in-stream and will have less adverse effect on aquatic ecosystems than that of the current situation of no minimum flow controls.

We consider that economic impacts can be managed through those taking water working together, to avoid minimum flow restrictions.

Reducing primary allocation

Some submitters requested a reduction in the primary allocation limit, including using the river as a 'control' river.

We note that the primary allocation limit is based on the current consented takes, which includes takes for both community supply and irrigation uses.

We consider that a reduction in the primary allocation limit will provide little additional environmental or community benefit. The proposed limit reflects the reasonable amount of water currently consented, and we note that river values are present at the current level of taking. Any prohibition on take or use in order to turn the Waianakarua catchment into a 'control' river system would contravene Section 5(2) of the RMA as it would not be sustainable management. We also consider that the Plan's method of water allocation should not change as this has wider implications for Otago and the Plan.

A6. Other plan change matters

Some submitters raised matters about consequential policy and rule changes, consultation and communication. Others generally supported or opposed the proposed plan change. We note these requests.

A7. Matters beyond the scope of the plan change

Some submitters raised matters which are beyond the scope of this proposed plan change. Where appropriate, such matters will be addressed during future plan changes or reviews.

Part B: Decisions

1) Schedule 2D – Schedule of matters to be considered when setting minimum flows and allocation limits

Amend Schedule 2D as follows:

2D Schedule of matters to be considered when setting minimum flows and allocation limits

Primary allocation limits and minimum flows will be added to Schedule 2A, to give effect to the objectives and policies in this Plan, through the plan change process following scientific investigation and consultation with the community and affected parties. The lists in 2D.1 and 2D.2 identify ~~the~~ matters to which consideration ~~may~~ will be given when setting these flows and limits. The lists are not exhaustive and consideration will be given to these and any other relevant matters.

2D.1 When setting minimum flows in Schedule 2A for a catchment, consideration ~~may~~ will be given to the following matters:

- (a) Any existing or previous minimum flow regime or residual flow;
- (b) The 7-day mean annual low flow;
- (c) Interaction among water bodies;
- (d) Ecological values, including the need for flow variability;
- (e) Demand for water, including community water supplies;
- (f) Existing water uses and associated infrastructure;
- ~~(f)~~(g) Environmental, social, cultural, recreational and economic costs and benefits of taking and using water; before and after the implementation of a minimum flow regime; and
- ~~(g)~~(h) Any other relevant matter in giving effect to Part 2 of the Resource Management Act.

2D.2 When setting primary allocation limits in Schedule 2A for a catchment, consideration ~~may~~ will be given to the following matters:

- (a) ~~Any existing or previous primary allocation limit~~ Amount of water currently allocated as primary allocation;
- (b) ~~The a~~Amount of water currently taken as primary allocation;
- (c) Any other existing taking and using of water;
- ~~(e)~~(d) The 7-day mean annual low flow;
- ~~(d)~~(e) ~~The p~~Proposed minimum flow regime;
- ~~(e)~~(f) Possible sources of water;
- ~~(f)~~(g) Acceptable duration and frequency of rationing among consented water users; and
- ~~(g)~~(h) Social and economic benefits of taking and using water.

Note: For catchments not included in ~~outside~~ Schedule 2A, refer to Policy 6.4.4 for determining minimum flows and Policy 6.4.2 for identification of primary allocation.

2) **Schedule 2A – Luggate, Trotters & Waianakarua catchments**

Adopt the minimum flow regime and primary allocation limit for the Luggate and Waianakarua catchments, and amend the regime and limit for Trotters catchment, in Schedule 2A as follows:

Catchment See Maps B1-B5	Monitoring Site (with MS number) See Maps B1- B5	Minimum flow (litres per second)	Primary Allocation Limits in accord with Policy 6.4.2(a)(i)
Luggate catchment	SH6 Bridge (MS 11)	180 (November to April) 500 (May to October)	500 litres/sec <i>Luggate catchment from mouth to headwaters</i>
Trotters catchment	Mathesons Weir (MS 12)	8 10 (October to April) 35 (May to September)	30 <u>15</u> litres/sec Trotters catchment from mouth to headwaters
Waianakarua catchment	Browns Pump (MS 13)	200 (October to April) 400 (May to September)	190 litres/sec <i>Waianakarua catchment from mouth to headwaters</i>

3) **Schedule 2B – Trotters catchment**

Add a supplementary minimum flow and allocation block regime for the Trotters catchment into Schedule 2B* as follows:

<u>Catchment</u> <u>See Maps B1-B5</u> <u>& Supplementary</u> <u>Block Number</u>	<u>Minimum Flow (litres per second — instantaneous flow) at the monitoring site(s) that trigger the minimum flow—See Maps B1-B5</u>	<u>Supplementary Allocation Limit-Block (litres per second — as calculated on an instantaneous basis flow)</u>
<u>Trotters catchment</u> <u>(first supplementary allocation block)</u>	October to April: 30 130 at Mathesons Weir (MS 12)	400 15
	May to September: 50 at Mathesons Weir (MS 12)	<u>15</u>
<u>Trotters catchment</u> <u>(second supplementary allocation block)</u>	October to April: 60 at Mathesons Weir (MS 12)	<u>30</u>
	May to September: 80 at Mathesons Weir (MS 12)	<u>30</u>
<u>Trotters catchment</u> <u>(third supplementary allocation block)</u>	October to April: 90 at Mathesons Weir (MS 12)	<u>30</u>
	May to September: 110 at Mathesons Weir (MS 12)	<u>30</u>

* Schedule 2B layout is based on Proposed Plan Change 1C (Water Allocation and Use)

4) **Policy 6.4.5 – Minimum flows established apply to resource consents for taking of water**

Adopt Policy 6.4.5 as notified.

5) **Rule 12.1.4.2 – Taking of surface water as primary allocation - Trotters and Waianakarua**

Adopt Rule 12.1.4.2 as notified.

- 6) **Rule 12.1.4.4 – Taking of surface water as primary allocation - Luggate**
Adopt Rule 12.1.4.4 as notified.
- 7) **Map B1a – Luggate catchment boundary and monitoring site**
Adopt Map B1a as notified.
- 8) **Map B3 – Trotters and Waianakarua catchment boundaries and monitoring sites**
Adopt Map B3 as notified.
- 9) **Minor and consequential changes relating to the plan change**
 - a) Make any further amendment to the proposed plan change required to give effect to the final decision.
 - b) Adopt all consequential and minor changes as notified.
- 10) **Consultation and communication**

Note the concerns made by submitters on consultation and communication, and to ensure future communication and information provided to communities is as clear and transparent as possible.
- 11) **General support or opposition for the proposed plan change**
 - a) Adopt Plan Change 1B (Minimum Flows) 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 Part C of this report.
- 12) **Matters beyond the scope of the plan change**

Note the submissions on matters beyond the scope of the plan change.

Part C: Decisions on Submissions by Submission Point

INDEX TO SUBMITTERS

Submitter	Submitter Name (Last Name, First Name or Organisation)	Page Number
<u>Original Submitters</u>		
1	MacGregor, Alan Grant	17
2	Kingan, Ali	17
3	Turvey, L.....	17
4	Mitchell, Raylene Mary	17
5	Watson, Clyde	17
6	Anderson, Graeme Kenneth	18
7	Clark, Ruhuia.....	18
8	Dickie, Alan Robert	18
9	Otago Canoe and Kayak Club	18
10	Miller, Glen	18
11	Dixon, Steven	19
12	Ramsay, Michael	19
13	Lindsay-Salmon, Professor PDR	19
14	Harris, Anthony	19
15	Richards, Lyn Evan.....	19
16	Hollis, Melvyn	20
17	Trevathan, Noel George	20
18	Hayburn, Dr Ralph H C	20
19	Turner, Brian	20
20	Fitzpatrick, Richard.....	20
21	Trotter, Michael Malthus.....	21
22	Rawlinson, Michael Charles.....	21
23	Van Leeuwen Dairy Group	21
24	Closs, Gerry	21
25	Trotter, Morgan.....	21
26	Judge, Bronwyn	22
27	Hicks, Andy	22
28	Trotter, Errol John.....	23
29	Scott, D.....	23
30	Pagel, R G.....	23
31	Palmerston Anglers Club	23
32	Otago Fish and Game Council	23
33	Matheson, David James and Sarah Evelyn	24
34	Te Runanga o Moeraki.....	24
35	Central South Island Fish and Game	25
36	Elder, Rodney David.....	25
37	New Zealand Federation of Freshwater Anglers Inc	26
38	Matheson, Norman David	26
39	Trotter, Craig George.....	26
40	Waianakarua River Community Users	26
41	Brown, Andrew John	26
42	Guy, Karl David.....	27
43	Otago Conservation Board	27
44	M C Holland Farming Ltd.....	28

45	Dale, Jonathan Roland	28
46	Hay, Grant Carson	28
47	Harvey, Trevor.....	28
48	Aitcheson, Karen	28
49	Campbell, Gray and Jill.....	28
50	Andressand, Greg.....	29
51	Fenwick, Stephen Robert	29
52	Johnston, Scott Andrew	29
53	Johnston, Neil and Rosemary	29
54	Pile, William John.....	29
55	Shand, Jimmy (and Stevenson, Julie)	29
56	Cardrona Landcare Group.....	29
57	Criffel Irrigation Scheme	30
58	Otago Water Resource Users Group (OWRUG).....	30
59	Federated Farmers of New Zealand (Inc)	30
60	Dunavan, Scott Clayton	31
61	Luggate Creek Community and Guardians.....	31
62	The Director-General of Conservation	31
63	Oceana Gold (New Zealand) Limited.....	32
64	Trustpower Limited	33
65	Waitaki Coastal Care	33
66	M J O'Connor Family Trust	34
67	Coastal Otago River Communities	34
68	Norton, Trevor and Elizabeth.....	34
69	Thompson, Graeme John.....	34
70	Bartlett, Liz and Paul	34
71	McKerrow, William Porteous	34

Further Submitters

101	TrustPower Limited (TrustPower).....	35
102	Department of Conservation	35
103	MC Holland Farming	38
104	Otago Fish and Game.....	39
105	Central South Island Fish and Game	40
106	Otago Water Resource Users Group (OWRUG).....	41

1 Alan Grant MacGregor

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
16	General Opposition	did not specify	Please be sensible with your decisions. Please do your best - it is the responsibility of us all.	Noted.

