

APPENDIX A

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Regional Plan: Water for Otago

Chapter 6: Water Quantity

Objective 6.3.1

To retain flows in rivers sufficient to maintain their life-supporting capacity for aquatic ecosystems, and their natural character.

Explanation

This objective seeks to avoid the loss or degradation of aquatic ecosystems supported by rivers and the natural character of those rivers. This can be achieved by maintaining flows necessary for the life-supporting capacity for aquatic ecosystems and the natural character of those rivers. By providing for aquatic life and natural character, any adverse effects on other natural and human use values will be no more than minor.

Surface water often has a dynamic hydrological connection with groundwater, which needs to be adequately understood to ensure sustainability of these resources, which may involve more than just a single catchment.

Principal reasons for adopting

This objective is adopted in recognition of the importance of river flows in sustaining aquatic life and the natural character of Otago's rivers, and to ensure that this role continues.

Policies: 6.4.1 to 6.4.21, 6.6.1 to 6.6.3

See also: 9.4.9

Objective 6.3.2

To provide for the water needs of Otago's primary and secondary industries, and community domestic water supplies.

Explanation

The economic, social and cultural well being of Otago's people and communities relies on them securing suitable quantities of water. The present and reasonably foreseeable needs for water will therefore need to be met. This includes existing consumptive users who rely on current takes of water, as well as hydro-electric power generation and other non-consumptive users.

Principal reasons for adopting

This objective is adopted to ensure continued access for the taking of water. This recognises the importance of water in maintaining Otago's communities and their primary and secondary industries.

Policies: 6.4.1 to 6.4.21, 6.5.2 to 6.5.5, 6.6.1 to 6.6.3

6.4 Policies applying to the management of the taking of water

Policy 6.4.0A

To ensure that the quantity of water granted to take is no more than that required for the purpose of use taking into account:

- (a) How local climate, soil, crop or pasture type and water availability affect the quantity of water required; and
- (b) The efficiency of the proposed water transport, storage and application system.

Explanation

When considering applications for resource consents to take water, the actual quantity required for the purpose of use of the water taken must be reflected in any consent granted. Reasonably foreseeable future growth, seasonal crop rotations, water storage or changes in water use may be considered. While it may not be possible to avoid all wastage of water, every effort shall be made to reduce wastage.

The consent holder may benefit from any further efficiencies gained during the life of the consent. To the extent the consent holder does not use water gained by such efficiencies, there may be instream benefits.

Principal reason for adopting

This policy is adopted to ensure that wastage is avoided when water is granted to any use under a resource consent. This will enable more people to benefit from water available for use.

Policy 6.4.0C

To promote and give preference, as between alternative sources, to the take and use of water from the nearest practicable source.

Explanation

When considering a resource consent application to take and use water, matters which the Council may consider when determining whether the applied for source of water is the nearest practicable given the proposed location of use, include:

Whether the take and use of that water is an efficient use of the water resource.

Whether another source of water is practically available and accessible.

An overview of the economic, social, environmental and cultural effects of taking from the water source applied for compared to taking water from other sources.

Principal reasons for adopting

This policy promotes the management of Otago's water resources in a way that makes water available for local use. It will assist in reducing demand in water-short areas by requiring larger water bodies with more reliable supply to be considered. This will ensure Otago's communities can provide for their social, cultural and economic wellbeing, now and for the future.

Policy 6.4.1

To enable the taking of surface water, by:

- (a) Defined allocation quantities; and
- (b) Provision for water body levels and flows,

except when:

- (i) The taking is from Lakes Dunstan, Hawea, Roxburgh, Wanaka or Wakatipu, or the main stem of the Clutha River/Mata-Au or Kawarau Rivers.
- (ii) All of the surface water or connected groundwater taken is immediately returned to the source water body.
- (iii) Water is being taken which has been delivered to the source water body for the purpose of that subsequent take.

Explanation

This policy enables the taking of surface water within specified limits, and subject to suspension of takes when specified levels and flows for the water body are reached.

Primary allocation surface water takes are subject to the lowest minimum flows, supplementary allocation surface water takes are subject to higher minimum flows, and further supplementary allocation may be taken at flows greater than natural mean flow. Taking within the Plan's allocation limits and subject to the Plan's minimum flows is a restricted discretionary activity.

Allocation quantities and minimum flows set by policies in Chapter 6 do not apply to surface water takes from Lakes Dunstan, Hawea, Roxburgh, Wanaka or Wakatipu, or the main stem of the Clutha River/Mata-Au or Kawarau Rivers. They also do not apply to any take where all of the surface water or connected groundwater taken is immediately returned to the source water body. Takes from these seven water bodies and takes which are immediately returned are full discretionary activities in terms of this Plan, and rate, volume, timing and frequency, where appropriate, are addressed through objectives and policies in both Chapters 5 and 6.

Where water is delivered to a lake or river for the purpose of subsequent taking, it is not intended to have any effect on the quantities naturally present, so is excluded from allocation management under this policy. Such takes are restricted discretionary activities.

In the Waitaki catchment, all allocation must also be considered against the Waitaki Catchment Water Allocation Regional Plan (which is incorporated into policies of this Plan in Section 6.6A).

Principal reasons for adopting

This policy is adopted to enable users' access to surface water and connected groundwater while sustaining instream values.

Policy 6.4.1A

A groundwater take is allocated as:

- (a) Surface water, subject to a minimum flow, if the take is from any aquifer in Schedule 2C; or
- (b) Surface water, subject to a minimum flow, if the take is within 100 metres of any connected perennial surface water body; or
- (c) Groundwater and part surface water if the take is 100 metres or more from any connected perennial surface water body, and depletes that water body most affected by at least 5 litres per second as determined by Schedule 5A; or
- (d) Groundwater if (a), (b) and (c) do not apply.

Explanation

Most aquifers share a hydrological connection with adjoining surface water bodies. The degree of connection varies in significance, and this is reflected in the four ways of managing groundwater allocations. Some aquifers are

identified on the C-series maps. Where the maps show aquifers overlapping, the Council will identify which aquifer the groundwater is to be taken from (e.g. from borelogs or water chemistry analyses).

(a) Schedule 2C
Surface water controls apply to takes from Schedule 2C aquifers because there is a close hydrological connection with the adjoining surface water bodies. These controls best manage the environmental effects of such takes.

(b) Take is within 100 metres
In some instances the degree of hydrological connection is sufficiently significant that a take of groundwater causes a depletion effect on surface water, as described in Schedule 5A. Therefore, surface water controls are imposed for groundwater takes that occur within 100 metres of a connected perennial surface water body because those takes have a direct effect on the surface water body.

(c) Take is from 100 metres or more, and depletes surface water by at least 5 litres per second.

A dual water allocation regime applies under (c) if a groundwater take produces a surface water depletion of 5 litres per second or more. This regime recognises the effect of groundwater takes by allocating the full quantity of take against the aquifer allocation. It is important that the allocation is not allocated again to another groundwater taker.

This regime also recognises the effect of surface water depletion, which can occur immediately or time delayed, by allocating a portion of the take determined using the equations set out in Schedule 5A against the surface water allocation. Therefore, the quantity of water which depletes surface water must not be allocated again to any other water take (whether of surface water or groundwater).

Surface water minimum flow restrictions are not imposed under (c) because they would not immediately alleviate low surface water flow.

(d) All other groundwater
Certain factors reduce the connection between aquifer and surface water body to a degree that surface water depletion effects are below the threshold level of 5 litres per second. These typically include:

- (i) The bed of the surface water body is impermeable; or
- (ii) The surface water body is ephemeral and only conveys water in periods of high runoff; or
- (iii) The groundwater is separated from the underlying water table by an unsaturated zone that inhibits connection to aquifer's water table; or
- (iv) The groundwater system has very low permeability; or
- (v) The groundwater system has very steep gradients or perched water tables adjacent to the surface water body boundaries; or
- (vi) The bore or well screen is sufficiently deep to avoid influence on surface water; or
- (vii) The bore or well is sufficiently distant from the surface water body to avoid influence on the surface water body.

In these instances water is allocated as groundwater only.

Principal reasons for adopting

This policy is adopted to ensure, when allocating groundwater, that the management is consistent with the management of surface water allocation, where the two resources are closely connected. The policy allows for the sustainable taking of groundwater while avoiding adverse effects, including in particular the matters listed in Policy 5.4.2 and 5.4.3.

