**APPENDIX 1** 

### Proposed Plan Change 5A (Lindis: Integrated Water Management)

## **CONSULTATION DRAFT**

## Regional Plan: Water for Otago



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#### Introduction

The Otago Regional Council has prepared Proposed Plan Change 5A (Lindis: Integrated water management) to the Regional Plan: Water for Otago. Proposed Plan Change 5A:

- Sets a management regime (allocation limits and minimum flow) for surface water and connected groundwater in the Lindis catchment;
- Sets maximum allocation volumes for specified aquifers within the Bendigo-Tarras Basin;
- Maps the minimum flow catchment boundaries and monitoring site associated with the Lindis River in the B-series of the Water Plan Maps; and
- Maps the boundaries of the Lower Tarras, Bendigo and Ardgour Valley Aquifers; and amending the boundaries of the Lindis Alluvial Ribbon Aquifer in the C-series of the Water Plan Maps.

This document should be read in conjunction with:

- Section 32 Report Evaluation Report; and
- The Regional Plan: Water for Otago operative as at 1 October 2013.

Amendments to the Regional Plan: Water as a result of Proposed Plan Change 5A are shown as follows: (additions <u>underlined</u>, deletions <del>struck out</del>).

Any person may make comments on this consultation draft. You may do so by sending written comments to the Otago Regional Council, or by telephone.

Post to	Otago Regional Co Private Bag 1954 Dunedin 9054	ouncil			
Fax to	(03) 479 0015	(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		
Telephone	(03) 474 0827; 080	00 474 082			

#### Comments will be received until 5pm on Friday 23 May 2014.

 $i_V \qquad \mbox{Consultation draft for Proposed Plan Change 5A (Lindis: Integrated Water Management)} \\ to the Regional Plan: Water for Otago$ 

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\* Regional Plan: Water for Otago operative as at 1 October 2013.

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#### 6.1 to 6.3 [Unchanged]

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

#### 6.4.0 to 6.4.4 [Unchanged]

- 6.4.5 The minimum flows established by Policies 6.4.3, 6.4.4, 6.4.6, 6.4.9 and 6.4.10 will apply to resource consents for the taking of water, as follows:
  - (a) In the case of new takes applied for after 28 February 1998, upon granting of the consent; and
  - (b) In the case of any resource consent to take water from within the Taieri above Paerau and between Sutton and Outram, Welcome Creek, Shag, Kakanui, Water of Leith, Lake Hayes, Waitahuna, Trotters, Waianakarua and Lake Tuakitoto catchment areas as defined in Schedule 2A, subject to the review of consent conditions under Sections 128 to 132 of the Resource Management Act; and
  - (c) In the case of any existing resource consent to take water from the <u>Lindis catchment area</u>, Luggate catchment area, Manuherikia catchment area (upstream of Ophir) and the Taieri catchment areas Paerau to Waipiata, Waipiata to Tiroiti, and Tiroiti to Sutton, as defined in Schedule 2A, upon collective review of consent conditions within those catchments under Sections 128 to 132 of the Resource Management Act; and
  - (d) In the case of any existing resource consent to take water 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 <u>Lindis</u>, Luggate, Manuherikia (upstream of Ophir) and the Taieri between Paerau and Sutton, the minimum flow provisions apply, subject to the review of consent conditions under Sections 128 to 132 of the RMA.
- 3. For the <u>Lindis</u>, Luggate, Manuherikia (upstream of Ophir) and the Taieri between Paerau and Sutton, the minimum flows will not apply until after a collective review of the consents in the catchments. This will occur before 2021 if there is agreement by the holders of mining privileges (deemed permits) to adhere to the minimum flows, or on the expiry of the mining privileges on 2 October 2021. Where environmental benefit will result from applying minimum flows to any
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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 <u>Lindis catchment area</u>, Luggate catchment area, Manuherikia catchment area (upstream of Ophir) and Taieri catchment areas between Paerau and Sutton, there is a very high proportion of mining privileges. Therefore the application of minimum flows to resource consents may be timed to coincide with their application to deemed permits (either through voluntary methods or in 2021). Where environmental benefit will result from applying minimum flows to any resource consents (other than deemed permits) in these catchments, the review of those resource consent conditions may also occur earlier.