2 Ali Kingan

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
16	General Opposition	did not specify	Minimum flows are set too low. Please take every step possible, to retain something that we are only guardians of.	Noted.

3 L Turvey

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
16	General Opposition	oppose	Apart from any grossly anomalous differences at present or intended, maintain the status quo. Any proposal to substantially alter present shares, from especially outsider(s) to be disallowed.	Noted.
17	Consultation and Communication	did not specify	Any differences from near-enough unanimous decisions should be given sensible consideration and even tolerance where possible / for time being.	Noted.
19	Matters Beyond the Scope of the Plan Change	not applicable	Present or future cause(s) of pollution removed or prevented, beyond boiled water and/or filtered drinking or washing standard (taste also critical).	Noted.
19	Matters Beyond the Scope of the Plan Change	not applicable	Temporary excesses of water from atmospheric precipitation desirably to be captured in part in tanks or other devices, especially domestic.	Noted.
19	Matters Beyond the Scope of the Plan Change	not applicable	Research (further?) xerophytic alternative flora/fauna possibilities for smaller/larger areas - this even antagonistic to irrigation (evaporation and salination).	Noted.
19	Matters Beyond the Scope of the Plan Change	not applicable	No goats in any large numbers (mulch only?).	Noted.
19	Matters Beyond the Scope of the Plan Change	not applicable	Preserve pastoral and agricultural land use of present unless better is clear - any housing/tourist development to be restricted as to space and effects, especially water-wise (bring their own!)	Noted.

4 Raylene Mary Mitchell

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
16	General Opposition	oppose	No decision requested.	Noted.

5 Clyde Watson

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
19	Matters Beyond the Scope of the Plan Change	not applicable	I would like to see the waterfalls from a mountain and keeping the water fresh. Would like clean water in the river for us and animals to drink and to keep grass in the paddocks. Would like river clearance to help with water clarity.	Noted.

6 Graeme Kenneth Anderson

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
4	Schedule 2A Luggate Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Wish to have the minimum flow increased and primary allocation limit reduced.	Reject.
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Wish to have the minimum flow increased and primary allocation limit reduced.	Accept.
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Wish to have the minimum flow increased and primary allocation limit reduced.	Reject.

7 Ruhuia Clark

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
15	General Support	support	Keep things the same with your decisions.	Accept in part.

8 Alan Robert Dickie

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	I wish to amend the minimum summer flow to 250 l/s.	Reject.

9 Otago Canoe and Kayak Club

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
16	General Opposition	oppose	No decision requested.	Noted.

10 Glen Miller

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	When there is uncertainty about flow and abstraction levels the ORC should take a precautionary approach when setting minimum flow levels.	Accept in part.
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	The Trotter family supports the proposed winter minimum flow of 35 l/s.	Accept.
19	Matters Beyond the Scope of the Plan Change	not applicable	No decision requested.	Noted.

11 Steven Dixon

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	I support the proposed winter minimum flow of 35 l/s.	Accept.
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	When there is uncertainty about flow and abstraction levels the ORC should take a precautionary approach when setting minimum flow levels.	Accept in part.
19	Matters Beyond the Scope of the Plan Change	not applicable	No decision requested.	Noted.

12 Michael Ramsay

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
17	Consultation and Communication	did not specify	I wish to see more specific details on the proposed changes e.g. defining actual minimum flows, and how these will be achieved, and who will be penalised and via what rules process, should these minimum flows be breached.	Noted.

13 Professor PDR Lindsay-Salmon

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
16	General Opposition	did not specify	Would like to see far more caution exercised, more testing and computer simulations done. Can we ask that the ORC does exercise common sense and say no to further irrigation.	Accept in part.

14 Anthony Harris

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	oppose	Do not reduce the flow of water in Trotters Creek.	Accept.

15 Lyn Evan Richards

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
4	Schedule 2A Luggate Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Minimum flows need to [be] six inches higher.	Reject.
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Minimum flows need to [be] six inches higher.	Accept in part.
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Minimum flows need to [be] six inches higher.	Reject.
19	Matters Beyond the Scope of the Plan Change	not applicable	Build more water tanks for storing rain water.	Noted.

16 Melvyn Hollis

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	The minimum flow should not be set at anything less than 20 l/s.	Reject.
19	Matters Beyond the Scope of the Plan Change	not applicable	ORC learn to say no to continued requests for increased water abstraction.	Noted.
19	Matters Beyond the Scope of the Plan Change	not applicable	Urge the ORC to re-evaluate the minimum flows for the Taieri and Shag Rivers.	Noted.
19	Matters Beyond the Scope of the Plan Change	not applicable	That a realistic minimum flow be set for the Waikouaiti River.	Noted.

17 Noel George Trevathan

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	amend	That the minimum flow can be set as low as zero where streams have been dry on occasions over the past 50 years plus.	Reject.

18 Dr Ralph H C Hayburn

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	That the minimum flow from October-April be lifted to 20 l/s.	Reject.

19 Brian Turner

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	I support a winter minimum flow of 35 l/s.	Accept.
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	I support a minimum flow of 20 [l/s] over summer.	Reject.
19	Matters Beyond the Scope of the Plan Change	not applicable	Requests change to a consented abstraction from Trotters Creek.	Noted.

20 Richard Fitzpatrick

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	I would like to support a summer minimum flow of at least 20 l/s.	Reject.
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	I would like to support a winter minimum flow of at least 35 l/s.	Accept.

21 Michael Malthus Trotter

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	Conform with the earlier recommendation of 0.035 m ³ /s (35 l/s) during the high flow period from May to October inclusive.	Accept.
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Conform with the earlier recommendation of 0.02 m ³ /s (20 l/s) during the low flow period from November to April inclusive.	Reject.

22 Michael Charles Rawlinson

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Raise the minimum flow for the Trotters catchment at Mathesons Weir to 30 l/s (October to April).	Reject.
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Raise proposed minimum flow for the Waianakarua catchment at Browns Pump to 300 l/s (October to April). Or Require primary allocation takes to be reduced by 50% (October to April) when flows are between 400 and 200 l/s at Browns Pump. Or some other fair and effective method of keeping flows from falling below the natural MALF as long as possible.	Reject.

23 Van Leeuwen Dairy Group

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	We propose a minimum flow rate in the area of 150 to 200 l/s on the Waianakarua River.	Accept in part.

24 Gerry Closs

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	I seek a minimum flow of at least 20 l/s for Trotters Creek from October to April.	Reject.

25 Morgan Trotter

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	I support the proposed winter period minimum flow of 35 l/s.	Accept.
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	The minimum flow regime and abstraction allocation limits should be designed to mimic natural flow patterns and provide for variability as much as possible.	Accept.
17	Consultation and Communication	did not specify	No decision requested.	Noted.
19	Matters Beyond the Scope of the Plan Change	not applicable	No decision requested.	Noted.

26 Bronwyn Judge

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	The minimum flow should be higher [than] 500 l/s. Or A better system for preserving the character of the river devised.	Accept in part.
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	The minimum flow should be higher [than] 500 l/s. Or A better system for preserving the character of the river devised.	Reject.
13	Trotters - General	did not specify	Policies are needed to ensure that the rivers have adequate flow variability to maintain habitat and provide for key aquatic function in case of consents for supplementary being sought in the future.	Accept in part.
13	Trotters - General	did not specify	No decision requested.	Noted.
14	Waianakarua - General	did not specify	Policies are needed to ensure that the river has adequate flow variability to maintain habitat and provide for key aquatic function in case of consents for supplementary being sought in the future.	Accept in part.
14	Waianakarua - General	did not specify	No decision requested.	Noted.

27 Andy Hicks

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Extraction should not continue during the low flow period when discharge drops below 0.02m ³ [20 l/s].	Reject.
13	Trotters - General	did not specify	It is the ORC's responsibility to balance the degree of environmental protection against the value of water for other users.	Noted.

28 Errol John Trotter

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	I oppose the 8 l/s and wish this amended to 20 l/s minimum flow.	Reject.
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	I have to support the ORC initial recommendation of 35 l/s winter [flow].	Accept.
19	Matters Beyond the Scope of the Plan Change	not applicable	No decision requested.	Noted.

29 D Scott

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	oppose	Oppose the proposed minimum flow of 8 l/s for the summer period.	Reject.

30 R G Pagel

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	I feel that the minimum flow should at least be 20 l/s to protect the health of the stream.	Reject.

31 Palmerston Anglers Club

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Our club opposes the minimum summer flow of 8 l/s and supports the position that a level of 20 l/s be adopted for Trotters Creek.	Reject.

32 Otago Fish and Game Council

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	did not specify	Have concerns regarding the weighting that may be given to existing minimum flows and relevant flow setting.	Noted.
15	General Support	support	Support the setting of minimum flows and primary allocation limits for waterways.	Accept.

33 David James and Sarah Evelyn Matheson

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	Allow the minimum low flow of Trotters Creek to go from 5 l/s to 8 l/s.	Accept in part.
19	Matters Beyond the Scope of the Plan Change	not applicable	I feel nothing would improve the quality and habitat of the [Trotters] creek more, if ORC would implement a policy of fencing stock out of the water ways.	Noted.