Policy 6.4.2

To define the primary allocation limit for each catchment, from which surface water takes and connected groundwater takes may be granted, as the greater of:

- (a) That specified in Schedule 2A, but where no limit is specified in Schedule 2A, 50% of the 7-day mean annual low flow; or
- (b) The sum of consented maximum instantaneous, or consented 7-day, takes of:
 - (i) Surface water as at:
 - (1) 19 February 2005 in the Welcome Creek catchment; or
 - (2) 7 July 2000 in the Waianakarua catchment; or
 - (3) 28 February 1998 in any other catchment; and
 - (ii) Connected groundwater as at 10 April 2010, less any quantity in a consent where:
 - (1) In a catchment in Schedule 2A, the consent has a minimum flow that was set higher than that required by Schedule 2A.
 - (2) All of the water taken is immediately returned to the source water body.
 - (3) All of the water being taken had been delivered to the source water body for the purpose of that subsequent take.
 - (4) The consent has been surrendered or has expired (except for the quantity granted to the existing consent holder in a new consent).
 - (5) The consent has been cancelled (except where the quantity has been transferred to a new consent under Section 136(5)).
 - (6) The consent has lapsed.

Explanation

This policy sets a limit for primary allocation for the taking of surface water and connected groundwater (as defined by Policy 6.4.1A(a), (b) and (c)).

The consented 7-day take is calculated using the process outlined in Method 15.8.1.1. In cases where the consented maximum instantaneous take is markedly higher than the 7-day take, the consented maximum instantaneous take will be used. Once calculated by the Council the value of 50% of the 7-day mean annual low flow is fixed for a catchment.

Primary allocation is available when:

- (a) For catchments in Schedule 2A;

- (i) If the sum of quantities consented in takes is less than the primary allocation limit set in Schedule 2A, water can be allocated as primary allocation under this policy until the Schedule 2A limit is reached; or
 - (ii) If the sum of quantities in consented takes exceeds the primary allocation limit set in Schedule 2A, no further primary allocation is available until the sum is less than the Schedule 2A limit. Primary allocation for the catchment is fully allocated, and a new quantity from within primary allocation may only be granted to a new consent subject to the surrender or expiry of an existing consent, or by transfer from an existing consent under Section 136(5). More detail is given below for when a consent is due to expire.
 - (iii) Any further allocation, known as supplementary allocation, must then be considered under Policies 6.4.9 or 6.4.10.
- (b) For catchments other than those in Schedule 2A;
- (i) If the consented take is less than 50% of the 7-day mean annual low flow, more water can be allocated as primary allocation under this policy until that limit is reached.
 - (ii) If the sum of quantities in consented takes exceeds 50% MALF, no further primary allocation is available until the sum is less than 50% MALF. Primary allocation for the catchment is fully allocated, and a new quantity from within primary allocation may only be granted to a new consent subject to the surrender or expiry of an existing consent, or by transfer from an existing consent under Section 136(5). More detail is given below for when a consent is due to expire.
 - (iii) Any further allocation, known as supplementary allocation, must then be considered under Policies 6.4.9 or 6.4.10.

When the holder of an existing consent with primary allocation applies for a new consent for the same activity, and is able to lawfully exercise the consent beyond the consent's expiry under Section 124, that quantity of water retains its primary allocation status and may be granted to the new consent. Otherwise, if it is not replaced immediately on expiry, taking must cease when the consent expires and primary allocation status is lost. In catchments where (b) applies, that quantity is subtracted from the sum of primary allocation consents and may not be re-allocated.

Note that where the quantity from an existing consent from within primary allocation is transferred to a new consent, calculation of the primary allocation in (b) is based on the quantity specified in the new consent.

The catchments used in terms of calculating allocation under this policy are based on the point at which each catchment enters the Clutha/Mata-Au or Kawarau main stems, Lakes Roxburgh, Dunstan, Hawea, Wanaka or Wakatipu, or the coastal marine area. An alternative upstream point may be used where practicable, having regard to the hydrological characteristics of that catchment. Allocation limits will not apply in terms of any surface water or connected groundwater take from the main stem of the Clutha/Mata-Au or Kawarau Rivers nor do the subsequent policies set minimum flows for these rivers but the provisions of Chapter 5 apply.

The Otago Regional Council will keep a record of the quantity of water allocated from each catchment, and the value of 50% of the 7-day mean annual low flow when it is fixed for a catchment.

Principal reasons for adopting

This policy is adopted, in conjunction with the application of minimum flows, for catchments identified in Schedule 2A, to provide certainty regarding the availability of water resources for taking, while ensuring the effects of takes on the life-supporting capacity for aquatic ecosystems and natural character of rivers are no more than minor. This policy also provides a conservative primary allocation for unscheduled catchments until studies can determine the appropriate allocation limits. However, these catchments are not identified in Schedule 2A, and they do not have minimum flows specified in the Plan.

This policy, along with Policies 6.4.2A and 6.4.2AA, are intended to reduce unutilised consented primary allocation over time, which will enable lowering of supplementary minimum flows.

Policy 6.4.2A

Where an application is received to take water and Policy 6.4.2(b) applies to the catchment, to grant from within primary allocation no more water than has been taken under the existing consent in at least the preceding five years, except in the case of a registered community drinking water supply where an allowance may be made for growth that is reasonably anticipated.

Explanation

This policy intends that in catchments where water is only available from primary allocation under a new consent for the same activity for which an existing primary allocation consent is held, only water actually taken under that existing resource consent will be considered for the new consent.

In the new consent, a consent holder may benefit from using water actually taken in the past more efficiently.

A registered community drinking water supply, in terms of this Policy, is a drinking water supply serving a community of more than 25 people for more than 60 days a year. In the case of such supplies, consent may be granted for more water than has been taken under the existing consent where there is evidence that growth is reasonably anticipated.

In all cases, the effect of seasonal extremes will be considered.

Evidence of the rate, volume, timing and frequency of water taken under the existing consent in the preceding five years is required, such as metering or measuring data. Where there is limited or no such data available, any relevant supporting evidence may be presented, for example a description of existing circumstances and use. Infrastructure present or photography showing irrigated land may also indicate how much water has been taken and when.

Principal reasons for adopting

This policy is adopted to ensure that any new consent granted reflects the pattern of taking established under the existing consent, and to minimise conflict between those taking water. This policy also intends that the taking of water is not constrained by resource consent holders who are underutilising the water allocated to them, improving efficiency of water resource use.

This policy, along with Policies 6.4.2 and 6.4.2AA, is intended to improve water resource efficiency by reducing unutilised consented primary allocation over time, which will also enable lowering of supplementary minimum flows.

Policy 6.4.2AA

Where Policy 6.4.2A applies and, under the existing consent, water was usually taken at flows above the minimum flow calculated for the first supplementary allocation block for that catchment, to consider granting the new resource consent to take water as supplementary allocation.

Explanation

Some existing resource consents to take water within primary allocation are being exercised only at higher flows, as if the consents are to take water within supplementary allocation. This happens where it is not possible to take water at flows below the minimum flow for the first supplementary block for the catchment because there is no water available.

It is intended through this policy that, where a new consent is granted as supplementary allocation, the consent holder will continue to be provided with water equivalent to that taken in the past. Water taken at higher flows can be stored for later use.

Principal reasons for adopting

This policy is adopted to assist in the reduction of primary allocation by requiring consideration of the status of water infrequently taken, as supplementary allocation. This policy intends that the taking of water is not constrained by resource consent holders who are underutilising the water allocated to them, improving the efficiency of water resource use.

This policy, along with Policies 6.4.2 and 6.4.2A, are intended to reduce unutilised consented primary allocation over time, which will enable lowering of supplementary minimum flows.

Policy 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, Pomahaka, Waiwera 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 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 Luggate, Manuherikia (upstream of Ophir) and the Taieri between Paerau and Sutton, the minimum flow provisions apply, subject to the review of consent conditions under Sections 128 to 132 of the RMA.
3. For the Luggate, Manuherikia (upstream of Ophir) and the Taieri between Paerau and Sutton, the minimum flows will not apply until after a collective review of the consents in the catchments. This will occur before 2021 if there is agreement by the holders of mining privileges (deemed permits) to adhere to the minimum flows, or on the expiry of the mining privileges on 2 October 2021. Where environmental benefit will result from applying minimum flows to any resource consents (other than deemed permits) in these catchments, the review of those resource consent conditions may also occur earlier.
4. For resource consents to take from rivers within catchments not specified in Schedule 2A, the minimum flow provisions will apply from the operative date of a plan change setting the minimum flow for the river, subject to the review of consent conditions under Sections 128 to 132 of the RMA.