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

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

*Rules:* 12.1.4.2 to 12.1.5.1 *Other methods:* 15.9.1.3, 15.9.1.4

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6.4.6 to 6.7.8 [Unchanged]

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## 12 Rules: Water Take, Use and Management



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#### 12.0. [Unchanged]

12.1.1 to 12.1.3 [Unchanged]

#### 12.1.4 Restricted discretionary activities: Resource consent required

12.1.4.1 to 12.1.4.3 [Unchanged]

- 12.1.4.4 Taking and use of surface water as primary allocation applied for prior to 28 February 1998 in the following Schedule 2A catchments:
  <u>Lindis Catchment (Map B6)</u>
  Luggate Catchment (Map B1a),
  Manuherikia Catchment Upstream of Ophir (Maps B2 and B4),
  Taieri Catchment Paerau to Waipiata (Maps B2 and B4),
  Taieri Catchment Waipiata to Tiroiti (Maps B2, B3 and B4), and
  Taieri Catchment Tiroiti to Sutton (Maps B3 and B4):
  - (i) This rule applies to the taking of surface water, as primary allocation, in the above catchment areas, if the taking was the subject of a resource consent or other authority:
    - (a) Granted before 28 February 1998; or
    - (b) Granted after 28 February 1998, but was applied for prior to 28 February 1998; or
    - (c) Granted to replace a resource consent or authority of the kind referred to in paragraph (a) or (b).
  - (ii) Unless covered by Rule 12.1.1A.1, the taking and use of surface water to which this rule applies is a *restricted discretionary* activity. The matters to which the Otago Regional Council has restricted the exercise of its discretion are set out in Rule 12.1.4.8.
  - (iii) The minimum flows set out in Schedule 2A of this Plan for the above catchments shall affect the exercise of every resource consent or other authority, of the kind referred to in paragraph (i) of this rule, in the Luggate catchment area, Manuherikia catchment area (upstream of Ophir), Lindis <u>catchment area</u> and Taieri catchment areas Paerau to Waipiata, Waipiata to Tiroiti and Tiroiti to Sutton, upon review of consent conditions.
  - (iv) The conditions of all such consents will be reviewed by the Otago Regional Council under Sections 128 to 132 of the Act to enable the minimum flows set by Schedule 2A to be met, the volume and rate of take to be measured in accordance with Policy 6.4.16 and the taking to be subject to Rule 12.1.4.9.
  - (v) The minimum flows set in Schedule 2A for the Luggate catchment area, Manuherikia catchment area (upstream of
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Ophir), Lindis catchment area 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.

12.1.4.4A [Repealed – 1 March 2012]

12.1.4.5 to 12.1.4.9 [Unchanged]

#### 12.1.5 to 12.1.6 [Unchanged]

12.2 to 12.11 [Unchanged]

#### WATER QUANTITY

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# 20 Schedules



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### 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 and supplementary allocation from catchments identified in Maps B1 to B56, and Welcome Creek. 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, Welcome Creek, Water of Leith, Taieri, Lake Hayes, Manuherikia, Waitahuna, Waianakarua, Trotters, <u>Lindis</u>, Luggate and Lake Tuakitoto catchments, as identified in Maps B1 to B5. The last column of Schedule 2A also specifies the primary allocation limit in accordance with Policy 6.4.2(a) for the whole catchments of the rivers and lakes. The catchment areas for the primary allocation limits set by Policy 6.4.2(a) may be larger than those specified on Maps B1 to B5.

Schedule 2B specifies minimum flows that apply to specified blocks of supplementary allocation for some catchments. Additional supplementary allocation may be granted under Policies 6.4.9 and 6.4.10.

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.