34 Te Runanga o Moeraki

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	Retention of the existing allocation limit of 30 l/s.	Reject.
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	A minimum flow for the period October to April of at least 20 l/s for Trotters Creek.	Reject.
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Seek a change in wording to the Outcome Sought section of schedule 2A to read: "... environment values of the community, and the cultural values of Ngai Tahu whilst allowing abstraction...."	Accept in part.
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	A minimum flow for the period May to September of 35 l/s.	Accept.
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	Retention of the existing allocation limit of 190 l/s.	Accept.
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	A minimum flow for the period October to April of at least 300 l/s for Waianakarua River.	Reject.
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Seek a change in wording to the Outcome Sought section of schedule 2A to read: "... environment values of the community, and the cultural values of Ngai Tahu whilst allowing abstraction...."	Accept in part.
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	A minimum flow for the period May to September of 400 l/s.	Accept.
7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	amend	Water quantity issues need to be integrated with water quality, and reflect a ki uta ki tai - a mountains to sea - philosophy.	Accept.
7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	amend	The addition of new (h) and (i) is proposed in the list under 2D.2: (h) Cultural values of Ngai Tahu as expressed in Schedule 1D. (i) Any other relevant matter in giving effect to Part 2 of the Resource Management Act.	Reject.
13	Trotters - General	oppose	Does not support any further allocation from the Trotters Creek.	Noted.
14	Waianakarua - General	oppose	Does not support any further allocation from the Waianakarua River.	Noted.

15	General Support	support	Is generally supportive of the intent of the Plan Change believing that minimum flows and allocation limits need to be set.	Noted.
16	General Opposition	oppose	No decision requested.	Noted.

35 Central South Island Fish and Game

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	A minimum flow for the period October to April of at least 20 l/s.	Reject.
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	Support the proposed flow for the period May to September of 35 l/s.	Accept.
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	A minimum flow of 300 l/s would be a more balanced representation of competing needs within the community.	Reject.
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	Support the proposed monitoring site location.	Accept.
7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	amend	Seeks the addition of the following wording to Schedule 2D.2: (h) Any other relevant matter in giving effect to Part 2 of the Resource Management Act.	Reject.
13	Trotters - General	support	No decision requested.	Noted.
14	Waianakarua - General	support	No decision requested.	Noted.
19	Matters Beyond the Scope of the Plan Change	not applicable	No decision requested.	Noted.

36 Rodney David Elder

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	Support the minimum flow of 200 l/s.	Accept.
14	Waianakarua - General	amend	A penalty clause must be added for breaching the minimum flow of 200 l/s.	Accept in part.
14	Waianakarua - General	amend	I believe it is important to place a moratorium on the primary allocation limit of 190 l/s.	Accept in part.

37 New Zealand Federation of Freshwater Anglers Inc

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	That a minimum low flow of 35 l/s be applied for the remainder of the year [May to September].	Accept.
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	That a minimum low flow of 20 l/s be introduced from October to April.	Reject.
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Support the Fish and Game position that a minimum low flow of 300 l/s be accepted.	Reject.
19	Matters Beyond the Scope of the Plan Change	not applicable	No decision requested.	Noted.

38 Norman David Matheson

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
16	General Opposition	oppose	I am in favour of the status quo. I wish the existing consent holder to retain his water right in its present form.	Reject.

39 Craig George Trotter

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	I write this submission of rejection to the proposed minimum flow rate of the Trotters Creek of 8 l/s but do support the flow rate projected by the ORC of 20 l/s as stated as ecologically sustainable in the recent report 'Management Flows for Aquatic Ecosystems'.	Reject.

40 Waianakarua River Community Users

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	The minimum flow be 300 l/s Oct/April.	Reject.
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	The minimum flow be 400 l/s May/Sept.	Accept.

41 Andrew John Brown

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	I support the ORC proposed minimum flow levels and allocation limits set for the Waianakarua River.	Accept.

42 Karl David Guy

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	A minimum flow regime of 200 l/s at Browns Pump in the summer and 400 l/s in the off-season.	Accept.

43 Otago Conservation Board

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
4	Schedule 2A Luggate Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	A summer / autumn season minimum flow for Luggate Creek set at 300 l/s, to protect aquatic life and freshwater ecosystems.	Reject.
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	A minimum flow in Trotters of 20 l/s October to April.	Reject.
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	A minimum flow of 35 l/s May to September, and a maximum allocation of 30 l/s for the whole river.	Accept in part.
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	No allocation to abstractive users from the Waianakarua River, and an investigation by the ORC, in consultation with the local community, of ways to reduce the existing allocation over time. Where this is considered unachievable for whatever reason, a minimum flow of 400 l/s for the entire year should be applied.	Accept in part.
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Minimum flows should be applied over the whole of the river, and in the instance of branches (as in the Waianakarua), flows that prevent drying of a branch and maintain the interconnectedness of the river should be implemented.	Accept in part.
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	A maximum primary allocation of 150 l/s for the whole of the Waianakarua during October to April, and 200 l/s secondary allocation on a 1:1 share basis from May to September.	Reject.
15	General Support	support	Rivers should be managed by way of a maximum allocation for abstraction, as well as a minimum flow.	Accept.
19	Matters Beyond the Scope of the Plan Change	not applicable	Water harvesting should be permitted in times of high flood flows throughout the year, provided that such takes did not impact on natural flushing flows.	Noted.
19	Matters Beyond the Scope of the Plan Change	not applicable	Where a minimum flow is applied to a river, all costs for monitoring and administration of the flow should be born directly by the abstractive beneficiaries.	Noted.
19	Matters Beyond the Scope of the Plan Change	not applicable	There should be a mechanism as a condition of an abstraction consent, that where the ecological condition of the river is compromised by lack of flow due to abstraction, then the terms and conditions of that consent shall be modified accordingly.	Noted.
19	Matters Beyond the Scope of the Plan Change	not applicable	The Board supports a position where a particular river in a geographical region should be left in its natural state, both for the benefit of public use and as a control system for further long term river study in that particular region.	Noted.

44 M C Holland Farming Ltd

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
1.3	Policy 6.4.5 Waianakarua - Minimum flows established apply to resource consents for taking of water	oppose	Opposes the setting of minimum flows and the imposition on existing consents through policy 6.4.5(b).	Reject.
2.2	Rule 12.1.4.2 Waianakarua - Taking of surface water as primary allocation	oppose	Opposes the setting of minimum flows and the imposition on existing consents through rule 12.1.4.2.	Reject.
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	The decision we seek from ORC is to have this amended to a minimum flow of 150 (15 Sept - 15 April) and 400 (16 April - 14 September).	Accept in part.

45 Jonathan Roland Dale

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	I want a summer flow of 200 l/s set by the ORC and a 400 l/s winter flow at the monitoring site.	Accept.

46 Grant Carson Hay

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	I would like to see a summer flow set at a 200 l/s minimum flow and a 400 l/s minimum winter flow.	Accept.

47 Trevor Harvey

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	I support the ORC proposed plan change but seek to have the summer flow reduced to 150 l/s at the monitoring site at Browns Pump.	Accept in part.

48 Karen Aitcheson

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	I support the ORC proposed plan change but seek to have the summer flow reduced to 150 l/s at the monitoring site at Browns Pump.	Accept in part.

49 Gray and Jill Campbell

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	We would be happy if the minimum summer flow is 200 l/s and the winter flow of 400 l/s.	Accept.

50 Greg Andressand

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	I support the ORC's proposed plan change but seek to have the summer flow reduced to 150 l/s at the monitoring site.	Accept in part.

51 Stephen Robert Fenwick

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	Am in support of the ORC for a recommended minimum flow of 200 l/s at their monitoring site.	Accept.

52 Scott Andrew Johnston

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
14	Waianakarua - General	support	No decision requested.	Noted.

53 Neil and Rosemary Johnston

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
14	Waianakarua - General	support	No decision requested.	Noted.

54 William John Pile

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	support	I do support the ORC's decision for a 200 l/s minimum summer flow and a 400 l/s minimum winter flow at Browns pump.	Accept.

55 Jimmy Shand and Julie Stevenson

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	oppose	To leave the Trotters Creek water usage and minimum flow etc as it is.	Reject.

56 Cardrona Landcare Group

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
15	General Support	support	Adoption of proposed plan change, continued consultation with affected users for any variations to plan.	Accept in part.

57 Criffel Irrigation Scheme

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
12	Luggate - General	amend	That the current water rights that have constantly been used over the last 20 years and longer along with their structures and races are fully respected with no restriction being placed on those rights.	Reject.

58 Otago Water Resource Users Group ("OWRUG")

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	amend	Clause 2D.1 - We request that paragraph (f) be amended to read: "Environmental, social, cultural, recreational and economic costs and benefits of taking and using water before imposing the minimum flow and the impact on these as a consequence of imposing the minimum flow".	Accept in part.
7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	amend	Clause 2D.2 - We request that paragraph (g) be amended to read: "Social and economic benefits of taking and using water".	Accept.

59 Federated Farmers of New Zealand (Inc)

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
2	Rule 12.1.4.2 - Taking of surface water as primary allocation	support	No decision requested.	Noted.
4	Schedule 2A Luggate Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Amend minimum flow to provide for no derogation of existing consents reliability.	Reject.
4	Schedule 2A Luggate Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Delay introduction of minimum flow until calculated minimum flow on robust information.	Reject.
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Amend minimum flow to provide for no derogation of existing consents reliability.	Reject.
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Delay introduction of minimum flow until calculated minimum flow on robust information.	Reject.
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Amend minimum flow to provide for no derogation of existing consents reliability.	Reject.
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Delay introduction of minimum flow until calculated minimum flow on robust information.	Reject.
7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	amend	Retain. Include as an assessment matter: "the effect of imposing minimum flows and allocation limits on the economic viability of existing users and on their reliability of supply".	Accept in part.