Reviews under Section 128 of the Resource Management Act will be undertaken simultaneously on all reviewable takes within each catchment, in the interests of equity.

In the case of mining privileges in respect of water (deemed permits, see Appendix 2) the Resource Management Act provides for their continuation without restriction, unless compensation is made, until they expire in 2021.

However, arrangements for the conversion of such permits to resource consents may be developed before that time. Alternatively, arrangements for voluntary adherence by deemed permit holders to the minimum flows may occur. Under voluntary arrangements, or conversion of deemed permits to resource consents, or in 2021, these resource consents or deemed permits will become subject to the minimum flows established by this Plan.

The process of consent review must be completed by 2 October 2021, allowing coordination with the review of any deemed permits that may be operating in an area.

Principal reasons for adopting

This policy is adopted to enable the minimum flow provisions of the Plan to be applied as soon as practicable to existing resource consents to take water.

In the Luggate catchment area, Manuherikia catchment area (upstream of Ophir) and Taieri catchment areas between Paerau and Sutton, there is a very high proportion of mining privileges. Therefore the application of minimum flows to resource consents may be timed to coincide with their application to deemed permits (either through voluntary methods or in 2021). Where environmental benefit will result from applying minimum flows to any resource consents (other than deemed permits) in these catchments, the review of those resource consent conditions may also occur earlier.

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

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

Rules: 12.1.4.2 to 12.1.5.1

Other methods: 15.9.1.3, 15.9.1.4

Policy 6.4.8

Minimum flows required by Policies 6.4.1A, 6.4.3, 6.4.4 or 6.4.6 will not apply to community water supply takes identified in Schedule 1B or 3B.

Explanation

This policy exempts scheduled community water supplies from restriction in terms of the minimum flow requirements of Policies 6.4.1A, 6.4.3, 6.4.4 and 6.4.6.

Community water supply takes beyond primary allocation will be subject to Policy 6.4.9 or 6.4.10 to maintain aquatic ecosystem values.

Principal reasons for adopting

This policy is adopted to enable continued unrestricted operation of Schedule 1B and 3B community water supplies. Human health and safety are dependent on a reasonable supply of water and imposing minimum flows on existing takes may compromise human health and safety unnecessarily. In many instances the community has made a considerable investment in developing infrastructure to supply water, and has undertaken significant development that is dependent on the water supply.

Rules: 12.1.3.1 and 12.2.2A.1

Policy 6.4.9

To provide for supplementary allocation for the taking of water, in blocks of allocation where that is appropriate:

- (a) Such that up to 50% of flow at the catchment main stem, minus the assessed actual take, is available for allocation subject to a minimum flow set to ensure that no less than 50% of the natural flow remains instream; or
- (b) On an alternative basis, provided:
 - (i) The take has no measurable effect on the flow at any Schedule 2 monitoring site, or any site established in terms of Policy 6.4.4, at flows at or below any minimum flow applying to primary allocation; and
 - (ii) Any adverse effect on any aquatic ecosystem value or natural character of the source water body is no more than minor; and
 - (iii) There is no adverse effect on any lawful existing take of water.
- (c) Supplementary allocations and associated minimum flows for some catchments are set in Schedule 2B.

Explanation

Policy 6.4.2 provides for the taking of water as primary allocation. This policy provides for the taking of water as supplementary allocation on a 50:50 flow-sharing basis between instream and out of stream use. Fifty percent of available flow may be allocated, minus the assessed actual take, which is that volume of water in primary allocation that is actually being taken, as calculated under Method 15.8.1.1. Further supplementary allocation, where taking occurs above the river's natural mean flow, is provided through Policy 6.4.10.

In providing for supplementary allocation where there are multiple applications for new takes of water these may be granted in allocation blocks. These blocks are volumes of water, assessed as the consented maximum instantaneous rates of take. Under Method 15.8.1A.1, the size of any supplementary allocation block is based on the 7-day mean annual low flow of the catchment.

The formula for calculating the supplementary minimum flows is as follows:

Supplementary minimum flow = Assessed actual take + Supplementary allocation(s)

The 50:50 flow-sharing applies only to supplementary allocation determined under (a) of this policy. There may be a situation where the assessed actual take under part (a) is not able to be determined, due to factors including takes not being monitored. Until such time that assessed actual take can be calculated, this policy provides for the use of primary allocation in place of assessed actual take, in terms of Method 15.8.1A.2.

The consent will be immediately subject to the minimum flow. Such supplementary allocation takes are a restricted discretionary activity.

Supplementary allocation may be made on an alternative basis, as an exception to 6.4.9(a), as long as aquatic ecosystem values, natural character and existing users downstream of the take are not adversely affected. Supplementary allocation takes that leave less than 50% of the flow instream will be considered as a full discretionary activity or, for the Waitaki Catchment only, a non-complying activity in terms of this Plan.

Schedule 2B sets blocks for supplementary allocation for some catchments.

Principal reasons for adopting

This policy is adopted to enable access to water at moderate flows, while maintaining the aquatic ecosystem and natural character values of affected rivers, and providing for natural flow variation. It also provides for a lower minimum flow to be applied, where adverse effects will be no more than minor.

Policy 6.4.10

In addition to Policy 6.4.9, to provide for further supplementary allocation without any restriction on the volume taken, where the minimum flow applied is equal to the natural mean flow.

Explanation

This policy provides for further supplementary allocation than that which is provided for by Policy 6.4.9, when flows are above the natural mean flow. At such times, water is sufficiently abundant so that taking will have no more than minor effect on instream values or other takes.

This allocation is likely to be sought by those storing water. Where such takes are subject to a minimum flow equal to the natural mean flow, limiting the allocation is unnecessary. Rule 12.1.4.7 makes such takes a restricted discretionary activity. However, further supplementary takes are full discretionary activities under Rule 12.1.5.1 because of the provision of the first supplementary allocations in Schedule 2B and the potential effects of further supplementary takes on flow variability and instream values.

Principal reasons for adopting

This policy is adopted to provide access to water at higher flows and promote water harvesting, when the maintenance of the aquatic ecosystem and natural character values of affected rivers is not an issue.

Groundwater Takes

Policy 6.4.10A2

Define the maximum allocation limit for an aquifer as:

- (a) That specified in Schedule 4A; or
- (b) For aquifers not in Schedule 4A, 50% of the mean annual recharge calculated under Schedule 4D.

Policy 6.4.10A4

Where an application is received to take groundwater by a person who already holds a resource consent to take that water, grant no more water than has been taken under the existing consent, in at least the preceding five years, when:

- (a) The take is from an aquifer where the assessed maximum annual take exceeds its maximum allocation limit; or
- (b) The take results in the assessed maximum annual take of an aquifer exceeding its maximum allocation limit,

except in the case of a registered community drinking water supply where an allowance may be made for growth that is reasonably anticipated.

All Water Takes

Policy 6.4.14

Other than as may be provided for by Policies 6.5.5, 8.4.2 and 10.4.2A, those taking water will not be restricted by the minimum flows set by this Plan, where the quantity taken is within any net flow augmentation specifically provided for that taking.

Explanation

This policy recognises that, where augmentation occurs, resource consents to take up to the augmentation volume may be issued, which are not subject to any minimum flow. Net flow augmentation is that water added to a water body through an augmentation scheme, for a subsequent take, which is estimated to still be present in the water body at the point of take. Quantities provided through augmentation may be reduced by leakage, or evaporation losses. Such losses will be deducted when determining the net flow augmentation that has been provided.

Other policies recognise a requirement to take water, which may have an adverse effect, but requires compensation. These policies are:

- (a) Policy 6.5.5, which requires regard to be given to avoiding specified adverse effects when augmentation involves inter-catchment transfers;
- (b) Policy 8.4.2, which recognises the need for compensation arising from the associated damming of water; and
- (c) Policy 10.4.2A, which recognises that the taking of water may affect a wetland.

Principal reasons for adopting

This policy is adopted to provide for unrestricted access by resource users to water that they themselves have provided through augmented flows. Losses are taken into account to

ensure that takes that would not be subject to minimum flows would not result in minimum flows being breached.

Rules: 12.1.4.1

Policy 6.4.18

Where a resource consent for the taking of water has not been exercised for a continuous period of 2 years or more, disregarding years of seasonal extremes, the Otago Regional Council may cancel the consent.