In accordance with Policy 6.4.1A, groundwater takes from aquifers listed in Schedule 2C and identified in the C-series maps, and other connected groundwater, are considered against primary or supplementary allocation provided for by Policies 6.4.2 and 6.4.9 and where listed in Schedules 2A and 2B, and may be subject to the minimum flows identified.

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 Policies 6.4.2(a) and 6.4.1A

The following schedule:

- Identifies the minimum flows that apply to the taking of surface water, which includes groundwater managed as surface water in terms of Policy 6.4.1A within primary allocation from the catchments shown in Maps B1 to B56, Welcome Creek and aquifers shown in the C-series maps. Maps B1– B56 identify the location of catchment area boundaries and numbered monitoring sites referred to in the schedule for setting and measuring the minimum flows.
- Specifies the primary allocation limit in accordance with Policy 6.4.2(a). That limit is exceeded in catchments where the consented takes as at 28 February 1998 (or 19 February 2005 in the Welcome Creek catchment, or 7 July 2000 in the Waianakarua catchment) set a higher limit in accordance with Policy 6.4.2(b). The catchments in which the limit set by Policy 6.4.2(a) is exceeded by Policy 6.4.2(b) (as at 20 December 2008 <u>1 April 2014</u>) are the Shag, Kakanui, Taieri, Lake Hayes, <u>Lindis</u>, Luggate and Manuherikia.

Catchment See Maps B1- B5 <u>6</u>	Monitoring Site (with MS number) See Maps B1– B <del>5</del> 6	Minimum flow (litres per second – instantaneous flow)	Primary Allocation Limits in accord with Policy 6.4.2(a) (litres per second – instantaneous flow)
Welcome Creek catchment	Steward Road	600	600 Welcome Creek catchment from mouth to headwaters (Also subject to Table 12.1.4.2)
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 Kakanui catchment from mouth to headwaters excluding the Waiareka Creek and Island Stream catchments.
(b) May to September inclusive	Clifton Falls (MS 3a) Mill Dam (MS 3) and McCones (MS 3b)	400 for primary and secondary permits	
Waianakarua catchment	Browns Pump (MS 13)	200 (October to April) 400 (May to September)	190 Waianakarua catchment from mouth to headwaters
Trotters catchment	Mathesons Weir (MS 12)	10 (October to April) 35 (May to September)	15 Trotters catchment from mouth to headwaters

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

Catchment	Monitoring Site	Minimum flow	Primary Allocation	
See Maps B1- B <u>56</u>	(with MS number) See Maps B1–B56 flow)		Limits in accord with Policy 6.4.2(a) (litres per second –	
Shag catchment	Goodwood Pump	28	<b>instantaneous flow</b> ) 280	
(both minimum flows	(MS 1)	20	Shag catchment from	
apply)	Craig Road (MS 2)	150	mouth to headwaters	
Water of Leith	Water of Leith at	94	140	
catchment	University Footbridge (MS 4)		Water of Leith catchment from mouth	
T-:	Deserver Deserve (MC 5 a)	950	to headwaters	
Taieri River upstream of Paerau	Paerau Dam (MS 5a)	850		
Taieri River	Taieri River at	1000		
catchment between	Waipiata (MS 5)	1000		
Paerau and	···			
Waipiata			49.00	
Taieri River	Taieri River at Tiroiti	1100	4860 Taieri River catchment	
catchment between Waipiata and Tiroiti	(MS 5b)		from mouth to headwaters.	
Taieri River	Taieri River at Sutton	1250	neuuwuiers.	
catchment between	(MS 6)			
Tiroiti and Sutton		2500		
Taieri River	Taieri River at	2500		
catchment between Sutton and Outram	Outram (MS 6a)			
Lindis River	Lindis River at	750 (October to	1000	
catchment	Ardgour Road (MS	November)	Lindis River catchment	
	14)	450 (December to	from mouth to	
		April)	headwaters	
		<u>750 (May)</u>		
		<u>1600 (June to</u>		
<b>T</b>		September)	<b>7</b> 00	
Luggate catchment	SH6 Bridge (MS 11)	180 (November to	500	
		April)	Luggate catchment from mouth to	
		500 (May to October)	headwaters	
Lake Hayes	Mill Creek at Fish	180	260	
catchment area	Trap		Lake Hayes catchment	
	(MS 7)		from lake outlet to	
			headwaters	
Manuherikia River	Manuherikia River at	820	3200	
catchment upstream	Ophir (MS 8)		Manuherikia catchment	
of Ophir			from mouth to	
Waitahana Diana	Waitahuna Dimar at	450	headwaters	
Waitahuna River catchment	Waitahuna River at Tweeds Bridge (MS	450	650 Waitahuna catchment	
catchinent	9)		from mouth to	
	~/		headwaters	
Lake Tuakitoto	Lovells Creek at SH1	5	30	
catchment	(MS 10)		Lake Tuakitoto	
			catchment from mouth	
			to headwaters	

