

Developing proposals to test with stakeholders with respect to permitted activities for taking and using water

The Ruamāhanga Whaitua Committee (RWC) must decide what, if any modifications it wishes to make to the permitted activity provisions for water take. This backgrounder has been prepared to assist RWC members with this task. It describes what the Proposed Natural Resources Plan (PNRP) provisions are, the issues with these from GWRC's perspective (in light of the National Policy Statement for Freshwater Management (NPS-FM)), and what other councils have in place.

1. Resource Management Act (RMA)

Section 14(3)(b) of the RMA permits the taking and use of water for:

- (i) an individual's reasonable domestic needs; or
- (ii) reasonable needs of a person's animals for drinking water;

and the taking or use does not, or is not likely to, have an adverse effect on the environment.

Issues for RWC consideration

There are no restrictions on stock and domestic water use in fully allocated catchments.

No restrictions are placed on taking water at minimum flows.

The permitted activity is not considered within a limits framework as required by the National Policy Statement for Freshwater Management.

2. PNRP Rule R136: Take and use of water – permitted activity

*The take and use of water from a **surface water body** or groundwater is a permitted activity, provided the following conditions are met:*

- (a) *the total take and use per **property** shall not exceed the following rates and volumes, and*

Property size	Rate	Volume per day
Greater than 20ha	2.5L/s	20m ³
Less than 20ha	2.5L/s	10m ³

- (b) *the take of groundwater does not adversely affect reliability of supply from properly constructed, efficient and fully functioning nearby **bores**, and*
- (c) *fish are prevented from entering the water intake, and*
- (d) *the water is not taken from a **natural wetland**, or from within 50m of a **natural wetland**, and*
- (e) *no water shall run to waste, and*

- (f) *at the written request of the Wellington Regional Council a water meter is installed and daily water use records are kept and provided to the Wellington Regional Council.*

Issues for RWC consideration

We have no information on how much water is being taken and little information on what it is being used for. Amounts of 20/10m³ per day are likely too high in circumstances where there is little information and no limits framework.

The permitted activity is not included within a limits framework as required by the National Policy Statement for Freshwater Management.

There are no restrictions on water use in fully allocated catchments.

No restrictions are placed on taking water at minimum flows.

3. PNRP Rule R137: Farm dairy washdown and milk-cooling water – permitted activity

*The take and use of water from a **surface water body** or groundwater for the purpose of farm dairy washdown and milk cooling on a dairy milking platform is a permitted activity, provided the following conditions are met:*

- (a) *the take shall be for a single **property**, and*
- (b) *the total take shall be no more than 70L per day per stock unit based on the maximum herd size on the **property** at any time during the three years prior to the date of public notification of the Proposed Natural Resources Plan (31.07.2015), and*
- (c) *the take of groundwater does not adversely affect reliability of supply from properly constructed, efficient and fully functioning nearby **bores**, and*
- (d) *fish are prevented from entering any water intake, and*
- (e) *the water is not taken from a **natural wetland**, or from within 50m of a **natural wetland**, and*
- (f) *all practicable measures for recycling of uncontaminated washdown water are implemented, and*
- (g) *at the written request of the Wellington Regional Council a water meter is installed and daily water use records are kept and provided to the Wellington Regional Council.*

Issues for RWC consideration

There is no limits framework for permitted activities as required by the National Policy Statement for Freshwater Management.

There are no restrictions on water use in fully allocated catchments.

No restrictions are placed on taking water at minimum flows.

4. Earlier RWC discussion comments at 25 July 2016 workshop

An earlier discussion on 25 July 2016 included discussion on the following matters:

- Metering
- Equity
- Animal welfare
- Water races
- Meaning of stock use
- Cease take at minimum flow
- Businesses are affected
- Education
- Storage for permitted activities
- Cap in fully allocated catchments
- Groundwater vs surface water
- Definition of “no adverse environmental effect”.

5. What some other Councils are doing

Horizons

Horizons has a permitted rule for surface water takes which includes water use by farm animals (400 litres/hectare per day up to a maximum of 30m³ per day) and general use (15m³ per day). They have an equivalent permitted groundwater take rule that allows greater amounts of water to be taken

Note: There are no restrictions at minimum flow and no requirements to measure water takes.

