

# Table of Changes

## Proposed Plan Change 1B (Minimum Flows)

- **Waianakarua River**
  - Trotters Creek
  - Luggate Creek
    - Schedule 2D

# Regional Plan: Water for Otago

## INTRODUCTION

The Otago Regional Council has prepared Proposed Plan Change 1B (Minimum Flows) to the Regional Plan: Water for Otago, to identify matters that may be considered when setting minimum flows and allocation limits, and to establish minimum flows and primary allocation limits for the Waianakarua, Trotters and Luggate catchments. This Table of Changes shows the proposed changes, with reference numbers, to the Regional Plan: Water for Otago and should be read in conjunction with the marked-up version of Proposed Plan Change 1B (Minimum Flows) and the Regional Plan: Water for Otago. The accompanying Section 32 Report (considering alternatives, benefits and costs) is also available.

### Making a submission

Any person may make a submission on Proposed Plan Change 1B (Minimum Flows) to the Regional Plan: Water for Otago. You may do so by sending a written submission to the Otago Regional Council. The submission must be in Form 5, as prescribed by the Resource Management (Forms, Fees, and Procedure) Regulations 2003. Copies of this form are available by phoning the Council on 0800 474 082, or can be found on our website [www.orc.govt.nz](http://www.orc.govt.nz). Submissions may also be made online via the ORC website.

Post to	Otago Regional Council Private Bag 1954 Dunedin 9054		
Fax to	(03) 479 0015		
Email to	policy@orc.govt.nz		
Deliver to	Otago Regional Council 70 Stafford Street Dunedin	William Fraser Building Dunorling Street Alexandra	The Station, First Floor Cnr Shotover and Camp Streets Queenstown
Online at	<a href="http://www.orc.govt.nz">www.orc.govt.nz</a>		

**Submissions close at 5pm on 9 March 2009.**

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<i>Chapter, schedule and map headings relate to those in the operative Regional Plan: Water for Otago</i>	

## TABLE OF PROPOSED CHANGES

Proposed additions to the Water Plan are shown as underlined and proposed deletions are shown as ~~struck-out~~. It should be noted that consequential amendments may arise. Proposed Plan Change 1C (Water Allocation and Use), which is being notified at the same time as this change, may also lead to consequential amendments.

### Key changes

Proposed Plan Provision	Operative Plan Provision	Reference Number	Proposed Change
Policy 6.4.5	Policy 6.4.5	1	<p><b>6.4.5</b> 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:</p> <p>(a) In the case of new takes applied for after 28 February 1998, upon granting of the consent; and</p> <p>(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, <u>Trotters, Waianakarua</u> and Lake Tuakitoto catchment areas as defined in Schedule 2A, <del>upon the operative date of this Plan</del> subject to the review of consent conditions under Sections 128 to 132 of the Resource Management Act; and</p> <p>(c) In the case of any existing resource consent to take surface water from the <u>Luggate catchment area, Manuherikia catchment area (upstream of Ophir) and the Taieri catchment areas Paerau to Waipiata and Waipiata to Sutton</u>, 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...</p> <p><b>Explanation</b> This policy provides for the application of minimum flows to consents as follows:</p> <ol style="list-style-type: none"> <li>1. New takes are subject to minimum flow provisions when the consent is granted.</li> <li>2. For resource consents to take from rivers within catchments specified in Schedule 2A,</li> </ol>

Proposed Plan Provision	Operative Plan Provision	Reference Number	Proposed Change
			<p>except for the <u>Luggate</u>, <u>Manuherikia</u> (upstream of Ophir) and the Taieri between Paerau and Waipiata, and between Waipiata and Sutton, the minimum flow provisions apply <del>from the operative date of the Plan</del>, subject to the review of consent conditions under Sections 128 to 132 of the RMA.</p> <p>3. For the <u>Luggate</u>, <u>Manuherikia</u> (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. ...</p> <p><b>Principal reasons for adopting</b>  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.</p> <p>In the <u>Luggate catchment area</u>, <u>Manuherikia catchment area</u> (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. ...</p>

Proposed Plan Provision	Operative Plan Provision	Reference Number	Proposed Change
Rule 12.1.4.2	Rule 12.1.4.2	2	<p><b>12.1.4.2</b> Taking of surface water as primary allocation in the following Schedule 2A catchment areas:            Lake Hayes (Map B1),            Shag (Map B3),  <u>Trotters (Map B3),</u>  <u>Waianakarua (Map B3),</u>            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):</p> <p>(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.</p> <p>(ii) The taking of surface water to which this rule applies is a <i>restricted discretionary</i> 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.</p> <p>(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.</p>
Rule 12.1.4.4	Rule 12.1.4.4	3	<p><b>12.1.4.4</b> Taking of surface water as primary allocation applied for prior to 28 February 1998 in the following Schedule 2A catchments:  <u>Luggate Catchment (Map B1a),</u>            Manuherikia Catchment Upstream of Ophir (Maps B2 and B4),            Taieri Catchment Paerau to Waipiata (Maps B2 and B4), and</p>

