

Waitaki Catchment Water Allocation Regional Plan

Prepared by the Waitaki Catchment Water Allocation Board
in September 2005,
and
incorporating amendments as directed by the High Court
on 3 July 2006.

Waitaki Catchment Water Allocation Board



Te Poari Tiaki Wai o Waitaki

Resource Management (Waitaki Catchment) Amendment Act 2004

Approval of the Waitaki Catchment Water Allocation Regional Plan

This Waitaki Catchment Water Allocation Regional Plan was prepared by the Waitaki Catchment Water Allocation Board under the Resource Management (Waitaki Catchment) Amendment Act 2004.

The Waitaki Catchment Water Allocation Board, at a meeting on 30 September 2005 of the Board attended by all members, by resolution in accordance with section 26 of that Act approved the Waitaki Catchment Water Allocation Regional Plan. The Plan will become operative on the day fixed by section 27 of the Resource Management (Waitaki Catchment) Amendment Act 2004.

DATED at Christchurch this 30th day of September 2005.

Approved by the Waitaki Catchment Water Allocation Board:

David Sheppard (Judge) Chairperson

Sheila Watson Deputy Chairperson

Dr Nick Brown

Edward Ellison

Claire Mulcock

Waitaki Catchment Water Allocation Board



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This version of the Plan incorporates amendments
to Rules 6, 8 & 21A as directed by the High Court on
3 July 2006 in *Re MacKenzie Irrigation Company Ltd*
and *Meridian Energy Ltd* (unreported, HC Wellington,
CIV 2005 485 2192, 3 July 2006).

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Cover images (clockwise from top left):

1. Aoraki/Mt Cook and Lake Pūkaki
2. Small stream near Clearburn
3. Lower Waitaki River and mouth (Photo courtesy of the *Otago Daily Times*)
4. Lower Waitaki River at Kurow Bridge

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www.waitakiboard.mfe.govt.nz

Rule on the annual allocation to activities

Rule 6

Cross-ref:
Policies 1,
10 – 14, and 31

(1) Except as provided in (2), no person shall take, use, dam or divert water when, by itself or in combination with any other take, use, dam, or diversions, the sum of the annual volumes authorised by resource consent, exceeds the annual allocation to that activity in Table 5.

(2) 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 micro hydro-electricity generation or fisheries and wildlife, does not need to be accounted for in the annual allocation to activities in Table 5.

Table 5: Annual allocations to activities

Note: units = millions of m³ per year.

		<u>Town and Community water supplies</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>	
i.	Upstream of Lake Tekapo outlet	1.6	NIL	0.6	275 ^{23A} except that: a. no more than 8 can be taken upstream of Lake Tekapo outlet. b. no more than 8 can be taken upstream of Lake Pūkaki outlet. c. no more than 12 can be taken upstream of Lake Ōhau outlet.	NIL	All other inflows	
ii.	Upstream of Lake Pūkaki outlet	2.2	0.1	0.6		NIL	All other inflows	
iii.	Upstream of Lake Ōhau outlet	1.6	NIL	0.6		NIL	All other inflows except the flows that must be provided into the Ōhau River pursuant to the <u>environmental flow regime</u>	
iv.	Upstream of Waitaki Dam but not upstream of the outlets of the glacial lakes ²³	16	6.3	9.5		6.3	All other inflows	
v.	Downstream of Waitaki Dam but upstream of Black Point	3	1	2		150	16	All other flows except the flows that must remain in the rivers, pursuant to the <u>environmental flow regimes</u>
vi.	Downstream of Waitaki dam but downstream of Black Point	19	8.5	4.3		1100	144	

²³ For the purposes of Rule 6, the annual volumes for taking, using or diverting water from the canals leading from the glacial lakes, and those from the Ahuriri catchment, are considered downstream of the lake outlets and are covered in row iv of Table 5.

^{23A} While the consents to operate the Waitaki power scheme remain in force, the Upper Catchment is already fully allocated to a holder of those consents and other existing consent holders (see discussion at p14 of the s32 report).

Rule 7

*Cross-ref:
Policies
10 – 14, 46*

In addition to the minimum flows and flushing flows of the environmental flow regime for the Lower Waitaki River, the consent-holder for the Waitaki Dam shall provide flows in the Lower Waitaki River sufficient to meet the actual requirements of activities identified in Policy 46(ii) (at their points of taking), up to a maximum of the flows in Table 6.

Table 6: Provision of flows into the Lower Waitaki River

Month	Flows to be provided above the <u>minimum flow</u> (in m ³ /s)
October to March	80
April and September	50
May and August	20
June and July	10

Rule on transfer of resource consents

Rule 8

*Cross-ref:
Policies
13, 15 – 22*

- (1) No person shall transfer a consent to take or use water so that the use that is made of the water in exercise of the consent is changed.
- (2) No person shall transfer the location at which a consent to take water is exercised to any water body to which either Rule 4 or Rule 5 applies.
- (3) No person shall transfer the location at which a consent to take or use water is exercised unless the new location is downstream along the route the water would flow between the existing location and the sea.
- (4) No person shall transfer the location at which a consent to take or use water is exercised from one part of the catchment to another, except in accordance with Rule 21, Rule 21A, Rule 22 or Rule 23.