15	General Support	amend	That Plan Change 1B be retained or amended as set out under the headings 'Decisions Sought' in Attachment One; or to like effect.	Accept in part.
19	Matters Beyond the Scope of the Plan Change	not applicable	Retain restricted discretionary activity.	Noted.

60 Scott Clayton Dunavan

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	To amend schedule 2A of the proposed plan change to set the minimum flow rate for Trotters Creek at 35 l/s year-round.	Reject.

61 Luggate Creek Community and Guardians

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
4	Schedule 2A Luggate Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	A re-evaluation of this flow needs to take place if water take figures vary from what was presented to include this change and/or any conditions of use of this take. This is also applicable to any future applications and how they may affect the Luggate Creek.	Reject.
17	Consultation and Communication	oppose	No decision requested.	Noted.

62 The Director-General of Conservation

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
1.1	Policy 6.4.5 Luggate - Minimum flows established apply to resource consents for taking of water	amend	Deletion of "Luggate catchment area" from Policy 6.4.5(c).	Reject.
1.1	Policy 6.4.5 Luggate - Minimum flows established apply to resource consents for taking of water	amend	Deletion of "Luggate" from the Explanation of Policy 6.4.5.	Reject.
1.1	Policy 6.4.5 Luggate - Minimum flows established apply to resource consents for taking of water	amend	Deletion of "Luggate catchment area" from the Principal reasons for adopting of Policy 6.4.5.	Reject.
1.2	Policy 6.4.5 Trotters - Minimum flows established apply to resource consents for taking of water	amend	Deletion of "Trotters" from Policy 6.4.5(b).	Reject.
1.3	Policy 6.4.5 Waianakarua - Minimum flows established apply to resource consents for taking of water	amend	Deletion of "Waianakarua" from Policy 6.4.5(b).	Reject.
2.1	Rule 12.1.4.2 Trotters - Taking of surface water as primary allocation	amend	Deletion of "Trotters (Map B3)" from Rule 12.1.4.2.	Reject.
2.2	Rule 12.1.4.2 Waianakarua - Taking of surface water as primary allocation	amend	Deletion of "Waianakarua (Map B3)" from Rule 12.1.4.2.	Reject.
3	Rule 12.1.4.4 - Taking of surface water as primary allocation prior to 28 February 1998	amend	Deletion of references to "Luggate Catchment (Map B1a)" and "Luggate catchment area" in Rule 12.1.4.4.	Reject.

4	Schedule 2A Luggate Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Deletion of Luggate Creek from Schedule 2A.	Reject.
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Deletion of Trotters catchment from Schedule 2A.	Reject.
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Deletion of Waianakarua catchment from Schedule 2A.	Reject.
7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	amend	Request the addition of the following statement to the start of Schedule 2D.1, and subsequent renumbering of list: "2D.1 When setting minimum flows in Schedule 2A for a catchment, consideration shall be given to the following matters: a) Any relevant matter required to give full effect to section 6 of the Resource Management Act;".	Reject.

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	amend	The addition of the following to Schedule 2D.2: (i) Any other relevant matter in giving effect to Part 2 of the Resource Management Act.	Reject.
8	Map B 1a - Luggate catchment boundary and monitoring site	amend	Delete proposed new Map B 1a.	Reject.
9	Map B3 - Trotters catchment boundary and monitoring site	amend	Delete the proposed changes to Map B3 regarding the identification of the Trotters catchment and the respective monitoring station.	Reject.
10	Map B3 - Waianakarua catchment boundary and monitoring site	amend	Delete the proposed changes to Map B3 regarding the identification of the Waianakarua catchment and the respective monitoring station.	Reject.
11	Minor and Consequential Changes	amend	That any other consequential amendments to the Plan required to explain or give effect to these changes be made.	Reject.

63 Oceana Gold (New Zealand) Limited

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	amend	Schedule 2D.1: That the word "may" be deleted and the matters that would be considered in setting minimum flows are detailed in order of priority, taking into consideration all those matters that would be considered by ORC.	Accept in part.
7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	amend	Schedule 2D.2: That the word "may" be deleted and the matters that would be considered in setting minimum flows are detailed in order of priority, taking into consideration all those matters that would be considered by ORC.	Accept in part.

64 Trustpower Limited

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	amend	Amend sub-paragraph (a) in Schedule 2D.1 and 2D.2 to include a presumption that for Hydro Electric Power Schemes the consented minimum flow requirements and allocation will not be altered unless there is a demonstrable adverse effect on instream values. Or Any similar amendments to like effect.	Reject.
7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	amend	Amend sub-paragraph (f) or (g) in Schedule 2D.1 and sub-paragraph (g) in Schedule 2D.2 to expressly recognise the value of existing infrastructure and water used for renewable electricity generation. Or Any similar amendments to like effect.	Accept in part.
7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	amend	Amend Schedule 2D.1 and 2D.2 to ensure that water taken for Hydro Electric Power Schemes while not a consumptive use, is adequately taken account of and provided for. Or Any similar amendments to like effect.	Accept in part.
7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	amend	Add to Schedule 2D.1 and 2D.2 a new sub-paragraph to read: (h) the impact on the operation of existing hydroelectric power schemes. Or Any similar amendments to like effect.	Accept in part.
7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	amend	Clarify the meaning and effect of the note to Schedule 2D in a manner that gives effect the matters raised in this submission. Or Any similar amendments to like effect.	Accept in part.
11	Minor and Consequential Changes	amend	Any consequential amendments that stem from the amendment of Schedule 2D.1 and 2D.2 as outlined in this submission.	Accept in part.
16	General Opposition	oppose	In the event that TrustPower's concerns are not adequately addressed that the Plan Change be withdrawn entirely.	Reject.

65 Waitaki Coastal Care

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	I wish to have it amended to 350 l/s during the months (October - April).	Reject.
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	I wish to have the primary allocation limit raised to 300 l/s.	Reject.
19	Matters Beyond the Scope of the Plan Change	not applicable	No decision requested.	Noted.

66 M J O'Connor Family Trust

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	Minimum flow to be set at 150 l/s (15 Sept to 30 May).	Reject.
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	We seek the extension of the irrigation period from 15 September to 30 May.	Reject.
14	Waianakarua - General	oppose	We seek that ORC undertake comprehensive flow monitoring over a period of at least 5 years before implementing minimum flow provisions on consent holders.	Reject.

67 Coastal Otago River Communities

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	We propose that, until such time as a lower level can be reliably demonstrated as safe, the May to Sept minimum flow [35 l/s] be retained year-round.	Reject.
13	Trotters - General	did not specify	We also believe policies are need to ensure that the creek has adequate flow variability to maintain habitat and provide for key aquatic function in case of consents for supplementary take being sought in the future.	Accept in part.

68 Trevor and Elizabeth Norton

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
13	Trotters - General	oppose	No decision requested.	Noted.

69 Graeme John Thompson

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
13	Trotters - General	oppose	No decision requested.	Noted.

70 Liz and Paul Bartlett

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
13	Trotters - General	oppose	Remain with the status quo.	Reject.

71 William Porteous McKerrow

REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	An amendment to reduce the minimum flow from 200 l/s to 150 l/s.	Reject.
6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	amend	An amendment to make the summer flow from mid may to mid September (this could be at a higher flow rate to assist fish in the spawning season).	Reject.

101 TrustPower Limited (TrustPower)

SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
62/7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	Oppose	Oppose the request to include for consideration "Any relevant matter required to give full effect to section 6 of the Resource Management Act" in Schedule 2D.1	Accept.

102 Department of Conservation

SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
19/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
19/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
20/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
20/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
21/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
21/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
22/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
22/6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
23/6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
24/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.

SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
25/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Support	Support that the minimum flow regime and abstraction allocation limits be designed to mimic natural flow patterns and provide for variability as much as possible.	Accept.
25/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
26/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Support	Support a better system for preserving the character of the Trotters Creek catchment.	Accept in part.
26/6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Support	Support a better system for preserving the character of the Waianakarua River catchment.	Reject.
26/13	Trotters - General	Support	Support policies to ensure Trotters Creek has adequate flow variability to maintain habitat and to provide for key aquatic function in case of consents for supplementary being sought in future.	Accept in part.
26/14	Waianakarua - General	Support	Support policies to ensure the Waianakarua River has adequate flow variability to maintain habitat and to provide for key aquatic function in case of consents for supplementary being sought in future.	Accept in part.
28/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
28/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
29/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
31/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
33/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
34/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
34/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.

SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
34/6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
34/6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
34/7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	Support	Support addition of new (h) and (i) in 2D.2 re Schedule 1D cultural values and any other Part 2 matter.	Reject.
35/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
35/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
35/6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
35/7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	Support	Support addition of new item (h) in 2D.2 re any other Part 2 matter.	Reject.
37/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
37/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
40/6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
40/6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
43/15	General Support	Support	Support that rivers be managed by way of a maximum allocation for abstraction, as well as a minimum flow.	Accept.
43/4	Schedule 2A Luggate Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
43/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.

SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
43/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
43/6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
43/6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
44/1.3	Policy 6.4.5 Waianakarua - Minimum flows established apply to resource consents for taking of water	Neither support nor oppose	No decision requested.	Noted.
44/2.2	Rule 12.1.4.2 Waianakarua - Taking of surface water as primary allocation	Neither support nor oppose	No decision requested.	Noted.
59/4	Schedule 2A Luggate Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Support	Support delaying introducing a minimum flow for Luggate Creek until one is calculated on robust information.	Reject.
59/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Support	Support delaying introducing a minimum flow for Trotters Creek until one is calculated on robust information.	Reject.
59/6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Support	Support delaying introducing a minimum flow for the Waianakarua River until one is calculated on robust information.	Reject.
60/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.
66/6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Neither support nor oppose	No decision requested.	Noted.