Explanation

Where any consent for a take of water has not been exercised for a period of 2 years, the consent may be cancelled under Section 126 of the Resource Management Act. This 2 year period will not include very dry years where water is not available to take, or very wet years when the water is not needed for the intended use of the consent.

Principal reasons for adopting

This policy is adopted to enable those wishing to use allocatable water to do so, by cancelling existing authorities to take that are not being exercised.

Rules: 12.1.3.1 to 12.1.5.1

Policy 6.4.19

When setting the duration of a resource consent to take and use water, to consider:

- (a) The duration of the purpose of use;
- (b) The presence of a catchment minimum flow or aquifer restriction level;
- (c) Climatic variability and consequent changes in local demand for water;
- (d) The extent to which the risk of potentially significant, adverse effects arising from the activity may be adequately managed through review conditions;
- (e) Conditions that allow for adaptive management of the take and use of water;
- (f) The value of the investment in infrastructure; and
- (g) Use of industry best practice.

Explanation

The duration of each resource consent to take and use water should have regard to the particular circumstances of the activity and its likely environmental effects, but there needs to be good reason for Council to reduce the duration of consents from that required for the purpose of use. There can be tension between granting sufficiently long consent durations to enable continued business viability and managing the greater environmental risk associated with long duration consents.

Where more is known about a water resource, such as when a catchment minimum flow has been specified in Schedule 2B, or an aquifer restriction level has been specified in Schedule 4B, and a council approved rationing regime will be adhered to, the risk of adverse effects being unforeseen is reduced and longer duration consents may be appropriate.

Consent review provisions provide an opportunity to allow longer consent durations while ensuring the requirements of this Plan are met over time. Where there is a higher degree of risk of adverse effects, uncertainty of longer term availability of the water resource, or the applicant is unwilling to volunteer adaptive management conditions (it may be too difficult to set suitable review conditions), a shorter duration consent may be appropriate.

Adaptive management provisions may be volunteered in situations where there is uncertainty about the response required to meet future change, including rapidly changing technology or a rapidly changing environment. Such provisions enable a proposal to proceed with sufficient, but not exhaustive, assessments of all risks and contingencies. Environmental standards initially set may be varied to be more or less restrictive over the life of the consent, in light of changing circumstances and community expectations.

Short duration consents should not be used as an alternative to declining consent, or as a response to poor assessments of environmental effects prepared by consent applicants.

Principal reasons for adopting

This policy provides greater certainty on the assessment criteria used when deciding on the duration of the consent to take and use water.

6.5 Policies regulating the management of lake levels, and the damming, diversion and augmentation of rivers.

Policy 6.5.4

In regulating the management of flows, other than in association with a small dam or any dam designed to contain contaminants, to have regard to provision for:

- (a) The requirements of:
 - (i) Natural and human use values identified in Schedule 1;
 - (ii) The natural character of the water body; and
 - (iii) Amenity values supported by the water body; and
- (b) The periodic release of sufficient quantities of water at appropriate flow rates, where necessary to remove excess algal growth or an accumulation of sediment downstream of the dam; and
- (c) The existing needs of consumptive users of water,

while taking into account, where appropriate, the extent to which the water body has been modified by resource use and development.

Explanation

This policy identifies the measures that may be required in managing controlled flows, to avoid or mitigate adverse effects. Dams designed to contain contaminants, and small dams permitted by Rules 12.3.2.1 and 13.2.1.3, are excluded. Where the controlled flow conditions could lead to the river's natural and human use values, or uses of that water, being degraded or compromised, discharge flows can be modified to avoid or mitigate those effects. This may be achieved through setting maximum and minimum levels of flow, and through control of the range or rate of change of flow levels. The natural and human use values downstream of any existing dam not designed to pass water will be maintained by continuing the existing operating regime. The measures identified in the policy would be introduced upon conditions on the relevant resource consents.

Where existing development affecting the water body may have led to a stable equilibrium situation with its own natural character, this will be taken into account when invoking the provisions of this policy.

Principal reasons for adopting

This policy is adopted to ensure that the natural and human use values supported by water bodies are sustained. The measures identified will provide for adequate water and appropriate flow variation for the existing values and uses.

Rules: 12.3.3.1, 12.3.4.1, 12.B.3.1, 14.3.2.1

Policy 6.5.5

In considering resource consents for flow augmentation proposals involving any transfer of water between catchments that was not lawfully established before 28 February 1998, regard will be had to avoiding:

- (a) The introduction of flora or fauna which are not already present;
- (b) The reduction of water quality in the receiving catchment; and
- (c) Adverse effects on Kai Tahu cultural and spiritual beliefs, values and uses.

Explanation

Augmentation of surface water flows for the purposes of this policy occurs where water is brought into a catchment for subsequent release. When considering any relevant resource consents required for new augmentation schemes, regard must be had to avoiding the adverse effects identified in this policy.

Principal reasons for adopting

This policy is adopted to ensure that new proposals for the augmentation of water resources do not lead to adverse effects on the flora and fauna, water quality, or cultural and spiritual beliefs, values or uses of the water resources.

Rules: 12.3.3.1, 12.3.4.1.

Chapter 12: Rules: Water Take, Use and Management

12.0.1 Prohibited activity: No resource consent will be granted

Rule 12.0.1.1

An application to take water within primary allocation in a catchment where Policy 6.4.2(b) applies, by a person who does not hold the existing consent to take that water, is a **prohibited** activity.

Rule 12.0.1.2

An application to take water as primary allocation where that take would cause the primary allocation of a catchment to exceed the relevant limit in Policy 6.4.2, is a **prohibited** activity.

12.1.2 Permitted activities: No resource consent required

Rule 12.1.2.3

Except as provided for by Rule 12.1.1.2, the taking and use of surface water from any artificial lake is a **permitted** activity providing:

- (a) The artificial lake was created under Rule 12.3.2.1 or under the Transitional Regional Plan rule constituted by General Authorisation 13, prior to 28 February 1998; and
- (b) The water is taken by the owner of the dam structure, or the take is authorised by that owner.

12.1.3 Controlled activity: consent required but always granted

Rule 12.1.3.1

Unless covered by Rule 12.1.1A.1, the taking and use of surface water for community water supply, up to any volume or rate authorised as at 28 February 1998, by any take identified in Schedule 1B is a **controlled** activity.

In granting any resource consent for the taking and use of surface water in terms of this rule, the Otago Regional Council will restrict the exercise of its control to the following:

- (a) Any need for a residual flow at the point of take; and
- (b) Any need to prevent fish entering the intake; and
- (c) The rate, volume, timing and frequency of the water to be taken and used; and
- (d) The quantity of water required to meet the needs of the community; and
- (e) The proposed method of take and delivery of the water taken; and
- (f) The duration of the resource consent; and
- (g) The information and monitoring requirements; and
- (h) Any bond; and
- (i) The review of conditions of the resource consent; and
- (j) Any effect on any Regionally Significant Wetland or on any regionally significant wetland value.

The Consent Authority is precluded from giving public notification of an application for a resource consent under this rule.

12.1.4 Restricted discretionary activities: Resource consent required

Rule 12.4.1

Except as provided for by Rule 12.1.2.3, the taking and use of surface water from any lake or river which has already been delivered to that lake or river for the purpose of this subsequent taking is a **restricted discretionary** activity.

In considering any resource consent for the taking and use of water in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (a) The amount of water which can be taken, having regard to the amount delivered to the lake or river and any losses that may have occurred between the point of augmentation and the take; and
- (b) Any need to prevent fish entering the intake; and
- (c) The duration of the resource consent; and
- (d) The information and monitoring requirements; and
- (e) Any bond; and
- (f) The review of conditions of the resource consent.

Applications may be considered without notification under Section 93 and without service under Section 94(1) of the Resource Management Act on persons who, in the opinion of the consent authority, may be adversely affected by the activity.

Rule 12.1.4.2

Taking and use of surface water as primary allocation in the following Schedule 2A catchment areas, shown on the B-series maps:

Kakanui,

Lake Hayes,

Lake Tuakitoto,

Pomahaka,

Shag,

Taieri Catchment upstream of Paerau,

Taieri Catchment Sutton to Outram,

Trotters,

Waianakarua,

Waitahuna,

Waiwera,

Water of Leith, and

Welcome Creek

- (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) 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, provided that, in the case of Welcome Creek, by itself or in combination with any other take, use, dam, or diversion, the sum of the annual volumes authorised by resource consent, does not exceed the allocation to activities set out in Table 12.1.4.2.
- (iii) The matters to which the Otago Regional Council has restricted the exercise of its discretion are set out in Rule 12.1.4.8.
- (iv) 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 specified 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.