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

Catchment	Minimum Flow	Supplementary	
(See Maps B1– B <del>5</del> 6)	(litres per second – instantaneous	Allocation Block	
& Supplementary	flow) at the monitoring site(s)	(litres per second –	
Block Number	(See Maps B1-B56)	instantaneous flow)	
Welcome Creek	1000	400	
catchment	At Steward Road (MS 14)	(Also subject to Table	
(first supplementary		12.1.4.2)	
allocation block)		, ,	
Kakanui catchment	For each minimum flow listed below:		
	1. At Mill Dam (MS 3) for takes		
	downstream of Clifton Falls		
	monitoring site; or		
	2. At both Mill Dam (MS 3) and		
	Clifton Falls (MS 3a) for takes		
	upstream of Clifton Falls monitoring		
	site.		
Kakanui catchment	October to April: 1050	October to April: 300	
(first supplementary allocation block)	May to September: 1500	May to September: 500	
Kakanui catchment	All subsequent minimum flows	All subsequent	
(subsequent	corresponding to supplementary	supplementary allocation	
supplementary	allocation blocks in the Kakanui	blocks in the Kakanui	
allocation blocks)	catchment will be based on the following	catchment will be based on	
	formula:	the following sizes:	
		C	
	October to April: 1050 + (300 x number		
	of supplementary allocation block*)	October to April: 300	
	May to September: $1500 + (500 \text{ x})$		
	number of supplementary allocation	May to September: 500	
	block*)		
	* 2 for the $2^{nd}$ , 3 for the $3^{rd}$ allocation		
	block, and so on.		
Waianakarua	311	100	
catchment	At Browns Pump (MS 13)		
(first supplementary			
allocation block)			
Trotters catchment	October to April: 30	15	
(first supplementary	at Mathesons Weir (MS 12)		
allocation block)	May to September: 50	15	
	at Mathesons Weir (MS 12)		
<b>Trotters catchment</b>	October to April: 60	30	
(second supplementary	at Mathesons Weir (MS 12)		
allocation block)	May to September: 80	30	
	at Mathesons Weir (MS 12)	20	
Trotters catchment	October to April: 90	30	
(third supplementary	at Mathesons Weir (MS 12)	20	
allocation block)	May to September: 110	30	
	at Mathesons Weir (MS 12)		

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Catchment (See Maps B1– B <del>5</del> 6) & Supplementary Block Number	Minimum Flow (litres per second – instantaneous flow) at the monitoring site(s) (See Maps B1–B5 <u>6</u> )	Supplementary Allocation Block (litres per second – instantaneous flow)
Shag catchment	650	
(first supplementary allocation block)	At Craig Road (MS 2)	100
	401 At Goodwood Pump (MS 1)	
Shag catchment	750	100
(second supplementary	At Craig Road (MS2)	
allocation block)		
	501	
	At Goodwood Pump (MS1)	
Lindis catchment	May to November: 2200	500
(first supplementary	At Ardgour Road (MS 14)	
allocation block)	December to April: 1600	500
	At Ardgour Road (MS 14)	
Lindis catchment May to November: 2700		500
(second supplementary	At Ardgour Road (MS 14)	
allocation block)	December to April: 2100	500
	At Ardgour Road (MS 14)	