103 MC Holland Farming

SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
35/6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Oppose	Disallow the request for a minimum flow of 300 l/s.	Accept.
43/6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Oppose	Disallow the Otago Conservation Board request to allocate no water from the Waianakarua River and look at ways to reduce existing allocation, or if that is unachievable apply a year-round 400 l/s minimum flow; and to apply a maximum primary allocation limit.	Accept.

43/19	Matters Beyond the Scope of the Plan Change	Oppose	Disallow the request that all costs of monitoring and administration of the minimum flow be borne directly by the abstractive beneficiaries.	Noted.
65/6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Oppose	Disallow the request for a minimum flow of 350 l/s and a primary allocation limit of 300 l/s.	Accept.

104 Otago Fish and Game

SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
17/7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	Oppose	Oppose request to set minimum flow as low as zero where streams have been dry on occasions over the past 50 years plus.	Accept.
34/7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	Support	Support request that water quantity issues be integrated with water quality.	Accept.
35/7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	Support	Support addition of new item (h) in 2D.2 re any other Part 2 matter.	Reject.
43/4	Schedule 2A Luggate Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Support in part	Support in part that the summer/autumn season minimum flow for Luggate Creek be set at 300 l/s.	Reject.
57/12	Luggate - General	Oppose	Oppose request that current water rights that have constantly been used over the last 20 years and longer are fully respected with no restriction being placed on those rights.	Accept in part.
59/4	Schedule 2A Luggate Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Oppose	Oppose the request to amend the minimum flow to provide for no derogation of existing consents' reliability.	Accept.
59/4	Schedule 2A Luggate Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Oppose	Oppose the request to delay introducing a minimum flow until it is calculated on robust information.	Accept.
59/7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	Oppose	Oppose including an assessment matter re effect on economic viability of existing users and reliability of supply.	Accept in part.
61/4	Schedule 2A Luggate Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Support	Support request to re-evaluate minimum flow if take figures or conditions of the take change, or if further water is applied for that may affect Luggate Creek.	Reject.
62/7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	Support	Support addition to start of 2D.1 item requiring consideration of matters required to give effect to RMA s6.	Reject.
62/7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	Support	Support addition of new item (i) in 2D.2 re any other Part 2 matter.	Reject.
64/7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	Oppose	Oppose amendment of (a) in Schedules 2D.1 and 2D.2 to include presumption that for hydro schemes, consented minimum flow requirements and allocation will not be altered unless there is a demonstrable effect on instream values.	Accept.

64/7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	Oppose	Oppose amendment of (f) or (g) in Schedule 2D.1 and (g) in 2D.2 to expressly recognise the value of existing infrastructure and water used for renewable electricity generation.	Accept in part.
64/7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	Oppose	Oppose amendment of Schedules 2D.1 and 2D.2 to ensure water taken for HEPS is adequately taken account of and provided.	Accept in part.
64/7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	Oppose	Oppose inclusion of new (h) in Schedules 2D.1 and 2D.2 to consider impact on operation of existing HEPS.	Accept in part.

105 Central South Island Fish and Game

SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
23/6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Oppose	Oppose submissions requesting a minimum flow of 150 l/s on the Waianakarua during 15 Sept to 30 May.	Accept.
44/1.3	Policy 6.4.5 Waianakarua - Minimum flows established apply to resource consents for taking of water	Oppose	Oppose submissions requesting no minimum flow be implemented in Trotters and Waianakarua catchments.	Accept.
44/2.2	Rule 12.1.4.2 Waianakarua - Taking of surface water as primary allocation	Oppose	Oppose submissions requesting no minimum flow be implemented in Trotters and Waianakarua catchments.	Accept.
44/6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Oppose	Oppose submissions requesting a minimum flow of 150 l/s on the Waianakarua during 15 Sept to 30 May.	Accept.
47/6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Oppose	Oppose submissions requesting a minimum flow of 150 l/s on the Waianakarua during 15 Sept to 30 May.	Accept.
48/6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Oppose	Oppose submissions requesting a minimum flow of 150 l/s on the Waianakarua during 15 Sept to 30 May.	Accept.
50/6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Oppose	Oppose submissions requesting a minimum flow of 150 l/s on the Waianakarua during 15 Sept to 30 May.	Accept.
59/5	Schedule 2A Trotters Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Oppose	Oppose requests to delay introducing minimum flows in Trotters and Waianakarua catchments.	Accept.
59/6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Oppose	Oppose requests to delay introducing minimum flows in Trotters and Waianakarua catchments.	Accept.
66/6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Oppose	Oppose submissions requesting a minimum flow of 150 l/s on the Waianakarua during 15 Sept to 30 May.	Accept.
66/14	Waianakarua - General	Oppose	Oppose requests to delay introducing minimum flows in Trotters and Waianakarua catchments.	Accept.

69/13	Trotters - General	Oppose	Oppose submissions requesting no minimum flow be implemented in Trotters and Waianakarua catchments.	Accept.
70/13	Trotters - General	Oppose	Oppose submissions requesting no minimum flow be implemented in Trotters and Waianakarua catchments.	Accept.
71/6	Schedule 2A Waianakarua Catchment - Schedule of minimum flows for primary allocation and primary allocation limits	Oppose	Oppose submissions requesting a minimum flow of 150 l/s on the Waianakarua during 15 Sept to 30 May.	Accept.

106 Otago Water Resource Users Group (OWRUG)

SUBMITTER / REF	PROVISION	POSITION	SUBMITTER DECISION REQUESTED	RECOMMENDED DECISION
34/7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	Oppose	Opposes requested addition to Schedule 2D.2 of the consideration of cultural values of Ngai Tahu as expressed in Schedule 1D and any other relevant matter in giving effect to Part 2 of the RMA.	Accept.
35/7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	Oppose	Opposes requested addition to Schedule 2D.2 of the consideration of any other relevant matter in giving effect to Part 2 of the RMA, to take into account the natural character and aquatic values.	Accept.
43/19	Matters Beyond the Scope of the Plan Change	Oppose	Opposes request that abstractors should meet the cost of monitoring and administering minimum flows and proving.	Noted.
43/19	Matters Beyond the Scope of the Plan Change	Oppose	Opposes request that an abstraction resource consent should include a condition that where the ecological conditions of a river are compromised by lack of flow due to an abstraction, the resource consent conditions shall be modified accordingly.	Noted.
62/7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	Oppose	Opposes requested addition to Schedule 2D.1 of the consideration: Any relevant matters required to give full effect to section 6 of the RMA.	Accept.
62/7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	Oppose	Opposes requested addition to Schedule 2D.2 of the consideration of any other relevant matter in giving effect to Part 2 of the RMA, to take into account the natural character and aquatic values.	Accept.
63/7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	Support	Supports request to remove the ambiguity by deleting the word "may" where it appears in Schedules 2D.1 and 2D.2.	Accept.
63/7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	Oppose	Opposes request to prioritise the list of considerations in Schedules 2D.1 and 2D.2.	Accept.
64/7	Schedule 2D - Schedule of matters to be considered when setting minimum flows and allocation limits	Support in part	Support in part the requested amendment of the considerations in Schedules 2D.1 and 2D.2 to: - Expressly recognise the value of existing infrastructure and water used for renewable electricity generation; and - To reflect the impact on the operation of existing hydro electric power schemes.	Accept in part.

Part D: Proposed Plan Change 1B (Minimum Flows) incorporating Council's Decisions

Regional Plan: Water for Otago

Otago Regional Council

Updated to ~~1 September 2006~~ <Date to be inserted>

ISBN ~~1-877265-29-2~~ <New number needed>

Please note that there is an accompanying volume of maps (ISBN ~~1-877265-30-6~~ <New number to be obtained and inserted>) which identifies features and areas referred to in this Plan.

All grid references used in this Plan are based on the NZMS 260 Series.

The Waitaki Catchment Water Allocation Regional Plan added new definitions to the Glossary of this Plan. The new definitions only apply where the terms are underlined in this Plan.

Chronicle of Key Events

Key event	Date notified	Date decisions released	Date operative
Regional Plan: Water	28 February 1998	7 July 2000	1 January 2004
Variation No. 1 to the Regional Plan: Water	3 October 1998	7 July 2000	1 January 2004
Waitaki Catchment Water Allocation Regional Plan	19 February 2005	30 September 2005	3 July 2006
Plan Change 1A to the Regional Plan: Water	17 August 2005	1 April 2006	1 August 2006
<u>Plan Change 1B to the Regional Plan: Water</u>	<u>20 December 2008</u>	<u>31 October 2009</u>	<u><Date to be inserted></u>

