

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

**Regional
Plan: Water
for Otago**

Introduction

The Otago Regional Council has prepared Proposed Plan Change 3A (Minimum Flow for Taieri River at Tiroiti) to the Regional Plan: Water for Otago. It proposes to establish an additional minimum flow and monitoring site for the Taieri River at the Tiroiti flow recorder. This marked-up version of the Plan Change sets out the changes proposed and should be read in conjunction with the Regional Plan: Water for Otago. A Section 32 Report (considering alternatives, benefits and costs) and a Table of Proposed Changes are also available.

Any person may make submissions on this proposed plan change. You may do so by sending written submissions to the Otago Regional Council. The submission must be in Form 5, as prescribed by Schedule 1 of the Resource Management Act 1991. 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.

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If you have any questions concerning the process:

Telephone	(03) 474 0827; 0800 474 082
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Submissions close at 5pm on Monday 26 JULY 2010.

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

The base document used is the Regional Plan: Water for Otago (1 March 2010) incorporating Council decisions on Proposed Plan Change 1C: Water Allocation and Use (released on 10 April 2010) for ease of reading. The period for appeals to Council's decisions on Proposed Plan Change 1C has closed, and four appeals have been lodged with the Environment Court. Any effect on Proposed Plan Change 3A of appeals (on the basis of submissions) is expected to be nil.

Proposed additions to the Plan are shown as underlined and proposed deletions are shown as ~~struck out~~.

6

Water Quantity

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6.4 Policies applying to the management of the taking of water

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

- (a) **In the case of new takes applied for after 28 February 1998, upon granting of the consent; and**
- (b) **In the case of any resource consent to take surface water from within the Taieri above Paerau and between Sutton and Outram, Shag, Kakanui, Water of Leith, Lake Hayes, Waitahuna, Trotters, Waianakarua and Lake Tuakitoto catchment areas as defined in Schedule 2A, subject to the review of consent conditions under Sections 128 to 132 of the Resource Management Act; and**
- (c) **In the case of any existing resource consent to take surface water from the Luggate catchment area, Manuherikia catchment area (upstream of Ophir) and the Taieri catchment areas Paerau to Waipiata, and Waipiata to Tiroiti and Tiroiti to Sutton, as defined in Schedule 2A, upon collective review of consent conditions within those catchments under Sections 128 to 132 of the Resource Management Act; and**
- (d) **In the case of any existing resource consent to take surface water within a catchment area not specified in Schedule 2A, upon the establishment of a minimum flow set for the water body by a plan change, subject to the review of consent conditions under Sections 128 to 132 of the Resource Management Act.**

Explanation

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

1. New takes are subject to minimum flow provisions when the consent is granted.
2. For resource consents to take from rivers within catchments specified in Schedule 2A, except for the Luggate, Manuherikia (upstream of Ophir) and the Taieri between Paerau and ~~Waipiata, and between Waipiata and~~ Sutton, the minimum flow provisions apply, subject to the review of consent conditions under Sections 128 to 132 of the RMA.
3. For the Luggate, Manuherikia (upstream of Ophir) and the Taieri between Paerau and ~~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.

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W A T E R Q U A N T I T Y

12

Rules: Water Use and Management

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12.1 The taking and use of surface water

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12.1.4 Restricted discretionary activities: Resource consent required

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

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

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

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

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

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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

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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)

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Catchment See Maps B1-B5	Monitoring Site (with MS number) See Maps B1-B5	Minimum flow (litres per second – instantaneous flow)	Primary Allocation Limits in accord with Policy 6.4.2(a) (litres per second – instantaneous flow)
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Taieri River upstream of Paerau	Paerau Dam (MS 5a)	850	<i>4860 litres/sec Taieri River catchment from mouth to headwaters.</i>
Taieri River catchment between Paerau and Waipiata	Taieri River at Waipiata (MS 5)	1000	
<u>Taieri River catchment between Waipiata and Tiroiti</u>	<u>Taieri River at Tiroiti (MS 5b)</u>	<u>1150</u>	
Taieri River catchment between Waipiata Tiroiti and Sutton	Taieri River at Sutton (MS 6)	1250	
Taieri River catchment between Sutton and Outram	Taieri River at Outram (MS 6a)	2500	

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Maps Section B: Proposed change to four maps.

2: Proposed change to Maps B2, B3, B4 and Map B Index

See following page. Proposed amended Map B3 is shown.

Maps B2, B4 and the Map B Index will align with Map B3 at the time of Plan reprint.

Proposed amended Map B3: Proposed catchment area identified and named, and the proposed Monitoring Site added.

Minimum Flow Catchment Boundaries and Monitoring Sites



Map B3



Map Scale
1:250,000

Key

- Regional Boundary
- Monitoring Site
- Proposed Monitoring Site
- Catchment Boundary
- Catchment Boundary proposed for deletion
- Proposed Catchment Boundary

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Key Map



Proposed Plan Change 3A
(Minimum flow for Taieri River at Tiroiti)
26 June 2010



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:</i> Regional Plan: Water for Otago (Updated to 1 March 2010 <date to be inserted>)						
Title page	Page i	<i>Change the date to read:</i> Updated to 1 March 2010 <date to be inserted>						
New ISBN number	Page i (for Plan) Index (for Maps)	<i>Change the ISBN numbers to read:</i> ISBN 1-877265-93-4 <New ISBN numbers to be obtained and inserted> ISBN 1-877265-94-2 <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"> <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 3A (Minimum Flow for Taieri River at Tiroiti) to the Regional Plan: Water for Otago</u></td> <td><u>26 June 2010</u></td> <td><Date to be inserted></td> <td><Date to be inserted></td> </tr> </tbody> </table>	Key event	Date notified	Date decisions released	Date operative	<u>Plan Change 3A (Minimum Flow for Taieri River at Tiroiti) to the Regional Plan: Water for Otago</u>	<u>26 June 2010</u>
Key event	Date notified	Date decisions released	Date operative					
<u>Plan Change 3A (Minimum Flow for Taieri River at Tiroiti) to the Regional Plan: Water for Otago</u>	<u>26 June 2010</u>	<Date to be inserted>	<Date to be inserted>					
Table of Contents	Pages vi–xi	<i>Change page numbers.</i>						

Operative Plan Provision	Operative Plan Page number	Detail of consequential or minor change
Section 1.4 Process of Plan preparation	Page 5	<u>Proposed Plan Change 3A (Minimum Flow for Taieri River at Tiroiti) was notified on 26 June 2010 to introduce an additional minimum flow monitoring site at Tiroiti. A total of x submissions and y further submissions were received. Following the hearing, decisions on the submissions received were released on <date to be inserted>. Plan Change 3A (Minimum Flow for Taieri River at Tiroiti) was made operative on <date to be inserted>.</u>
Map B Index	Not applicable	<i>Amend the Taieri River, Waipiata to Sutton catchment area boundaries to Map B Index (see Attachment 3).</i> <i>Change the date to read:</i> Updated to 1 March 2010 <date to be inserted>
Maps B2, B3 and B4	Not applicable	<i>Change the date to read:</i> Updated to 1 March 2010 <date to be inserted>
Map B3	Not applicable	<i>Correct the catchment boundary for the Cap Burn to show it within the Tiroiti to Sutton catchment boundary.</i>