Table 12.1.4.2

Annual allocation to activities

Note: units = millions of m³ per year

	<u>Town and Community water supply</u>	<u>Industrial and commercial activities (outside municipal or town supply areas)</u>	<u>Tourism and recreational facilities</u>	<u>Agricultural and horticultural activities</u>	<u>Any other activities*</u>	<u>Hydro-electricity generation*</u>
Downstream of Waitaki Dam but downstream of Black Point	19	8.5	4.3	1100	144	All other flows except the flows that must remain in the rivers, pursuant to the <u>environmental flow and level regimes</u>

* Water taken or diverted and returned to the same water body in the vicinity of the take or diversion point, in the same condition and quality as taken, for fisheries and wildlife or micro hydro-electricity generation, does not need to be accounted for in the annual allocation to activities in Table 12.1.4.2.

Rule 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, shown on the B-series maps:

Luggate Catchment,

Manuherikia Catchment Upstream of Ophir,

Taieri Catchment Paerau to Waipiata,

Taieri Catchment Waipiata to Tiroiti, and

Taieri Catchment Tiroiti to Sutton:

- (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) 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 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.

12.1.5 Discretionary activities: resource consent required

Rule 12.1.5.1

Except as provided for by Rules 12.1.1.1 to 12.1.4.7, the taking and use of surface water is a **discretionary** activity.

12.2.2A Controlled activity: consent required but always granted

Rule 12.2.2A.1

Unless covered by Rule 12.2.1A.1, the taking and use of groundwater for community water supply, by any take identified in Schedule 3B, up to any volume or rate listed in Schedule 3B, is a **controlled** activity.

In granting any resource consent for the taking and use of groundwater in terms of this rule, the Otago Regional Council will restrict the exercise of its control to the following:

- (a) The need to observe a restriction level, and
- (b) The need for a residual flow at the point of take; and
- (c) The rate, volume, timing and frequency of the water to be taken and used; and
- (d) The quantity of water required to meet the needs of the community; and
- (e) The proposed methods of take and delivery of the water taken; and
- (f) The duration of the resource consent; and
- (g) The information and monitoring requirements; and
- (h) Any bond; and
- (i) The review of conditions of the resource consent; and
- (j) Any effect on any Regionally Significant Wetland or on any regionally significant wetland value.

The Consent Authority is precluded from giving public notification of an application for a resource consent under this rule.

12.2.4 Discretionary activities: Resource consent required

Rule 12.2.4.1

- (i) Except as provided for by Rules 12.2.1.1 to 12.2.3.5 the taking and use of groundwater is a discretionary activity.
- (ii) Unless covered by Rule 12.2.1A.1, the taking and use of groundwater in the Waitaki catchment to which this rule applies is a 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 12.1.4.2. In considering an application to which this rule applies, the consent authority will have regard, among other matters, to Policies 6.6A.1 to 6.6A.6.

Chapter 15: Methods other than Rules

15.8.1A Methodology for determining supplementary allocation

Method 15.8.1A.2

The Otago Regional Council will use the following process when calculating the supplementary minimum flow for supplementary allocation block(s) for any catchment area, where assessed actual take is unable to be calculated for the purposes of Policy 6.4.9(a):

- (a) Establish the primary allocation under Policy 6.4.2;
- (b) Add a volume equivalent to the first supplementary allocation block for that catchment assigned under Method 15.8.1A.1;
- (c) For each subsequent supplementary allocation block, add the volume equivalent to that supplementary allocation block for that catchment, assigned under Method 15.8.1A.1.

The formula for calculating the supplementary minimum flows is therefore as follows:

Supplementary minimum flow = Primary allocation + Supplementary allocation(s)

Principal reasons for adopting

These methods are adopted to provide certainty and consistency in the determination of the size of supplementary allocation blocks, which in turn determines the associated supplementary minimum flow.

Chapter 20: Schedules

[Note: for the purposes of this document, only the relevant parts of each Schedule have been reproduced. Refer to the full Regional Plan for Otago: Water for the full Schedules.]

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

Catchment See the B-series maps	Monitoring Site (with MS number) See the B-series maps	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 <i>Welcome Creek catchment from confluence with Waitaki River to headwaters. (Also subject to Table 12.1.4.2)</i>
Kakanui catchment (a) 1 October to 30 April	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 <i>Kakanui catchment from mouth to headwaters excluding the Waiareka Creek and Island Stream catchments.</i>
(b) 1 May to 30 September	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 (1 October to 30 April) 400 (1 May to 30 September)	190 <i>Waianakarua catchment from mouth to headwaters</i>
Trotters catchment	Mathesons Weir (MS 12)	10 (1 October to 30 April) 35 (1 May to 30 September)	15 <i>Trotters catchment from mouth to headwaters</i>
Shag catchment (both minimum flows apply)	Goodwood Pump (MS 1) Craig Road (MS 2)	28 150	280 <i>Shag catchment from mouth to headwaters</i>

Water of Leith catchment	Water of Leith at University Footbridge (MS 4)	94	140 <i>Water of Leith catchment from mouth to headwaters</i>
Taieri River upstream of Paerau	Paerau Dam (MS 5a)	850	4,860 <i>Taieri River catchment from mouth to headwaters</i>
Taieri River catchment between Paerau and Waipiata	Taieri River at Waipiata (MS 5)	1,000	
Taieri River catchment between Waipiata and Tiroiti	Taieri River at Tiroiti (MS 5b)	1,100	
Taieri River catchment between Tiroiti and Sutton	Taieri River at Sutton (MS 6)	1,250	
Taieri River catchment between Sutton and Outram	Taieri River at Outram (MS 6a)	2,500	
Luggate catchment	SH6 Bridge (MS 11)	180 (1 November to 30 April) 500 (1 May to 30 October)	
Lake Hayes catchment area	Mill Creek at Fish Trap (MS 7)	180	260 <i>Lake Hayes catchment from lake outlet to headwaters</i>
Manuherikia River catchment upstream of Ophir	Manuherikia River at Ophir (MS 8)	820	3,200 <i>Manuherikia catchment from confluence with Clutha/Mata-Au to headwaters</i>
Waitahuna River catchment	Waitahuna River at Tweeds Bridge (MS 9)	450	650 <i>Waitahuna catchment from confluence with Clutha/Mata-Au to headwaters</i>

Pomahaka catchment (within Otago Region)	Burkes Ford (MS 15)	3,600 (1 October to 30 April) 7,000 (1 May to 30 September)	1,000 <i>Pomahaka catchment from confluence with Clutha/Mata-Au to headwaters</i>
Waiwera catchment	Maws Farm (MS 16)	280 (1 October to 30 April) If 280 breached by taking, flow must return to 310 before taking can recommence. 400 (1 May to 30 September)	150 Waiwera catchment from confluence with Clutha/Mata-Au to headwaters
Lake Tuakitoto catchment	Lovells Creek at SH1 (MS 10)	5	30 Lake Tuakitoto catchment from confluence with Clutha/Mata-A u to headwaters

3A Schedule of human uses of particular aquifers

Aquifer	Map	Values
Lower Waitaki Plains Aquifer	C15, C16 & C17	– Human consumption without treatment – Stock drinking water supply and farm dairy water
Papakaio Aquifer	C15 & C17	– Irrigation
North Otago Volcanic Aquifer	C15, C16, C17 & C18	– Irrigation
Kakanui-Kauru Alluvium Aquifer	C17 & C18	– Human consumption without treatment – Stock drinking water supply and farm dairy water – Irrigation
Shag Alluvium Aquifer	C19	– Human consumption without treatment – Human consumption with treatment – Stock drinking water supply – Irrigation
Ettrick Basin Aquifer	C21	– Human consumption without treatment

		<ul style="list-style-type: none"> – Stock drinking water supply and farm dairy water – Irrigation
Roxburgh Basin Aquifer	C20	<ul style="list-style-type: none"> – Human consumption without treatment – Stock drinking water supply – Irrigation – Industrial
Lower Taieri Aquifer	C24 & C25	<ul style="list-style-type: none"> – Human consumption without treatment – Stock drinking water supply and farm dairy water – Irrigation – Industrial

Proposed Regional Policy Statement (made partially operative on 14 January 2019)

Part B Chapter 1 – Resource Management in Otago is integrated

Objectives

Objective 1.1

Otago's resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities

Policies

Policy 1.1.1 Economic wellbeing

Provide for the economic wellbeing of Otago's people and communities by enabling the resilient and sustainable use and development of natural and physical resources.