Table of Contents

1.	Introduction	1
1.1	Plan purpose	2
1.2	Area covered by this Plan	2
1.3	Plan structure	3
1.4	Process of Plan preparation.....	4
1.5	Integrated management	6
2.	Legislative and Policy Framework	7
2.1	Introduction.....	8
2.2	Relationship to other resource management documents	8
2.3	Other resource management documents	13
3.	Regional Description.....	15
3.1	Introduction to the water resources of Otago.....	16
3.2	The water resources of Otago	16
3.3	Subregions of Otago	18
4.	Kai Tahu ki Otago: Water Perspective	23
4.1	Whakatauki	24
4.2	Tauparapara.....	24
4.3	Manawhenua	24
4.4	Kai Tahu’s water resource objective.....	24
4.5	Kaitiakitanga	24
4.6	Mauri	25
4.7	Cultural importance	25
4.8	Mahika kai	25
4.9	Legislative recognition.....	25
4.10	Natural Resource Management Plan.....	26
4.11	Management of waters	26
4.12	Identifying Kai Tahu cultural and spiritual beliefs, values and uses	27
4.13	Issues of concern to Kai Tahu.....	27
5.	Natural and Human Use Values.....	33
5.1	Introduction.....	34
5.2	Issues	35
5.3	Objectives	37
5.4	Policies identifying and protecting natural and human use values of lakes and rivers	40
5.5	Anticipated environmental results	50
6.	Water Quantity	51
6.1	Introduction.....	52
6.2	Issues	53
6.3	Objectives	55
6.4	Policies applying to the taking of water	58
6.5	Policies regulating the management of lake levels, and the damming, diversion and augmentation of rivers	75
6.6	Policies for the promotion of management of water resources by users.....	79
6.6A	Policies relating to the Waitaki catchment.....	80
6.7	Anticipated environmental results	83

7.	Water Quality	85
7.1	Introduction.....	86
7.2	Issues in general.....	86
7.3	Issues related to point source discharges to water	87
7.4	Issues related to non-point source discharges to water	89
7.5	Objective	90
7.6	Policies for the enhancement of water quality	91
7.7	Policies for point source discharges.....	93
7.8	Policies for non-point source discharges	100
7.9	Anticipated environmental results	104
8.	The Beds and Margins of Lakes and Rivers	107
8.1	Introduction.....	108
8.2	Issues.....	109
8.3	Objectives	111
8.4	General policies	112
8.5	Policies applying to structures	114
8.6	Policies applying to bed or margin disturbance	117
8.7	Policies applying to vegetation	120
8.8	Policies applying to reclamation and deposition.....	121
8.9	Anticipated environmental results	122
9.	Groundwater.....	125
9.1	Introduction.....	126
9.2	Issues.....	126
9.3	Objectives	129
9.4	Policies.....	131
9.5	Anticipated environmental results	143
10.	Wetlands.....	145
10.1	Introduction.....	146
10.2	Issues.....	147
10.3	Objective	148
10.4	Policies.....	148
10.5	Anticipated environmental results	153
11.	Introduction to the Rules.....	155
11.1	Introduction.....	156
11.2	Guide to the rules	157
11.3	Relationship to other legislation and plans	162
12.	Rules: Water Use and Management.....	165
12.1	The taking of surface water.....	166
12.2	The taking of groundwater.....	178
12.3	The damming or diversion of water.....	184
12.4	Discharge of stormwater	189
12.5	Discharge of drainage water	191
12.6	Discharge of human sewage	192
12.7	Discharge of pesticides	194
12.8	Discharge of agricultural waste and fertiliser	197
12.9	Discharges from drilling and bore testing.....	201
12.10	Discharges from vessels.....	203
12.11	Discharge of water or tracer dye	204
12.12	Discharges from dams and reservoirs	207

12.13 Other discharges.....	208
13. Rules: Land Use on Lake or River Beds	209
13.1 The use of a structure	210
13.2 The erection or placement of a structure.....	211
13.3 The extension, alteration, replacement or reconstruction of a structure	214
13.4 Demolition or removal of a structure.....	216
13.5 Alteration of the bed of a lake or river.....	218
13.6 The introduction or planting of vegetation.....	223
13.7 The removal of vegetation	224
14. Rules: Land Use other than in Lake or River beds	227
14.1 Bore construction	228
14.2 Drilling.....	229
14.3 The erection, placement, extension, alteration, replacement, reconstruction, demolition or removal of a defence against water other than on the bed of any lake or river	230
14.4 Structures other than defences against water on the margins of lakes and rivers	231
15. Methods other than Rules.....	233
15.1 Introduction.....	234
15.2 Liaison.....	234
15.3 Information channels	237
15.4 Promotion and education	239
15.5 Codes of practice and environmental management systems.....	241
15.6 Remedial works	242
15.7 Deemed permits	242
15.8 Methods for apply minimum flows.....	243
15.9 Gathering of information	244
16. Information Requirements	247
16.1 Introduction.....	248
16.2 General information required.....	248
16.3 Specific information requirements.....	249
16.4 Provision of further information	256
17. Financial Contributions.....	257
17.1 Introduction.....	258
17.2 Circumstances, purpose and method of determining contribution amount.....	259
17.3 Financial contribution assessment criteria	262
18. Cross-boundary Issues.....	265
18.1 Introduction.....	266
18.2 Methods.....	266
19. Monitoring and Review	269
19.1 Introduction.....	270
19.2 Elements to be monitored	270
19.3 Monitoring techniques	270
19.4 Review	271

20. Schedules	273
Table of Contents for Schedules 1 to 14	274
1 Schedule of natural and human use values of Otago’s surface water bodies.....	275
1A Schedule of natural values	277
Sources for information contained in Schedule 1A.....	317
1B Schedule of water supply values.....	319
1C Schedule of registered historic places.....	323
1D Schedule of spiritual and cultural beliefs, values and uses of significance to Kai Tahu	325
2 Schedule of specified restrictions on the exercise of permits to take surface water	331
2A Schedule of specific minimum flows for primary allocation takes and limits	331
2B Schedule of the first supplementary allocation for the Kakanui River	333
2D <u>Schedule of matters to be considered when setting minimum flows and Allocation limits</u>	###
3 Schedule of human use values of Otago’s aquifers	335
3A Schedule of human uses of particular aquifers	335
3B Schedule of groundwater takes for the purpose of community water supply.....	336
4 Schedule of specified restrictions on the exercise of permits to take groundwater	337
5 Schedule of limits to instantaneous take of groundwater.....	341
6 Schedule of water bodies where damming is prohibited	343
7 Schedule of water bodies sensitive to suction dredge mining.....	345
8 Schedule of requirements for discharge of animal wastes	351
9 Schedule of significant wetlands.....	353
Bibliography of references to Schedule 9	381
10 Schedule of additional wetlands	383
11 Water Conservation (Kawarau) Order	387
12 Schedule of coastal marine area boundaries	395
13 Schedule of transitional provisions repealed by this Regional Plan: Water	411
14 The Lake Wanaka Preservation Act 1973.....	415
21. Glossary	419
22. Appendices	441
1 The Macroinvertebrate Community Index.....	442
2 Mining privileges in respect of water (deemed permits)	444
3 Ngai Tahu Claims Settlement Act Statutory Acknowledgements	445

Table of Figures

Figure 1: Map of Otago	3
Figure 2: Overview of the resource management framework	8
Figure 3: Map of subregions of Otago.....	18
Figure 4: Key steps to determine whether a proposed activity is allowed	160

Table of Tables

Table 1: Issues related to over-abstraction in significant Otago aquifers	127
Table 2: Index to Regional Plan: Water rules	161
Table 3: Codes for ecosystem values supported by lakes and rivers	277
Table 4: Codes for Kai Tahu beliefs, values and uses ascribed to water bodies.....	325
Table 5: MCI ranges for different stream and river habitat types	442
Table 6: Water bodies with degraded water quality for aquatic habitats	443

1

Introduction



Plan purpose

The Otago Regional Council has prepared this Regional Plan: Water to meet its responsibilities under the Resource Management Act 1991. The purpose of this Plan is to provide a framework for the integrated and sustainable management of Otago's water resources. These water resources include the region's lakes, rivers, groundwater and wetlands.

Many activities involving water or water bodies can only occur if they are expressly allowed by a rule in a regional plan, or by a resource consent, including:

- Certain activities in, on, under or over the beds of lakes and rivers (Section 13 of the Resource Management Act).
- The taking, use, damming or diversion of water (Section 14 of the Resource Management Act).
- The discharge of water into water (Section 15 of the Resource Management Act).
- The discharge of contaminants into water or onto or into land in circumstances which may result in that contaminant entering water (Section 15 of the Resource Management Act).

Land use activities are generally allowed unless a rule in a regional plan, or a district plan requires otherwise (Section 9 of the Resource Management Act).

The preparation of a Regional Plan: Water is optional under the Resource Management Act. This Plan contains provisions to avoid the need for resource consents for activities which have no more than minor adverse effects on the environment. For other activities, the rules provide a clear direction for resource users and the community.

The Plan also contains other methods for promoting the sustainable and integrated management of Otago's water resources.

Area covered by this Plan

This Plan covers all of the fresh water resources in the Otago Region (Figure 1). These include the region's lakes, rivers, groundwater and wetlands. This Plan does not cover coastal waters except where activities on land may affect such waters. Activities within the coastal marine area are covered by the Regional Plan: Coast (also shown in Figure 1).

This Plan applies across Otago encompassing the five territorial local authority districts:

- Waitaki (only that part in the Otago Region. Part of Waitaki District lies in the Canterbury Region and that part of the District is not covered by this Plan);
- Dunedin City;
- Clutha;
- Central Otago; and
- Queenstown Lakes.