Rules classifying activities

Rule 9

Any activity that is undertaken outside the High Natural-Character Water Bodies defined in Policy 2 and outside water bodies to which the National Water Conservation (Ahuriri River) Order 1990 applies, and that does not contravene Rule 1 is a permitted activity.

Rule 21

- (1) This rule applies to the transfer of a consent (not being a deemed permit) to take or use water from one part of the catchment to another if:
 - (i) the transfer does not contravene any of clauses (1) to (3) of Rule 8; and if
 - (ii) in the new location:
 - a. the exercise of the consent complies with Rule 6, and with either Rule 2 or Rule 3; and
 - b. the amount of water taken is metered to give effect to Policy 21; and
 - c. the exercise of the consent complies with any water quality standards in the Natural Resources Regional Plan.
- (2) The transfer of a consent to which this rule applies is a controlled activity.
- (3) In considering an application for a controlled activity to which this rule applies, a consent authority has control over the following matters:
 - (i) the method for preventing fish from entering the water intake;
 - (ii) the technical efficiency of the exercise of the consent;
 - (iii) the effect on flow in the immediate vicinity of the new location, and the need for and provision of any additional restriction to prevent that flow from reducing to zero;
 - (iv) the consent-holders' responsibility for monitoring, including the timely provision of information to the Canterbury Regional Council;
 - (v) the location and method of water-measuring devices; and
 - (vi) the need for backflow prevention.
- (4) Applications for transfer under this rule do not need to be served on affected persons.

Rule 21A

- (1) This rule applies to the transfer of a consent (not being a deemed permit) to take or use water from one part of the catchment to another if:
 - (i) the transfer does not contravene either of clauses (1) or (2) of Rule 8; but
 - (ii) the transfer does contravene clause (3) of Rule 8; and if
 - (iii) in the new location:
 - a. the exercise of the consent complies with Rule 6, and with either Rule 2 or Rule 3; and
 - b. the amount of water taken is metered to give effect to Policy 21; and
 - c. the exercise of the consent complies with any water quality standards in the Natural Resources Regional Plan.
- (2) The transfer of a consent to which this rule applies is a restricted discretionary activity.
- (3) In considering an application for a restricted discretionary activity to which this rule applies, a consent authority shall exercise its discretion in relation to the following matters:
 - (i) the effect of the transfer on the exercise of any other consent to take, use, dam or divert water;

- (ii) the method for preventing fish from entering the water intake;
- (iii) the technical efficiency of the exercise of the consent;
- (iv) the effect on flow in the immediate vicinity of the new location, and the need for and provision of any additional restriction to prevent that flow from reducing to zero;
- (v) the consent-holders' responsibility for monitoring, including the timely provision of information to the Canterbury Regional Council;
- (vi) the location and method of water-measuring devices; and
- (vii) the need for backflow prevention.

Rule 22

- (1) This rule applies to the transfer of a consent (not being a deemed permit) to take or use water from one part of the catchment to another, if –
 - (i) The transfer does not contravene any of clauses (1) to (3) of Rule 8; and if
 - (ii) in the new location the exercise of the consent complies with Rule 6, and with either Rule 2 or Rule 3.
- (2) The transfer of a consent to which this rule applies is a discretionary activity.
- (3) In considering an application to which this rule applies, a consent authority will have regard, among other matters, to:
 - Policies 15 – 20 (efficient and effective use)
 - Policy 21 (water metering)

Rule 23

- (1) This rule applies to the transfer of a consent (not being a deemed permit) to take and use water from one part of the catchment to another, if the transfer does not contravene any of clauses (1) to (3) of Rule 8.
- (2) The transfer of a consent to which this rule applies is a non-complying activity.
- (3) In considering an application to which this rule applies, the consent authority will have regard, among other matters, to all the policies of this Plan.

Rule 24

Any taking, use, damming, or diversion of water that causes or is likely to cause adverse effects not covered by this Plan is a discretionary activity. In considering an application to which this rule applies the consent authority will have regard, among other matters, to all the policies of this Plan.

Applications of rules to existing consents

Rule 25

*Cross-ref:
Policies 2 – 8*

- (1) This rule applies to the extent that the exercise of an existing water permit (not being a deemed permit) in compliance with its conditions would contravene Rule 2.
- (2) By section 68(7) of the RMA, Rule 2 shall affect the exercise of an existing water permit to which this rule applies:
 - (i) in the Maerewhenua catchment, from the expiry of 7 years after the day on which this Plan becomes operative;
 - (ii) except in the Maerewhenua catchment, from the expiry of 5 years after the day on which this Plan becomes operative.