Policy 1.1.2 Social and cultural wellbeing and health and safety

Provide for the social and cultural wellbeing and health and safety of Otago's people and communities when undertaking the subdivision, use, development and protection of natural and physical resources by all of the following:

- a) Recognising and providing for Kāi Tahu values;
- b) Taking into account the values of other cultures;
- c) Taking into account the diverse needs of Otago's people and communities;
- d) Avoiding significant adverse effects of activities on human health;
- e) Promoting community resilience and the need to secure resources for the reasonable needs for human wellbeing;
- f) Promoting good quality and accessible infrastructure and public services.

Policy 1.2.1 Integrated resource management

Achieve integrated management of Otago's natural and physical resources, by all of the following:

- a) Coordinating the management of interconnected natural and physical resources;
- b) Taking into account the impacts of management of one natural or physical resource on the values of another, or on the environment;
- c) Recognising that the value and function of a natural or physical resource may extend beyond the immediate, or directly adjacent, area of interest;
- d) Ensuring that resource management approaches across administrative boundaries are consistent and complementary;
- e) Ensuring that effects of activities on the whole of a natural or physical resource are considered when that resource is managed as subunits.

- f) Managing adverse effects of activities to give effect to the objectives and policies of the Regional Policy Statement.
- g) Promoting healthy ecosystems and ecosystem services;
- h) Promoting methods that reduce or negate the risk of exceeding sustainable resource limits.

Part B Chapter 2 – Kāi Tahu values and interests are recognised and kaitiakitaka is expressed

Objective 2.2

Kāi Tahu values, interests and customary resources are recognised and provided for

Policies

Policy 2.2.1 Kai Tahu Wellbeing

Manage the natural environment to support Kāi Tahu wellbeing by all of the following:

- a) Recognising and providing for their customary uses and cultural values in Schedules 1A and B; and
- b) Safe-guarding the life-supporting capacity of natural resources.

Part B Chapter 4 – Communities in Otago are resilient, safe and healthy

Objectives

Objective 4.3

Infrastructure is managed and developed in a sustainable way

Policies

Policy 4.3.2 Nationally and regionally significant infrastructure

Recognise the national and regional significance of all of the following infrastructure:

- a) Renewable electricity generation activities, where they supply the National Grid or local distribution network;
- b) National Grid;
- c) Electricity sub-transmission infrastructure;
- d) Telecommunication and radiocommunication facilities;
- e) Roads classified as being of national or regional importance;
- f) Ports and airports and associated navigation infrastructure;
- g) Defence facilities;
- h) Rail infrastructure;
- i) Municipal infrastructure.

Policy 4.3.3 Functional needs of infrastructure that has national or regional significance

Provide for the functional needs of infrastructure that has regional or national significance, including safety.

Part B Chapter 5 – People are able to use and enjoy Otago’s natural and built environment

Objectives

Objective 5.4

Adverse effects of using and enjoying Otago’s natural and physical resources are minimised

Policies

Policy 5.4.3 Precautionary approach to adverse effects

Apply a precautionary approach to activities where adverse effects may be uncertain, not able to be determined, or poorly understood but are potentially significant or irreversible.

Policy 5.4.10 Managing land use change in dry catchments

Manage land use change in dry catchments, to avoid any significant reduction in water yield, by:

- a) Controlling any extension of forestry activities within those catchments that would result in a significant reduction in water yield, including cumulative reductions; and
- b) Minimising the conversion of tall tussock grasslands to species which are less able to capture and hold precipitation.

Proposed Regional Policy Statement (chapters not yet made operative)

[Note: the version these provisions have been taken from is the changes as a result of appeals tracked change version, dated 17 May 2019]

Part B Chapter 3 – Otago has high quality natural resources and ecosystems

Objectives

Objective 3.1

The values (including intrinsic values) of Otago's ecosystems and natural resources are recognised, and maintained, and or enhanced where degraded

Policies

Policy 3.1.1 Fresh water

Safeguard the life-supporting capacity of fresh water and manage fresh water to:

- a) Maintain good quality water and enhance water quality where it is degraded, including for:
 - i. Important recreation values, including contact recreation; and,
 - ii. Existing drinking and stock water supplies;
- b) Maintain or enhance aquatic:
 - i. Ecosystem health;
 - ii. Indigenous habitats; and,
 - iii. Indigenous species and their migratory patterns.
- c) Avoid aquifer compaction and seawater intrusion;
- d) Maintain or enhance, as far as practicable:
 - i. Natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers;
 - ii. Coastal values supported by fresh water;
 - iii. The habitat of trout and salmon unless detrimental to indigenous biological diversity; and
 - iv. Amenity and landscape values of rivers, lakes, and wetlands;
- e) Control the adverse effects of pest species, prevent their introduction and reduce their spread;
- f) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion; and,
- g) Avoid, remedy or mitigate adverse effects on existing infrastructure that is reliant on fresh water.

~~Manage fresh water to achieve all of the following:~~

- a) ~~Maintain or enhance ecosystem health in all Otago aquifers, and rivers, lakes, wetlands, and their margins;~~

- ~~b) Maintain or enhance the range and extent of habitats provided by fresh water, including the habitat of trout and salmon;~~
- ~~c) Recognise and provide for the migratory patterns of freshwater species, unless detrimental to indigenous biological diversity;~~
- ~~d) Avoid aquifer compaction and seawater intrusion in aquifers;~~
- ~~e) Maintain good water quality, including in the coastal marine area, or enhance it where it has been degraded;~~
- ~~f) Maintain or enhance coastal values;~~
- ~~g) Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers;~~
- ~~h) Maintain or enhance the quality and reliability of existing drinking and stock water supplies;~~
- ~~i) Recognise and provide for important recreation values;~~
- ~~j) Maintain or enhance the amenity and landscape values of rivers, lakes, and wetlands;~~
- ~~k) Control the adverse effects of pest species, prevent their introduction and reduce their spread;~~
- ~~l) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion;~~
- ~~m) Avoid, remedy, or mitigate adverse effects on existing infrastructure that is reliant on fresh water.~~

Policy 3.1.3 Water allocation and use

Manage the allocation and use of fresh water by undertaking all of the following:

- a) Recognising and providing for the social and economic benefits of sustainable water use;
- b) Avoiding over-allocation, and phasing out existing over-allocation, resulting from takes and discharges;
- c) Ensure Ensuring the efficient allocation and use of water by undertaking all of the following:
 - ai) Requiring that the volume of water allocated does not exceed what is necessary for its efficient use;
 - bij) Encouraging the development or upgrade of infrastructure that increases use efficiency;
 - iii. Providing for temporary dewatering activities necessary for construction or maintenance.

Policy 3.1.4 Water shortage

Manage for water shortage by undertaking all of the following:

- a) Encouraging land management that improves moisture capture, infiltration, and soil moisture holding capacity.
- ba) Encouraging collective coordination and rationing of the take and use of water when river flows or aquifer levels are lowering, to avoid breaching any minimum flow or aquifer level restriction to optimise use of water available for taking;
- cb) Providing for Encouraging water harvesting and storage, subject to allocation limits and flow management, to reduce demand on water bodies during periods of low flows.

National Policy Statement for Freshwater Management 2020

Part 1 – Preliminary provisions

Clause 1.2 Commencement

- (1) This National Policy Statement comes into force on 3 September 2020.
- (2) See Part 4 for provisions about the timing of the implementation of this National Policy Statement.

Clause 1.3 Fundamental concept – Te Mana o te Wai

Concept

- (1) Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.
- (2) Te Mana o te Wai is relevant to all freshwater management and not just to the specific aspects of freshwater management referred to in this National Policy Statement.

Framework

- (3) Te Mana o te Wai encompasses 6 principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, and these principles inform this National Policy Statement and its implementation.
- (4) The 6 principles are:
 - (a) *Mana whakahaere*: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater
 - (b) *Kaitiakitanga*: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations
 - (c) *Manaakitanga*: the process by which tangata whenua show respect, generosity, and care for freshwater and for others
 - (d) *Governance*: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future
 - (e) *Stewardship*: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations
 - (f) *Care and respect*: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.
- (5) There is a hierarchy of obligations in Te Mana o te Wai that prioritises:
 - (a) first, the health and well-being of water bodies and freshwater ecosystems
 - (b) second, the health needs of people (such as drinking water)

- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Clause 1.4 Interpretation

limit on resource use means the maximum amount of a resource use that is permissible while still achieving a relevant target attribute state (see clauses 3.12 and 3.14)

Part 2 – Objective and policies

Clause 2.1 Objective

The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

- (a) first, the health and well-being of water bodies and freshwater ecosystems
- (b) second, the health needs of people (such as drinking water)
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Clause 2.2 Policies

Policy 1 Freshwater is managed in a way that gives effect to Te Mana o te Wai.