Proposed Plan Provision	Operative Plan Provision	Reference Number	Proposed Change
			<p>Taieri Catchment Waipiata to Sutton (Maps B3 and B4):</p> <ul style="list-style-type: none"> <li>(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: <ul style="list-style-type: none"> <li>(a) Granted before 28 February 1998, or</li> <li>(b) Granted after 28 February 1998, but was applied for prior to 28 February 1998; or</li> <li>(c) Granted to replace a resource consent or authority of the kind referred to in paragraph (a) or (b).</li> </ul> </li> <li>(ii) The taking of surface water to which this rule applies is a <i>restricted discretionary</i> 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.</li> <li>(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 <u>Luggate catchment area</u>, <u>Manuherikia catchment area</u> (upstream of Ophir) and Taieri catchment areas Paerau to Waipiata and Waipiata to Sutton, upon review of consent conditions.</li> <li>(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.</li> <li>(v) The minimum flows set in Schedule 2A for the <u>Luggate catchment area</u>, <u>Manuherikia catchment area</u> (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.</li> </ul>

Proposed Plan Provision	Operative Plan Provision	Reference Number	Proposed Change			
Schedule 2A Luggate catchment	Schedule 2A	4	<b>Catchment</b> See Maps B1–B5	<b>Monitoring Site (with MS number)</b> See Maps B1–B5	<b>Minimum flow (litres per second)</b>	<b>Primary Allocation Limits in accord with Policy 6.4.2(a)(i)</b>
			<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>Luggate catchment from</u> <u>mouth to headwaters</u>
Schedule 2A Trotters catchment	Schedule 2A	5	<b>Catchment</b> See Maps B1–B5	<b>Monitoring Site (with MS number)</b> See Maps B1–B5	<b>Minimum flow (litres per second)</b>	<b>Primary Allocation Limits in accord with Policy 6.4.2(a)(i)</b>
			<u>Trotters catchment</u>	<u>Mathesons Weir (MS 12)</u>	<u>8 (October to April)</u> <u>35 (May to September)</u>	<u>30 litres/sec</u> <u>Trotters catchment from</u> <u>mouth to headwaters</u>
Schedule 2A Waianakarua catchment	Schedule 2A	6	<b>Catchment</b> See Maps B1–B5	<b>Monitoring Site (with MS number)</b> See Maps B1–B5	<b>Minimum flow (litres per second)</b>	<b>Primary Allocation Limits in accord with Policy 6.4.2(a)(i)</b>
			<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>Waianakarua catchment</u> <u>from mouth to headwaters</u>