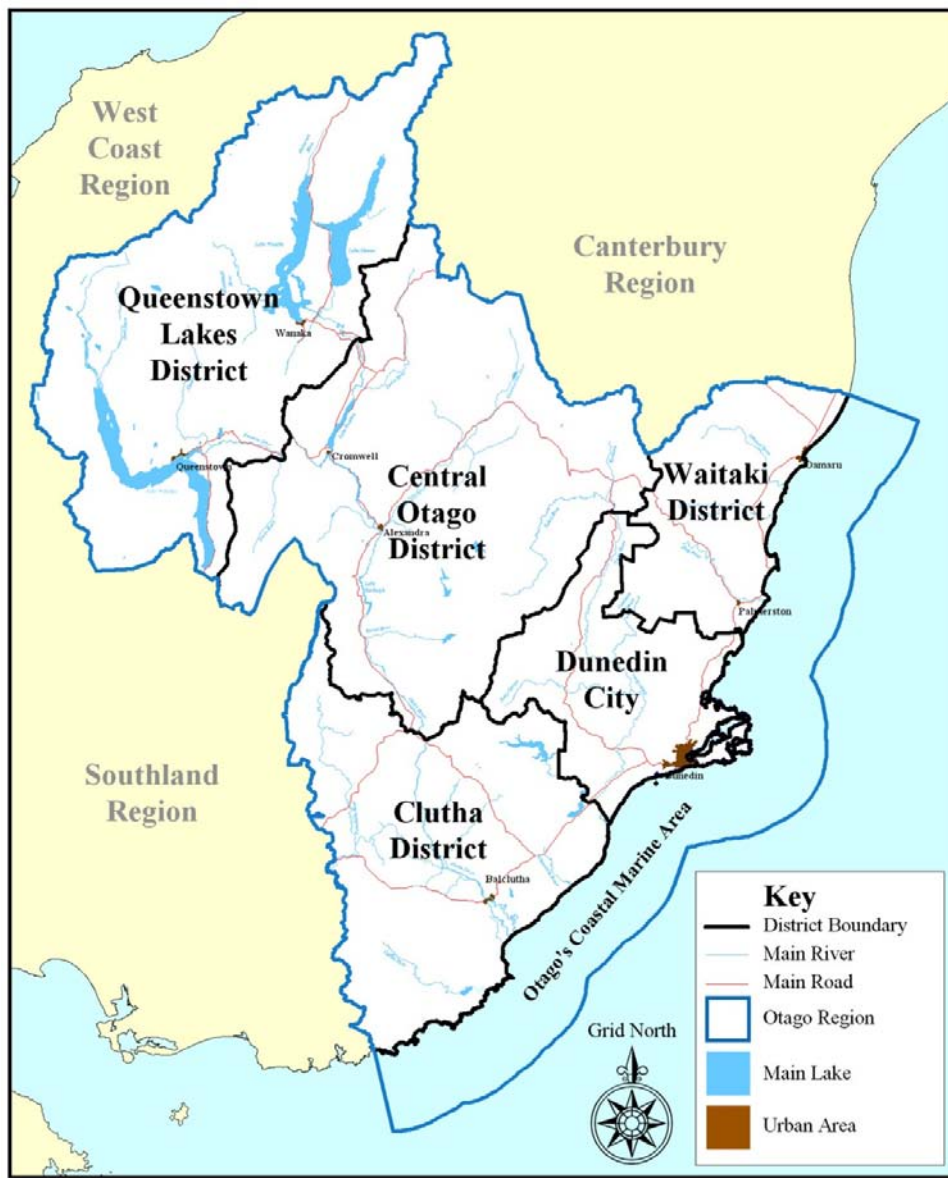


Figure 1: Map of Otago

Plan structure

This Plan is divided into a number of parts:

Chapters 1 to 4

These chapters introduce the Plan, describe the legislative framework relating to water, provide a brief overview of Otago’s water resources and outline the perspective of, and issues of concern to, Kai Tahu, Otago’s manawhenua.

Chapters 5 to 10

These chapters identify the water management issues in Otago, and contain the objectives and policies with respect to these issues. These provisions will guide the Otago Regional Council, and other consent authorities, when considering resource consent applications. The chapters also detail the environmental results anticipated from the implementation of this Plan. Each chapter addresses a particular aspect of Otago’s water resource:

- Chapter 5: Natural and Human Use Values of Lakes and Rivers.
- Chapter 6: Water Quantity.
- Chapter 7: Water Quality.
- Chapter 8: Beds and Margins of Lakes and Rivers.
- Chapter 9: Groundwater.
- Chapter 10: Wetlands.

Chapters 11 to 14

These chapters contain the rules applying to the use of water and water bodies. When considering undertaking an activity which may affect water or water bodies, these are the rules that must be followed.

Chapter 15

This chapter identifies the methods other than rules that the Otago Regional Council intends to use to assist in the achievement of this Plan's objectives.

Chapters 16 to 19

These chapters identify the main administrative requirements for the use of Otago's water resources, and specify the information required with any resource consent application, the circumstances where a financial contribution may be required, how issues which cross jurisdictional boundaries will be dealt with, and the processes for reviewing and monitoring the Plan.

Schedules - Chapter 20

The schedules are an important supplement to the other chapters, providing details of the values and specific management requirements of particular water resources.

Glossary and Appendices

These provide additional explanations including a glossary of key terms used in this Plan.

Maps

This Plan contains maps (in a separate volume) to be used in conjunction with the provisions of the Plan.

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 <date to be inserted>. Plan Change 1B was made operative on <date to be inserted>.¹

Satisfying Section 32 of the Act

Section 32 of the Resource Management Act 1991 requires councils, before adopting any objective, policy, rule, or other method, to have regard to:

¹ Dec B9

- Alternatives that may be available; and
- The reasons for and against options, including their costs and benefits.

The Otago Regional Council considered these matters in preparing this Plan and is satisfied that the selected objectives, policies and methods are necessary in achieving the purpose of the Resource Management Act 1991 and are the most appropriate means having regard to their efficiency and effectiveness. The community feedback received on the Consultative Draft Regional Plan: Water, followed by the submissions, further submissions and appeals on decisions made with respect to the Proposed Regional Plan: Water, assisted the Council to make this evaluation.

Integrated management

This Regional Plan: Water promotes the sustainable management of Otago's water resources. To achieve this, the Plan takes an holistic, integrated approach to resource management, which includes:

- Integration of management responses across resource management agencies.
- Integration toward shared environmental outcomes.
- Integration of policies, action and decision-making needs to be coordinated across regional boundaries.
- Integration of management responses across resource systems.
- Integration of actions across a range of time scales.
- Integration of decision-making with community participation.
- Integration of methods to be used to implement policies.
- Integration across individual decisions.

Although this Plan comprises discrete chapters, these should not be viewed in isolation, as the Plan needs to be read as a whole. The Plan should also be read in conjunction with the Resource Management Act, the Regional Policy Statement for Otago, other relevant Otago regional plans and any relevant district plan. Chapter 2 provides more detail on relationships among resource management documents.

To assist the achievement of an holistic approach to resource management, and to assist users to read the Plan as a whole, this Plan uses a system of cross-referencing to link issues, objectives, policies, rules and methods. Within this system:

- Each issue refers to the relevant objectives and policies in its chapter;
- Each objective refers to the relevant policies in its chapter;
- Each policy refers to the relevant rules in Chapters 12 to 14, and/or the other methods in Chapter 15; and
- Where necessary, particular provisions refer to another chapter if it contains provisions which are significantly relevant.

6

Water Quantity



- 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, ~~upon the operative date of this Plan~~ 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 and Waipiata 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 Waipiata, and between Waipiata and Sutton, the minimum flow provisions ~~apply from the operative date of the Plan~~, 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 Waipiata, and between Waipiata 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 Waipiata, and between Waipiata 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, 12.2.3.1

Other methods: 15.9.1.3, 15.9.1.4

12

Rules: Water Use and Management



The taking of surface water

Restricted discretionary activities: Resource consent required

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

Lake Hayes (Map B1),
Shag (Map B3),
Trotters (Map B3),
Waianakarua (Map B3),
Taieri Catchment upstream of Paerau (Map B4),
Taieri Catchment Sutton to Outram (Maps B4 and B5),
Water of Leith (Map B5),
Waitahuna (Map B5), and
Lake Tuakitoto (Map B5):

- (i) This rule applies to the taking of surface water, as primary allocation, in the above catchment areas, and subject to the minimum flows specified in Schedule 2A.
- (ii) 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 conditions of all existing consents will be reviewed by the Otago Regional Council under Sections 128 to 132 of the Act to enable the minimum flows set in Schedule 2A to be met, the volume and rate of take to be measured in accordance with Policy 6.4.16 and the taking to be subject to Rule 12.1.4.9, as soon as practicable after the Plan becomes operative.

12.1.4.4 Taking 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), and
Taieri Catchment Waipiata 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 and Waipiata 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 and Waipiata to Sutton, shall not apply to any consents referred to in clause (i), paragraphs (a) to (c) of this rule until the review of consent conditions set out in clause (iv) of this rule occurs.

12.1.4.5 Taking of surface water as primary allocation applied for prior to 28 February 1998 in catchments not listed in Schedule:

- (i) This rule applies to the taking of surface water, as primary allocation, in catchment areas not listed in Schedule 2A, if the taking was the subject of a resource consent or other authority:
 - (a) Granted before 28 February 1998, or
 - (b) Granted after 28 February 1998, but was applied for prior to 28 February 1998; or
 - (c) Granted to replace a resource consent or authority of the kind referred to in paragraph (a) or (b).
- (ii) 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.
- (iiA) The taking of surface water in the Waitaki catchment to which this rule applies is a ***restricted discretionary*** activity provided that by itself or in combination with any other take, use, dam, or diversions, the sum of the annual volumes authorised by resource consent, does not exceed the allocation to activities set out in Table 12.1.4.4A. 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) Takes to which this rule applies will not be subject to a minimum flow condition until the minimum flow has been determined by investigation and added to Schedule 2A by a plan change.

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

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

- (i) This rule applies to the taking of surface water as primary allocation in catchment areas not listed in Schedule 2A, and not subject to Rule 12.1.4.5.
- (ii) 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.
- (iiA) The taking of surface water in the Waitaki catchment to which this rule applies is a **restricted discretionary** activity provided that by itself or in combination with any other take, use, dam, or diversions, the sum of the annual volumes authorised by resource consent, does not exceed the allocation to activities set out in Table 12.1.4.4A. 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) Minimum flows for catchments not listed in Schedule 2A will be set on a case-by-case basis such that any minimum flow set will allow the taking of water, while providing for the aquatic ecosystems and natural character of the catchment water bodies and the taking to be subject to Rule 12.1.4.9.
- (iv) The minimum flows set on a case-by-case basis will continue to apply until investigations have established the appropriate minimum flow. The new minimum flow will be added to Schedule 2A by a plan change and Rule 12.1.4.2 or Rule 12.1.4.4 will then apply.