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

Aquifer Name	Map Reference	Catchment to which primary or supplementary allocation limits apply, and minimum flows may apply*
Kakanui-Kauru Alluvium Aquifer	C10	Kakanui catchment*
Shag Alluvium Aquifer	C11	Shag catchment*
Lindis Alluvial Ribbon Aquifer	C1b	Lindis catchment**
Cardrona Alluvial Ribbon Aquifer	C1a	Cardrona catchment upstream of the Mount Barker recorder site**
Lowburn Alluvial Ribbon Aquifer	C3	Lowburn Stream**

as given in Schedules 2A and 2B.

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

## 4. Schedule of specified restrictions on the exercise of permits to take groundwater

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

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

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

Aquifer Name	Map Reference	Maximum Allocation Volume (million cubic metres per year)
Ardgour Valley Aquifer	<u>C1b</u>	<u>0.1896</u>
Lower Tarras Aquifer	<u>C1b</u>	<u>29</u>
Bendigo Aquifer	<u>C1c</u>	<u>18.8</u>
North Otago Volcanic Aquifer	C10	7

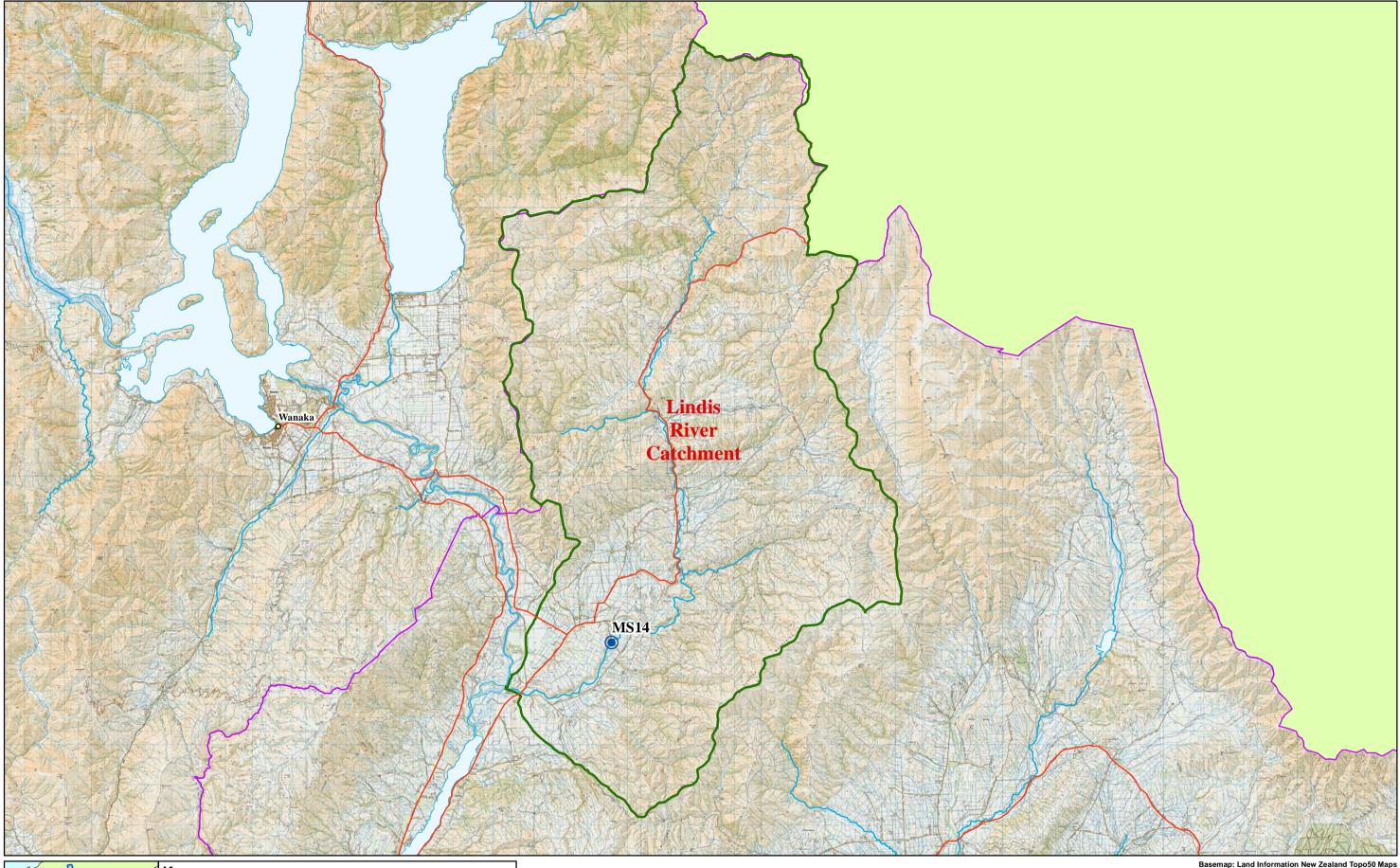
#### **4B** [Unchanged]