Policy 2 Tangata whenua are actively involved in freshwater and Māori freshwater values are identified and provided for.

Policy 3 Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

Policy 4 Freshwater is managed as part of New Zealand's integrated response to climate change.

Policy 6 There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

Policy 7 The loss of river extent and values is avoided to the extent practicable.

Policy 8 The significant values of outstanding water bodies are protected.

Policy 9: The habitats of indigenous freshwater species are protected.

Policy 10 The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.

Policy 11 Freshwater is allocated and used efficiently, all existing over- allocation is phased out, and future over-allocation is avoided.

Policy 15 Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.

Part 3 – Implementation

Subpart 1 Approaches to implementing the National Policy Statement

Clause 3.2 Te Mana o te Wai

- (1) Every regional council must engage with communities and tangata whenua to determine how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region.
- (2) Every regional council must give effect to Te Mana o te Wai, and in doing so must:
 - (a) actively involve tangata whenua in freshwater management (including decisionmaking processes), as required by clause 3.4; and
 - (b) engage with communities and tangata whenua to identify long-term visions, environmental outcomes, and other elements of the NOF; and
 - (c) apply the hierarchy of obligations, as set out in clause 1.3(5):
 - (i) when developing long-term visions under clause 3.3; and
 - (ii) when implementing the NOF under subpart 2; and
 - (iii) when developing objectives, policies, methods, and criteria for any purpose under subpart 3 relating to natural inland wetlands, rivers, fish passage, primary contact sites, and water allocation; and
 - (d) enable the application of a diversity of systems of values and knowledge, such as mātauranga Māori, to the management of freshwater; and
 - (e) adopt an integrated approach, ki uta ki tai, to the management of freshwater (see clause 3.5).
- (3) Every regional council must include an objective in its regional policy statement that describes how the management of freshwater in the region will give effect to Te Mana o te Wai.
- (4) In addition to subclauses (1) to (3), Te Mana o te Wai must inform the interpretation of:
 - (a) this National Policy Statement; and
 - (b) the provisions required by this National Policy Statement to be included in regional policy statements and regional and district plans.

Clause 3.3 Long-term visions for freshwater

- (1) Every regional council must develop long-term visions for freshwater in its region and include those long-term visions as objectives in its regional policy statement.
- (2) Long-term visions:
 - (a) may be set at FMU, part of an FMU, or catchment level; and
 - (b) must set goals that are ambitious but reasonable (that is, difficult to achieve but not impossible); and
 - (c) identify a timeframe to achieve those goals that is both ambitious and reasonable (for example, 30 years after the commencement date).
- (3) Every long-term vision must:

- (a) be developed through engagement with communities and tangata whenua about their long-term wishes for the water bodies and freshwater ecosystems in the region; and
 - (b) be informed by an understanding of the history of, and environmental pressures on, the FMU, part of the FMU, or catchment; and
 - (c) express what communities and tangata whenua want the FMU, part of the FMU, or catchment to be like in the future.
- (4) Every regional council must assess whether each FMU, part of an FMU, or catchment (as relevant) can provide for its long-term vision, or whether improvement to the health and well-being of water bodies and freshwater ecosystems is required to achieve the vision.

Clause 3.4 Tangata whenua involvement

- (1) Every local authority must actively involve tangata whenua (to the extent they wish to be involved) in freshwater management (including decision-making processes), including in all the following:
- (a) identifying the local approach to giving effect to Te Mana o te Wai
 - (b) making or changing regional policy statements and regional and district plans so far as they relate to freshwater management
 - (c) implementing the NOF (see subclause (2))
 - (d) developing and implementing mātauranga Māori and other monitoring.
- (2) In particular, and without limiting subclause (1), for the purpose of implementing the NOF, every regional council must work collaboratively with, and enable, tangata whenua to:
- (a) identify any Māori freshwater values (in addition to mahinga kai) that apply to any FMU or part of an FMU in the region; and
 - (b) be actively involved (to the extent they wish to be involved) in decision-making processes relating to Māori freshwater values at each subsequent step of the NOF process.
- (3) Every regional council must work with tangata whenua to investigate the use of mechanisms available under the Act, to involve tangata whenua in freshwater management, such as:
- (a) transfers or delegations of power under section 33 of the Act
 - (b) joint management agreements under section 36B of the Act
 - (c) mana whakahono a rohe (iwi participation arrangements) under subpart 2 of Part 5 of the Act.
- (4) To avoid doubt, nothing in this National Policy Statement permits or requires a local authority to act in a manner that is, or make decisions that are, inconsistent with any relevant iwi participation legislation or any directions or visions under that legislation.

Subpart 2 National Objectives Framework

3.7 NOF process

- (1) At each step of the NOF process, every regional council must:
 - (a) engage with communities and tangata whenua; and
 - (b) apply the hierarchy of obligations set out in clause 1.3(5), as required by clause 3.2(2)(c).
- (2) By way of summary, the NOF process requires regional councils to undertake the following steps:
 - (a) identify FMUs in the region (clause 3.8)
 - (b) identify values for each FMU (clause 3.9)
 - (c) set environmental outcomes for each value and include them as objectives in regional plans (clause 3.9)
 - (d) identify attributes for each value and set baseline states for those attributes (clause 3.10)
 - (e) set target attribute states, environmental flows and levels, and other criteria to support the achievement of environmental outcomes (clauses 3.11, 3.13, 3.16)
 - (f) set limits as rules and prepare action plans (as appropriate) to achieve environmental outcomes (clauses 3.12, 3.15, 3.17).
- (3) The NOF also requires that regional councils:
 - (a) monitor water bodies and freshwater ecosystems (clauses 3.18 and 3.19); and
 - (b) take action if degradation is detected (clause 3.20).

Clause 3.8 Identifying FMUs and special sites and features

- (1) Every regional council must identify FMUs for its region.
- (2) Every water body in the region must be located within at least one FMU.
- (3) Every regional council must also identify the following (if present) within each FMU:
 - (a) sites to be used for monitoring
 - (b) primary contact sites
 - (c) the location of habitats of threatened species
 - (d) outstanding water bodies
 - (e) natural inland wetlands.
- (4) Monitoring sites for an FMU must be located at sites that are either or both of the following:
 - (a) representative of the FMU or relevant part of the FMU
 - (b) representative of one or more primary contact sites in the FMU.
- (5) Monitoring sites relating to Māori freshwater values:

- (a) need not comply with subclause (4), but may instead reflect one or more Māori freshwater values; and
- (b) must be determined in collaboration with tangata whenua.

Clause 3.9 Identifying values and setting environmental outcomes as objectives

- (1) The compulsory values listed in Appendix 1A apply to every FMU, and the requirements in this subpart relating to values apply to each of the 5 biophysical components of the value Ecosystem health.
- (2) A regional council may identify other values applying to an FMU or part of an FMU, and must in every case consider whether the values listed in Appendix 1B apply.
- (3) The regional council must identify an environmental outcome for every value that applies to an FMU or part of an FMU.
- (4) The regional council must include the environmental outcomes as an objective, or multiple objectives, in its regional plan(s).
- (5) The environmental outcomes must:
 - (a) describe the environmental outcome sought for the value in a way that enables an assessment of the effectiveness of the regional policy statement and plans (including limits and methods) and action plans in achieving the environmental outcome; and
 - (b) when achieved, fulfil the relevant long-term visions developed under clause 3.3 and the objective of this National Policy Statement.

Clause 3.14 Setting limits on resource use

- (1) Limits on resource use may:
 - (a) apply to any activity or land use; and
 - (b) apply at any scale (such as to all or any part of an FMU, or to a specific water body or individual property); and
 - (c) be expressed as any of the following:
 - (i) a land-use control (such as a control on the extent of an activity)
 - (ii) an input control (such as an amount of fertiliser that may be applied)
 - (iii) an output control (such as a volume or rate of discharge); and
 - (d) describe the circumstances in which the limit applies.
- (2) In setting limits on resource use, every regional council must:
 - (a) have regard to the following:
 - (i) the long-term vision set under clause 3.3
 - (ii) the foreseeable impacts of climate change; and
 - (b) use the best information available at the time; and
 - (c) take into account results or information from freshwater accounting systems.