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

This schedule provides specified minimum flows applying to the taking of surface water within primary allocation from catchments identified in Maps B1 to B5. The first supplementary water allocations and minimum flows for takes from the Kakanui catchment are also provided for. The schedule should be read in conjunction with the policies contained in section 6.4.

Schedule 2A specifies minimum flows that apply to the primary allocation water taken from the Shag, Kakanui, Water of Leith, Taieri, Lake Hayes, Manuherikia, Waitahuna, Waianakarua, Trotters, Luggate and Lake Tuakitoto catchments, as mapped in B1 to B5.

The last column of Schedule 2A also specifies the primary allocation limit in accordance with Policy 6.4.2(a)(i) for the whole catchments of the rivers and lakes. The catchment areas for the primary allocation limits set by Policy 6.4.2(a)(i) may be larger than those specified on Maps B1 to B5.

Schedule 2B provides the first supplementary allocations for the Kakanui catchment. Further-supplementary allocation may be granted under Policies 6.4.9 and 6.4.10.

The minimum flows in this schedule were able to be established because there are monitoring sites for these catchments with adequate flow records, which have enabled the effects of taking on those flows to be determined.

Schedule 2 identifies minimum flows in litres per second and the site at which flows will be monitored. When the minimum flow is reached, consents to take water from the identified catchment will cease or will be suspended by the Otago Regional Council, in accordance with Policy 6.4.11 of this Plan.

The flows listed in Schedule 2, which trigger suspension, use the instantaneous flow rates.

Schedule 2D identifies matters to be considered when making additions to these schedules through a plan change.

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

The following schedule:

1. Identifies the minimum flows that apply to the taking of surface water within primary allocation from the catchments shown in Maps B1 to B5. Maps B1-B5 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)(i). That limit is exceeded in catchments where the consented takes as at 28 February 1998 set a higher limit in accordance with Policy 6.4.2(a)(ii). The catchments in which the limit set by Policy 6.4.2(a)(i) is exceeded by Policy 6.4.2(a)(ii) are the Shag, Kakanui, Taieri, Lake Hayes, Luggate and Manuherikia.

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

Catchment See Maps B1-B5	Monitoring Site (with MS number) See Maps B1-B5	Minimum flow (litres per second)	Primary Allocation Limits in accord with Policy 6.4.2(a)(i)
Shag catchment (both minimum flows apply)	Goodwood Pump (MS 1) Craig Road (MS 2)	28 150	280 litres/sec <i>Shag catchment from mouth to headwaters</i>
Kakanui catchment (a) October to April inclusive	Mill Dam (MS 3) and McCones (MS 3b)	250 (300 for secondary permits) If 250 breached, flow must return to 400 before taking can recommence.	750 litres/sec <i>Kakanui catchment from mouth to headwaters excluding the Waiareka Creek and Island Stream catchments.</i>
(b) May to September inclusive	Clifton Falls (MS 3a) Mill Dam (MS 3) and McCones (MS 3b)	400 for primary and secondary permits	
<u>Trotters catchment</u>	<u>Mathesons Weir (MS 12)</u>	<u>8 10 (October to April)</u> <u>35 (May to September)</u>	<u>30 15 litres/sec</u> <u><i>Trotters catchment from mouth to headwaters</i></u>
<u>Waianakarua catchment</u>	<u>Browns Pump (MS 13)</u>	<u>200 (October to April)</u> <u>400 (May to September)</u>	<u>190 litres/sec</u> <u><i>Waianakarua catchment from mouth to headwaters</i></u>
Water of Leith catchment	Water of Leith at University Footbridge (MS 4)	94	140 litres/sec <i>Water of Leith catchment from mouth to headwaters</i>
Taieri River upstream of Paerau	Paerau Dam (MS 5a)	850	4860 litres/sec <i>Taieri River catchment from mouth to headwaters.</i>
Taieri River catchment between Paerau and Waipiata	Taieri River at Waipiata (MS 5)	1000	
Taieri River catchment between Waipiata and Sutton	Taieri River at Sutton (MS 6)	1250	
Taieri River catchment between Sutton and Outram	Taieri River at Outram (MS 6a)	2500	
Lake Hayes catchment area	Mill Creek at Fish Trap (MS 7)	180	260 litres/sec <i>Lake Hayes catchment from lake outlet to headwaters</i>
<u>Luggate catchment</u>	<u>SH6 Bridge (MS 11)</u>	<u>180 (November to April)</u> <u>500 (May to October)</u>	<u>500 litres/sec</u> <u><i>Luggate catchment from mouth to headwaters</i></u>
Manuherikia River catchment upstream of Ophir	Manuherikia River at Ophir (MS 8)	820	3200 litres/sec <i>Manuherikia catchment from mouth to headwaters</i>
Waitahuna River catchment	Waitahuna River at Tweeds Bridge (MS 9)	450	650 litres/sec <i>Waitahuna catchment from mouth to headwaters</i>
Lake Tuakitoto catchment	Lovells Creek at SH1 (MS 10)	5	30 litres/sec <i>Lake Tuakitoto catchment from mouth to headwaters</i>

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

2B Schedule of the first supplementary allocations blocks and specific minimum flows for the Kakanui River in accordance with Policy 6.4.9(c)

<u>Catchment</u> <u>See Maps B1-B5</u> <u>& Supplementary</u> <u>Block Number</u>	<u>Minimum Flow (litres per second =</u> <u>instantaneous flow) at the monitoring</u> <u>site(s) that trigger the minimum flow-See</u> <u>Maps B1-B5</u>	<u>Supplementary Allocation</u> <u>limit Block (litres per</u> <u>second = as calculated on</u> <u>an instantaneous basis</u> <u>flow)</u>
<u>Trotters catchment</u> <u>(first supplementary</u> <u>allocation block)</u>	<u>October to April: 30</u> <u>at Mathesons Weir (MS 12)</u>	<u>15</u>
	<u>May to September: 50</u> <u>at Mathesons Weir (MS 12)</u>	<u>15</u>
<u>Trotters catchment</u> <u>(second supplementary</u> <u>allocation block)</u>	<u>October to April: 60</u> <u>at Mathesons Weir (MS 12)</u>	<u>30</u>
	<u>May to September: 80</u> <u>at Mathesons Weir (MS 12)</u>	<u>30</u>
<u>Trotters catchment</u> <u>(third supplementary</u> <u>allocation block)</u>	<u>October to April: 90</u> <u>at Mathesons Weir (MS 12)</u>	<u>30</u>
	<u>May to September: 110</u> <u>at Mathesons Weir (MS 12)</u>	<u>30</u>

Note: All minimum flows in Schedule 2A and 2B are instantaneous flows.

2D Schedule of matters to be considered when setting minimum flows and allocation limits

Primary allocation limits and minimum flows will be added to Schedule 2A, to give effect to the objectives and policies in this Plan, through the plan change process following scientific investigation and consultation with the community and affected parties. The lists in 2D.1 and 2D.2 identify matters to which consideration will be given when setting these flows and limits. The lists are not exhaustive and consideration will be given to these and any other relevant matters.

2D.1 When setting minimum flows in Schedule 2A for a catchment, consideration will be given to the following matters:

- (a) Any existing or previous minimum flow regime or residual flow;**
- (b) The 7-day mean annual low flow;**
- (c) Interaction among water bodies;**
- (d) Ecological values, including the need for flow variability;**
- (e) Demand for water, including community water supplies;**
- (f) Existing water uses and associated infrastructure;**
- (g) Environmental, social, cultural, recreational and economic costs and benefits of taking and using water; before and after the implementation of a minimum flow regime; and**
- (h) Any other relevant matter in giving effect to Part 2 of the Resource Management Act.**

2D.2 When setting primary allocation limits in Schedule 2A for a catchment, consideration will be given to the following matters:

- (a) Amount of water currently allocated as primary allocation;**
- (b) Amount of water currently taken as primary allocation;**
- (c) Any other existing taking and using of water;**
- (d) The 7-day mean annual low flow;**
- (e) Proposed minimum flow regime;**
- (f) Possible sources of water;**
- (g) Acceptable duration and frequency of rationing among consented water users; and**
- (h) Social and economic benefits of taking and using water.**

Note: For catchments not included in Schedule 2A, refer to Policy 6.4.4 for determining minimum flows and Policy 6.4.2 for identification of primary allocation.

Consequential and minor changes

Operative Plan provision	Operative Plan page number	Detail of consequential or minor change
Page numbers	All pages	<i>Change page numbers</i>
Footer	All pages	<i>Change each footer to read: Regional Plan: Water for Otago (Updated to 1 September 2006 <date to be inserted>)</i>
New ISBN number	Index (for Maps)	<i>Change the ISBN number to read: ISBN 1-877265-30-6 <New ISBN numbers to be obtained and inserted></i>
Table of Contents	Pages vi – xi	<i>Change page numbers</i>
Map B Index	Not applicable	<i>Add the Waianakarua, Trotters and Luggate catchment boundaries to Map B Index (see Attachment 3).</i> <i>Change the date to read: Updated to 1 September 2006 <date to be inserted></i>
Map B3	Not applicable	<i>Change the date to read: Updated to 1 September 2006 <date to be inserted></i>
Cross – references	As appropriate	<i>Change cross-referencing</i>

Attachment 3: Consequential change to Map B Index