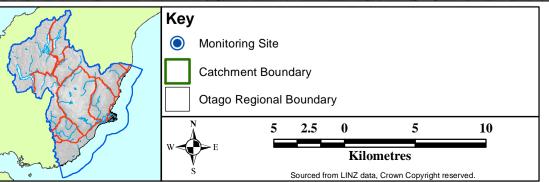
Plan Provision	Detail of proposed change				
Page numbers	Update page numbers.				
Footers	Change footer to read " <u>Regional Plan: Water for Otago (Updated to</u> <u><date be="" inserted="" to="">)</date></u> ".				
Title page	Change the date to read "U	pdated to <dat< td=""><td>e to be insertea</td><td><u>l&gt;</u>".</td></dat<>	e to be insertea	<u>l&gt;</u> ".	
ISBN number	Obtain new ISBN numbers	for Regional P	lan: Water for	Otago.	
Chronicle of key events	Add the following to the end of table:				
	Key event	Date notified	Date decisions released	Date operative	
	Plan Change 5A (Lindis: Integrated Water Management) to the Regional Plan: Water	<date be<br="" to="">inserted&gt;</date>	<date be<br="" to="">inserted&gt;</date>	<date be<br="" to="">inserted&gt;</date>	
section 1.4	Proposed Plan Change 5A (Lindis: Integrated Water Management) sets a minimum flows and allocation limits for the Lindis River and sets maximum allocation volumes for the Ardgour Valley, Lower Tarras and Bendigo Aquifers. It was notified on, and a total of submissions and further submissions were received. Following the hearing, decisions on submissions received were released on Plan Change 5A was made operative on				
Plan Maps:	Amend "Map B Index – Minimum Flow Catchment Boundaries and Monitoring Sites" to include the new Map B6.				
	Amend "Map C Index – Aquifers, Groundwater Protection Zones and Seawater Intrusion Risk Zones" to include new Map C1c				

#### Table of minor and consequential changes

Consultation draft for Proposed Plan Change 5A (Lindis: Integrated water management) to the Regional Plan: Water for Otago