- (3) Limits on resource use must ensure that the instream concentrations and instream nitrogen and phosphorus exceedance criteria determined under clause 3.13 are achieved.

Clause 3.16 Setting environmental flows and levels

- (1) Every regional council must include rules in its regional plan(s) that set environmental flows and levels for each FMU, and may set different flows and levels for different parts of an FMU.
- (2) Environmental flows and levels:
- (a) must be set at a level that achieves the environmental outcomes for the values relating to the FMU or relevant part of the FMU and all relevant long-term visions; but
 - (b) may be set and adapted over time to take a phased approach to achieving those environmental outcomes and long-term visions.
- (3) Environmental flows and levels must be expressed in terms of the water level and flow rate, and may include variability of flow (as appropriate to the water body) at which:
- (a) for flows and levels in rivers, any taking, damming, diversion, or discharge of water meets the environmental outcomes for the river, any connected water body, and receiving environments
 - (b) for levels of lakes, any taking, damming, diversion or discharge of water meets the environmental outcomes for the lake, any connected water body, and receiving environments
 - (c) for levels of groundwater, any taking, damming, or diversion of water meets the environmental outcomes for the groundwater, any connected water body, and receiving environments.
- (4) When setting environmental flows and levels, every regional council must:
- (a) have regard to the foreseeable impacts of climate change; and
 - (b) use the best information available at the time; and
 - (c) take into account results or information from freshwater accounting systems

Clause 3.17 Identifying take limits

- (1) In order to meet environmental flows and levels, every regional council:
- (a) must identify take limits for each FMU; and
 - (b) must include the take limits as rules in its regional plan(s); and
 - (c) must state in its regional plan(s) whether (and if so, when and which) existing water permits will be reviewed to comply with environmental flows and levels; and
 - (d) may impose conditions on resource consents.
- (2) Take limits must be expressed as a total volume, a total rate, or both a total volume and a total rate, at which water may be:

- (a) taken or diverted from an FMU or part of an FMU; or
 - (b) dammed in an FMU or part of an FMU.
- (3) Where a regional plan or any resource consent allows the taking, damming, diversion or discharge of water, the plan or resource consent must identify the flows and levels at which:
- (a) the allowed taking, damming, or diversion will be restricted or no longer allowed; or
 - (b) a discharge will be required.
- (4) Take limits must be identified that:
- (a) provide for flow or level variability that meets the needs of the relevant water body and connected water bodies, and their associated ecosystems; and
 - (b) safeguard ecosystem health from the effects of the take limit on the frequency and duration of lowered flows or levels; and
 - (c) provide for the life cycle needs of aquatic life; and
 - (d) take into account the environmental outcomes applying to relevant water bodies and any connected water bodies (such as aquifers and downstream surface water bodies), whether in the same or another region.

Clause 3.19 Assessing trends

- (1) In order to assess trends in attribute states (that is, whether improving or deteriorating), every regional council must:
- (a) determine the appropriate period for assessment (which must be the period specified in the relevant attribute table in Appendix 2A or 2B, if given); and
 - (b) determine the minimum sampling frequency and distribution of sampling dates (which must be the frequency and distribution specified in the relevant attribute table in Appendix 2A or 2B, if given); and
 - (c) specify the likelihood of any trend.
- (2) If a deteriorating trend is more likely than not, the regional council must:
- (a) investigate the cause of the trend; and
 - (b) consider the likelihood of the deteriorating trend, the magnitude of the trend, and the risk of adverse effects on the environment.
- (3) If a deteriorating trend that is the result of something other than a naturally occurring process is detected, any part of an FMU to which the attribute applies is degrading and clause 3.20 applies.
- (4) If a trend assessment cannot identify a trend because of insufficient monitoring, the regional council must make any practicable changes to the monitoring regime that will or are likely to help detect trends in that attribute state.

National Policy Statement for Renewable Electricity Generation 2011

Objective

To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation.

A Recognising the benefits of renewable electricity generation activities

Policy A

Decision-makers shall recognise and provide for the national significance of renewable electricity generation activities, including the national, regional and local benefits relevant to renewable electricity generation activities. These benefits include, but are not limited to:

- a) maintaining or increasing electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;
- b) maintaining or increasing security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;
- c) using renewable natural resources rather than finite resources;
- d) the reversibility of the adverse effects on the environment of some renewable electricity generation technologies; e) avoiding reliance on imported fuels for the purposes of generating electricity.

B Acknowledging the practical implications of achieving New Zealand's target for electricity generation from renewable resources

Policy B

Decision-makers shall have particular regard to the following matters:

- a) maintenance of the generation output of existing renewable electricity generation activities can require protection of the assets, operational capacity and continued availability of the renewable energy resource; and
- b) even minor reductions in the generation output of existing renewable electricity generation activities can cumulatively have significant adverse effects on national, regional and local renewable electricity generation output; and
- c) meeting or exceeding the New Zealand Government's national target for the generation of electricity from renewable resources will require the significant development of renewable electricity generation activities.

C Acknowledging the practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities

Policy C1

Decision-makers shall have particular regard to the following matters:

- a) the need to locate the renewable electricity generation activity where the renewable energy resource is available;
- b) logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity;
- c) the location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, the distribution network and the national grid in relation to the renewable electricity generation activity, and the need to connect renewable electricity generation activity to the national grid;
- d) designing measures which allow operational requirements to complement and provide for mitigation opportunities; and
- e) adaptive management measures.

Policy C2

When considering any residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated, decision-makers shall have regard to offsetting measures or environmental compensation including measures or compensation which benefit the local environment and community affected.

F Incorporating provisions for small and community-scale renewable electricity generation activities into regional policy statements and regional and district plans

Policy F

As part of giving effect to Policies E1 to E4, regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance and upgrading of small and community-scale distributed renewable electricity generation from any renewable energy source to the extent applicable to the region or district.

G Enabling identification of renewable electricity generation possibilities

Policy G

Regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation by existing and prospective generators.

New Zealand Coastal Policy Statement 2010

Policy 4 Integration

Provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. This requires:

- (a) co-ordinated management or control of activities within the coastal environment, and which could cross administrative boundaries, particularly:
 - (i) the local authority boundary between the coastal marine area and land;
 - (ii) local authority boundaries within the coastal environment, both within the coastal marine area and on land; and
 - (iii) where hapū or iwi boundaries or rohe cross local authority boundaries;
- (b) working collaboratively with other bodies and agencies with responsibilities and functions relevant to resource management, such as where land or waters are held or managed for conservation purposes; and
- (c) particular consideration of situations where:
 - (i) subdivision, use, or development and its effects above or below the line of mean high water springs will require, or is likely to result in, associated use or development that crosses the line of mean high water springs; or
 - (ii) public use and enjoyment of public space in the coastal environment is affected, or is likely to be affected; or
 - (iii) development or land management practices may be affected by physical changes to the coastal environment or potential inundation from coastal hazards, including as a result of climate change; or
 - (iv) land use activities affect, or are likely to affect, water quality in the coastal environment and marine ecosystems through increasing sedimentation; or
 - (v) significant adverse cumulative effects are occurring, or can be anticipated.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

Part 2 – Standards for farming activities

Subpart 2 – Agricultural intensification: temporary standards

Regulation 15 Application of this subpart

- (1) Except as provided in subclause (2), this subpart applies to—
 - (a) farms; and
 - (b) for the purposes of regulations 16 and 17, other landholdings in which land used for plantation forestry is being converted to pastoral land use.
- (2) This subpart does not apply to a farm or other landholding if the relevant regional council has publicly notified the amendments required by section 55(2B) of the Act to give effect to the National Policy Statement for Freshwater Management.
- (3) In subclause (2), publicly notified the amendments means that the proposed policy statement or plan containing the amendments has been publicly notified in accordance with clause 5 of Schedule 1 of the Act.

Resource Management (Measuring and Reporting of Water Takes) Regulations 2010

Regulation 4 Regulations apply to certain water permits

- (1) These regulations apply only to a water permit that allows fresh water to be taken at a rate of 5 litres/second or more.
- (2) However, these regulations do not apply to a water permit if the taking of water under the permit is non-consumptive in that—
 - (a) the same amount of water is returned to the same water body at or near the location from which it was taken; and
 - (b) there is no significant delay between the taking and returning of the water