Excerpts from Horizons One Plan permitted activity for minor takes and uses of surface water

- (a) *The rate of take must not exceed:*
- (i) *400 l/ha per day for animal farming up to a maximum of 30 m³/day per property*
 - (ii) *15 m³/day per property where the water is for any other use.*

The rates of take allowed under (i) and (ii) cannot be added: the maximum allowable rate of take under this rule is 30 m³/day per property.

- (b) *The rate of take must not exceed 2.0 l/s.*
- (c) *An intake screen with a mesh aperture size not exceeding 3 mm in diameter must be used and the intake velocity must not exceed 0.3 m/s.*
- (d) *The take must not be from a rare habitat, threatened habitat or at risk habitat.*
- (e) *The water must be used on the property.*
- (f) *The Regional Council must be notified in writing of the location of the take, the maximum instantaneous rate of take and the intended use of water.*

Marlborough

Marlborough has no general permitted rule. They have 15 permitted rules listed below that address conceivable permitted activities

Note: There are no restrictions at minimum flow and no requirements to measure water takes.

Their rules address:

- *Take and use of water for an individual's reasonable domestic needs up to 5m³ per day per dwelling*
- *Take and use of water for domestic needs for a papakāinga unit up to 5m³ per day*
- *Take and use of water for needs for marae activities, except papakāinga units, up to 1825m³ per year*
- *Take and use of water for the reasonable drinking water needs of an individual's animals*
- *Take and use of water for the reasonable drinking water needs of an individual's animals*
- *Take and use of water for incidental use associated with farming up to 5m³ per day per Computer Register*
- *Take and use of water for dairy shed wash down up to 15m³ per day per dairy shed*
- *Take and use of water from the Wairau Aquifer Freshwater Management Unit up to 15m³ per day for any purpose until 9 June 2017*
- *Take and use of water for fire-fighting purposes*
- *Take of water for the purposes of calibrating a water meter*
- *Take of water for the purposes of completing a bore test required to determine the yield of a bore and interference effects on other users*
- *Take and use of water for road or river control construction works up to 50m³ per day per construction site*
- *Take and use of water for road or river control construction works up to 50m³ per day per construction site*
- *Take of water for dewatering of a trench*
- *Take and use of water from Significant Wetland W599 for skifield facilities and snowmaking at Rainbow Skifield*
- *Take and use of water for a recreational hut up to 1m³ per day per hut*
- *Take, use and discharge of surface water for non-consumptive use.*

Waikato

Waikato allow surface water takes for stock and domestic use as allowed by section 14(3)(b) of the RMA. Water takes of 30m³ per day are allowed in the main stems of the Waikato and Waipa rivers and 15m³ per day from all other sites.

Note: There are no restrictions at minimum flow and no requirements to measure water takes.

Except from Waikato permitted rule for surface water takes:

In addition to the taking of surface water as allowed by s14(3)(b) of the RMA

1. *The taking of up to 1.5 cubic metres per day of water (calculated on a net take basis) from sites equal to or less than one hectare; or*
2. *The taking of up to 30 cubic metres per day of water (calculated on a net take basis) from the main stem of the Waipa River downstream of Otorohanga (SH 31 bridge at Otorohanga) or from the main stem of the Waikato River downstream of Lake Taupo from sites that adjoin either of those rivers; or*
3. *The taking of up to 15 cubic metres per day of water (calculated on a net take basis) from all other sites,*

*from surface water is a **permitted activity** subject to the following conditions:*

- a. *The take(s) shall be within a single site.*
- b. *The net rate of the take, assessed in combination with all other authorised water takes, (all calculated on a net take basis) shall not exceed 100 percent of the primary allocable flows for catchments specified in Table 3-5.*
- c. *Any water take under this rule shall not be used for the same purpose for which a water take consent is held for the same site (so that the total water allocated to the site is accounted for within the consented amount to ensure no double accounting).*
- d. *The intake structure shall comply with the screen and velocity standards as set out in the Water Management Class for that water body (refer Chapter 3.2 of this Plan).*
- e. *The intake structure shall comply with the provisions in Rule 4.2.10.1 of this Plan.*
- f. *The water take shall not be from a water body classified as Natural State Water in the Water Management Class Maps.*