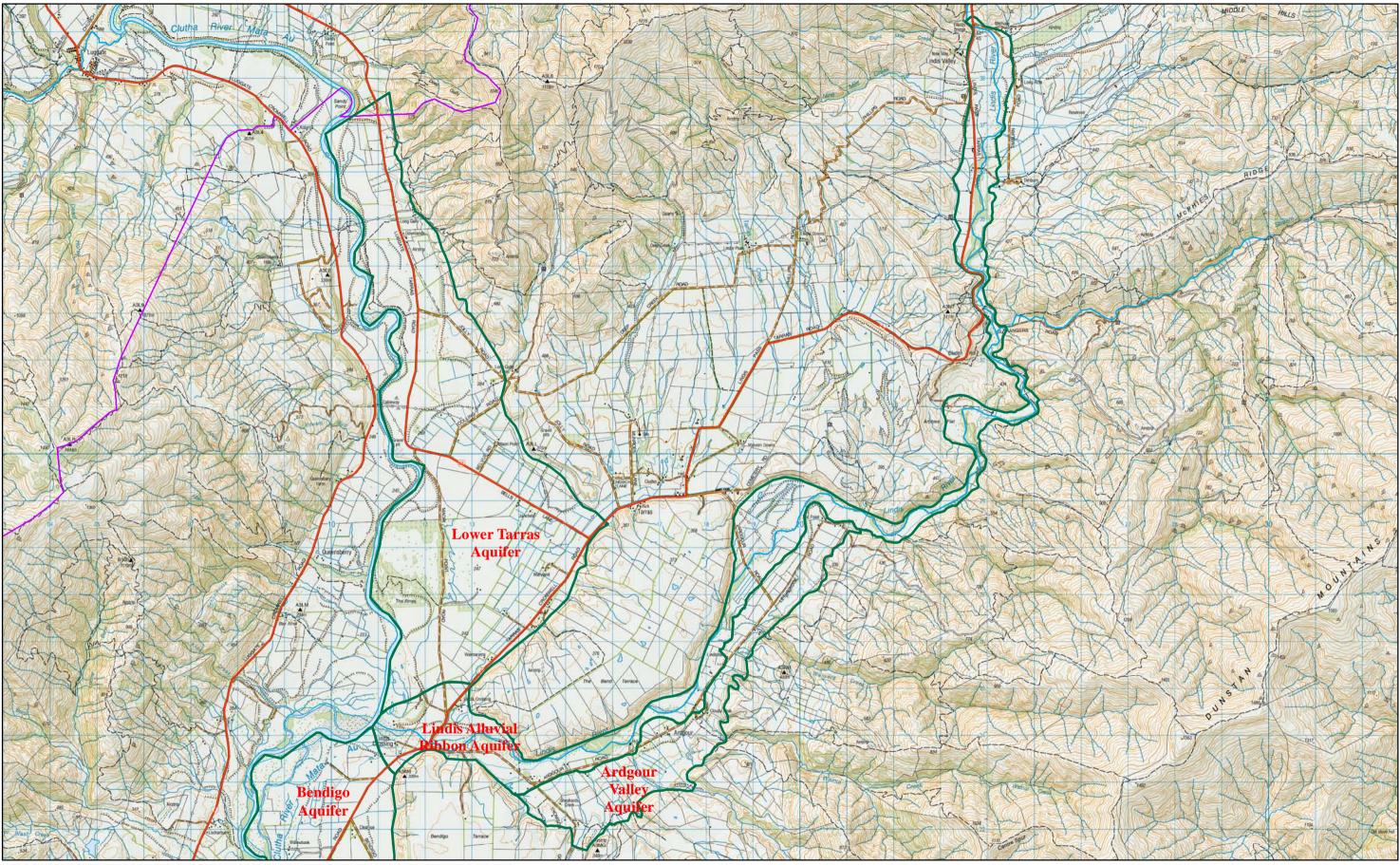
# Regional Plan: Water for Otago Maps

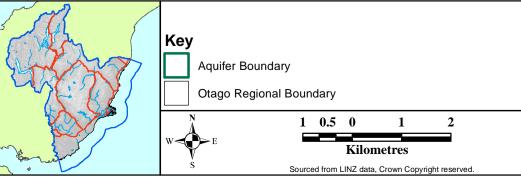




Plan Change 5A (Lindis: Integrated Water Management) Consultation Draft – April 2014 and Monitoring Sites **B6** 