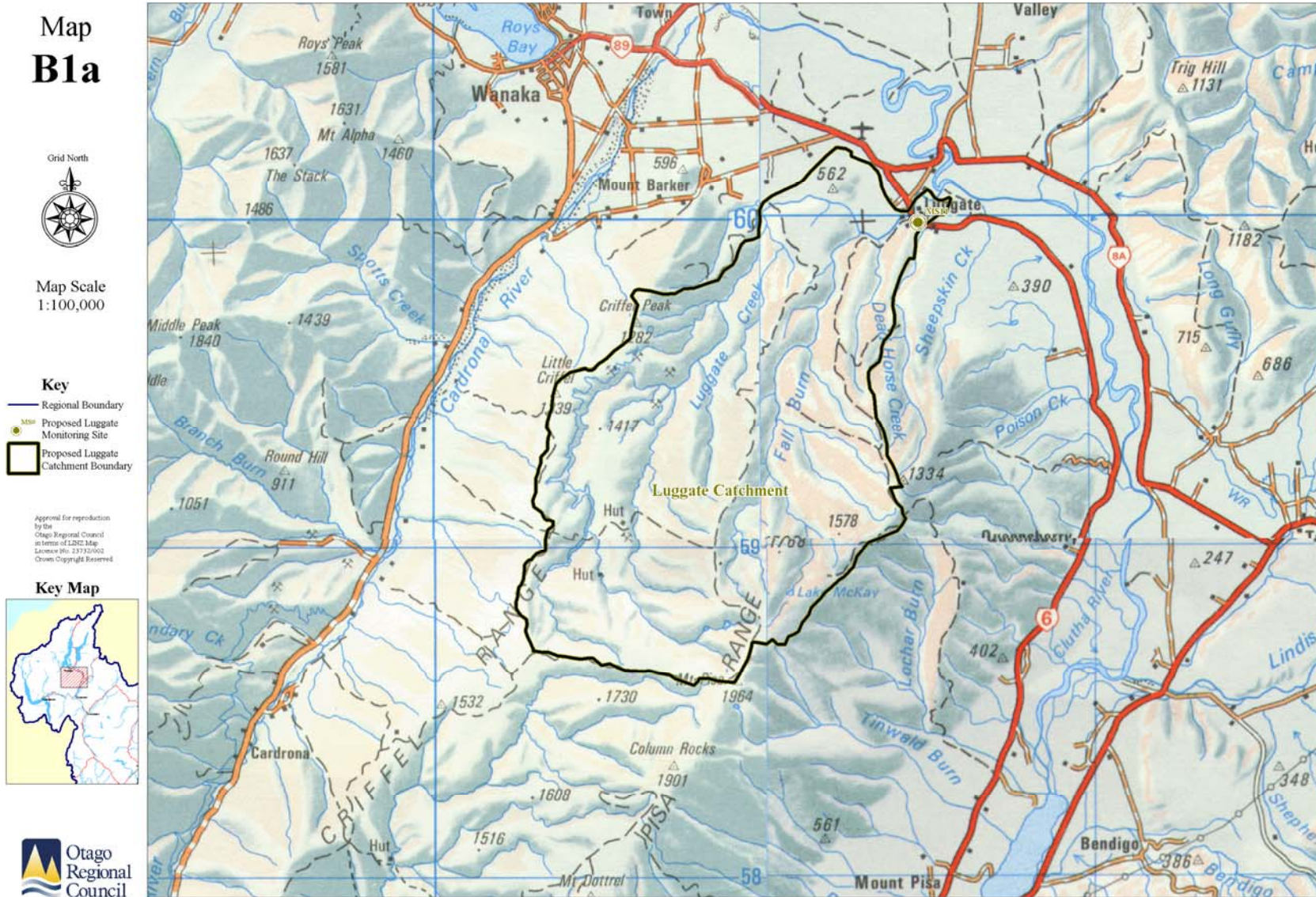
Proposed Plan Provision	Operative Plan Provision	Reference Number	Proposed Change
Schedule 2D	Not applicable	7	<p><b><u>2D Schedule of matters to be considered when setting minimum flows and allocation limits</u></b></p> <p><u>Primary allocation limits and minimum flows will be added to Schedule 2A through the plan change process. The lists in 2D.1 and 2D.2 identify the matters to which consideration may be given when setting these flows and limits.</u></p> <p><b><u>2D.1 When setting minimum flows in Schedule 2A for a catchment, consideration may be given to the following matters:</u></b></p> <ul style="list-style-type: none"> <li>(a) <u>Any existing or previous minimum flow regime or residual flow;</u></li> <li>(b) <u>The 7-day mean annual low flow;</u></li> <li>(c) <u>Interaction among water bodies;</u></li> <li>(d) <u>Ecological values, including the need for flow variability;</u></li> <li>(e) <u>Demand for water, including community water supplies;</u></li> <li>(f) <u>Economic benefits, and social and cultural costs, of taking and using water;</u></li> <li>(g) <u>Any other relevant matter in giving effect to Part 2 of the Resource Management Act.</u></li> </ul> <p><b><u>2D.2 When setting primary allocation limits in Schedule 2A for a catchment, consideration may be given to the following matters:</u></b></p> <ul style="list-style-type: none"> <li>(a) <u>Any existing or previous primary allocation limit;</u></li> <li>(b) <u>The amount of water currently taken as primary allocation;</u></li> <li>(c) <u>The 7-day mean annual low flow;</u></li> <li>(d) <u>The proposed minimum flow regime;</u></li> <li>(e) <u>Possible sources of water;</u></li> <li>(f) <u>Acceptable duration and frequency of rationing among consented water users; and</u></li> <li>(g) <u>Social and economic benefits of taking water.</u></li> </ul> <p><i>Note: For catchments outside Schedule 2A, refer to Policy 6.4.4 for determining minimum flows and Policy 6.4.2 for identification of primary allocation.</i></p>



<b>Proposed Plan Provision</b>	<b>Operative Plan Provision</b>	<b>Reference Number</b>	<b>Proposed Change</b>
Map B1a	Not applicable	8	<i>Add new Map B1a showing the Luggate catchment boundary and SH6 Bridge monitoring site (see Attachment 1).</i>
Map B3	Map B3	9	<i>Add the Trotters catchment boundary and Mathesons Weir monitoring site to Map B3 (see Attachment 2).</i>
Map B3	Map B3	10	<i>Add the Waianakarua catchment boundary and Browns Pump monitoring site to Map B3 (see Attachment 2).</i>