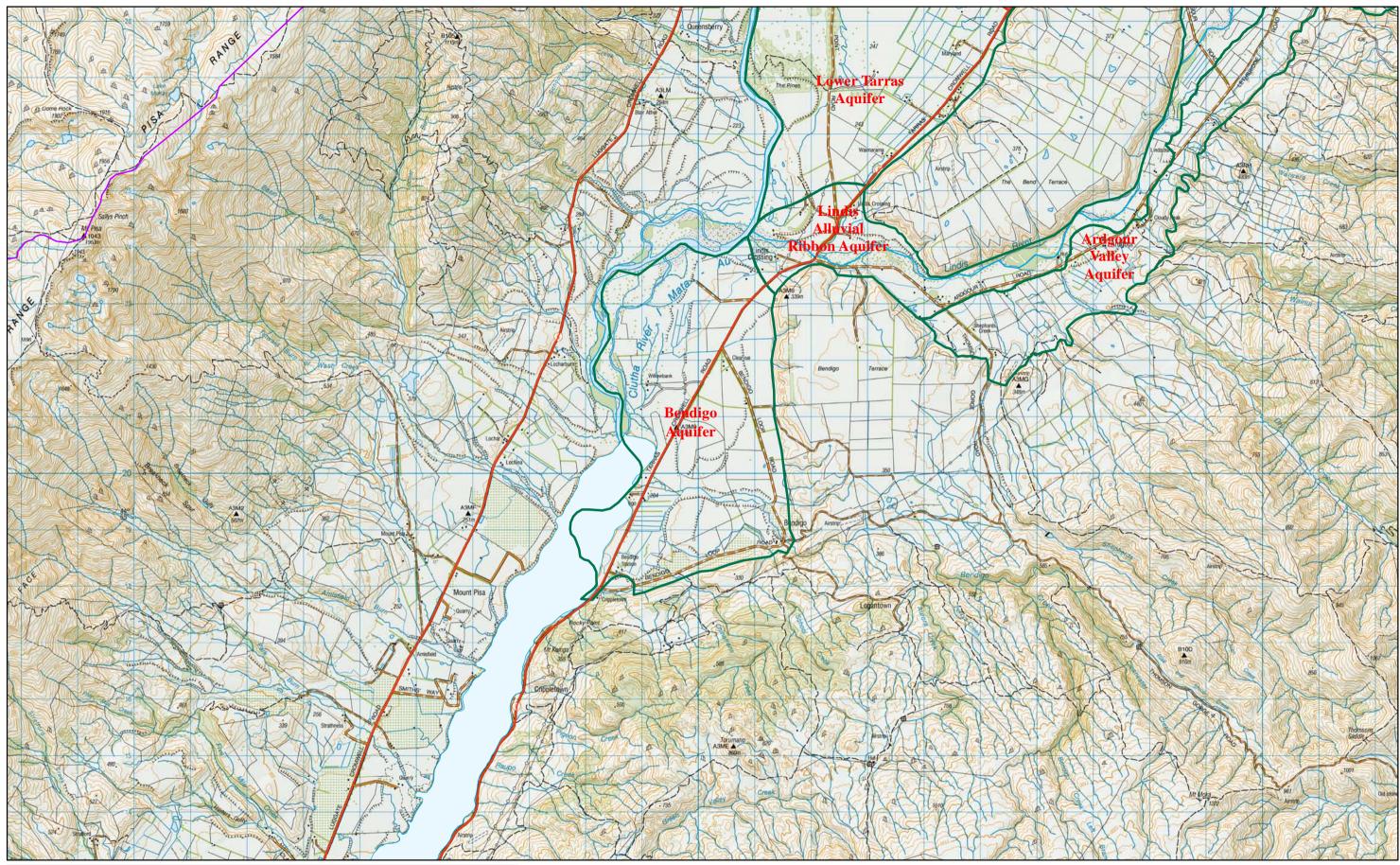


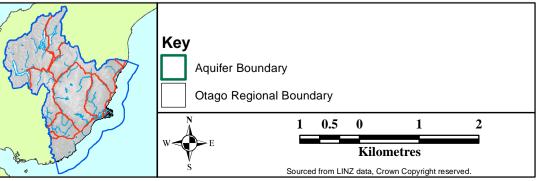
Lindis Alluvial Ribbon, Lower Tarras and Ardgour Valley Aquifers Map C1b

Basemap: Land Information New Zealand Topo50 Maps

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Bendigo Aquifer Map C1c

Basemap: Land Information New Zealand Topo50 Maps

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