## Attachment 1: Proposed Map B1a (reference number 8)

### Minimum Flow Catchment Boundaries and Monitoring Sites





## Attachment 2: Proposed change to Map B3 (reference numbers 9 and 10)

### Minimum Flow Catchment Boundaries and Monitoring Sites



### Consequential and minor changes (reference number 11)

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:</i> Regional Plan: Water for Otago (Updated to <del>1 September 2006</del> <date to be inserted>)								
Title page	Page i	<i>Change the date to read:</i> Updated to <del>1 September 2006</del> <date to be inserted>								
New ISBN number	Page i (for Plan) Index (for Maps)	<i>Change the ISBN numbers to read:</i> <b>ISBN <del>1-877265-29-2</del></b> <New ISBN numbers to be obtained and inserted> <b>ISBN <del>1-877265-30-6</del></b> <New ISBN numbers to be obtained and inserted>								
Table of Key Events	Page iv	<i>Add the following to the end of the table:</i> <table border="1" data-bbox="770 956 2089 1145"> <thead> <tr> <th>Key event</th> <th>Date notified</th> <th>Date decisions released</th> <th>Date operative</th> </tr> </thead> <tbody> <tr> <td><u>Plan Change 1B (Minimum Flows) to the Regional Plan: Water</u></td> <td><u>20 December 2008</u></td> <td><u>&lt;Date to be inserted&gt;</u></td> <td><u>&lt;Date to be inserted&gt;</u></td> </tr> </tbody> </table>	Key event	Date notified	Date decisions released	Date operative	<u>Plan Change 1B (Minimum Flows) to the Regional Plan: Water</u>	<u>20 December 2008</u>	<u>&lt;Date to be inserted&gt;</u>	<u>&lt;Date to be inserted&gt;</u>
Key event	Date notified	Date decisions released	Date operative							
<u>Plan Change 1B (Minimum Flows) to the Regional Plan: Water</u>	<u>20 December 2008</u>	<u>&lt;Date to be inserted&gt;</u>	<u>&lt;Date to be inserted&gt;</u>							

Operative Plan Provision	Operative Plan Page number	Detail of consequential or minor change
Table of Contents	Pages vi–xi	<i>Change page numbers.</i>
Table of Contents	Page ix	<p><i>Add the following:</i></p> <p><u>2D Matters to be considered when setting minimum flows and allocation limits . &lt;page number to be inserted&gt;</u></p>
Note under Rule 12.1.4.5	Page 172	<p><i>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.</i></p>
Rule 12.1.4.6	Pages 172–173	<p><b>12.1.4.6</b> Taking of surface water as a new primary allocation take in catchment areas not listed in Schedule 2A and not in Welcome Creek:</p> <p>(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.</p> <p>(ii) The taking of surface water to which this rule applies is a <b>restricted discretionary</b> 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.</p> <p>(iiA) The taking of surface water in the <u>Waitaki catchment</u> to which this rule applies is a <b>restricted discretionary</b> activity provided that by itself or in combination with any other take, use, dam, or diversions, the sum of the <u>annual volumes</u> 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.</p> <p>(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.</p> <p>(iv) The minimum flows set on a case-by-case basis will continue to apply until</p>

Operative Plan Provision	Operative Plan Page number	Detail of consequential or minor change
		<p>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 <u>or</u> Rule 12.1.4.4 will then apply.</p>
<p>Schedule 2 Specified restrictions on permits to take surface water</p>	<p>Page 331</p>	<p><b>2 Schedule of specified restrictions on the exercise of permits to take surface water</b></p> <p>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.</p> <p>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, <u>Waianakarua</u>, <u>Trotters</u>, <u>Luggate</u> and Lake Tuakitoto catchments, as mapped in B1 to B5.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>

Operative Plan Provision	Operative Plan Page number	Detail of consequential or minor change
		<p>The flows listed in Schedule 2, which trigger suspension, use the instantaneous flow rates.</p> <p><u>Schedule 2D identifies matters to be considered when making additions to these schedules through a plan change.</u></p>
<p>Schedule 2A 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)</p>	<p>Page 331</p>	<p><b>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)</b></p> <p>The following schedule:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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, <u>Luggate</u> and Manuherikia.</li> </ol>
<p>Map B Index</p>	<p>Not applicable</p>	<p><i>Add the Waianakarua, Trotters and Luggate catchment boundaries to Map B Index (see Attachment 3).</i></p> <p><i>Change the date to read:</i></p> <p>Updated to <del>1 September 2006</del> &lt;date to be inserted&gt;</p>
<p>Map B3</p>	<p>Not applicable</p>	<p><i>Change the date to read:</i></p> <p>Updated to <del>1 September 2006</del> &lt;date to be inserted&gt;</p>



### Attachment 3: Consequential change to Map B Index (reference number 11)

