

Proposed Waikato Regional Plan

Variation No.6 – Water Allocation

OPERATIVE (10 April 2012)

Waikato Regional Council
Private Bag 3038
Waikato Mail Centre
HAMILTON

This Variation will become operative on 10 April 2012

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Waikato Regional Council

Waikato Regional Plan

Variation No.6 – Water Allocation

Waikato Regional Council prepared Variation No.6 – Water Allocation to the proposed Waikato Regional Plan in accordance with Sections 65 and 66 of the Resource Management Act 1991 and the First Schedule of the Resource Management Act 1991.

The Waikato Regional Council resolved, by resolution of Council, on the 29th day of March 2012 to approve and make operative Variation No. 6 – Water Allocation.

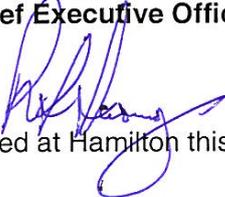
Variation No. 6 – Water Allocation will become operative on the 10th day of April 2012.

Signed by Waikato Regional Council by the affixing of its Common Seal in the presence of

P Buckley
Chairman



Bob Laing
Chief Executive Officer



Dated at Hamilton this **29th** day of **March 2012**

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3.3 Water takes

Background and Explanation

Chapters 3.3 and 3.4 comprise of issues, objectives, policies and implementation methods which set out the Plan's approach to the protection, allocation and use of the Region's surface and groundwater resources (excluding geothermal water which is addressed elsewhere in the Plan). These chapters are based upon the following broad approach:

The need for a carefully managed water allocation regime

- The Waikato River Co-Management framework introduces a range of co-management (refer to definitions) principles that give effect to agreements between Waikato River Iwi and the Crown regarding all aspects of the management of the Waikato River and its catchment. This includes, but is not limited to, the development of the Vision and Strategy which is the primary direction setting document for the Waikato River and activities within its catchment affecting the Waikato River. This water allocation regime must give effect to the Vision and Strategy which is now part of the Waikato Regional Policy Statement.
- Recognition that the overarching purpose of the Vision and Strategy is to restore and protect the health and wellbeing of the Waikato River for present and future generations and that this is a key priority in the development of a water allocation model. Any allocation regime must give effect to that overarching purpose.
- Having regard to the overarching purpose of the Vision and Strategy, recognition that in many parts of the region, demand for surface water and groundwater resources exceeds, or has the potential to exceed, the ability of the surface and groundwater resources to sustainably meet all such demand and so a carefully managed water allocation regime is necessary. The allocation regime should also ensure that the taking and subsequent use of water does not cause further degradation of the water quality of the Waikato River.

Priorities recognised in setting and implementing allocable flows and sustainable yields

- Objectives which ensure that in establishing allocation regimes, effect is given to the overarching purpose of the Vision and Strategy to restore and protect the health and wellbeing of the Waikato River. The objectives should reflect the special relationship of iwi with particular water bodies and accordingly provide for iwi involvement in determining and reviewing the allocable and environmental flows for those water bodies. The objectives should also ensure that water is available to meet the reasonable needs of individual and communities; continued water is available for renewable energy generation and cooling of the Huntly Power Station, water for in-stream requirements during water shortages and droughts is available and that decisions on water allocation take account of the contaminant assimilative capacity of water bodies.
- Policies which, subject to achieving the overarching purpose of the Vision and Strategy, establish allocable and environmental flows from surface water and sustainable yields from groundwater based on a range of factors including mātauranga Māori. The policies should also provide for the input of iwi in determining any allocable and environmental flows, and allocation priorities, with respect to the Waikato River Catchment, as well as state how ground and surface water will be allocated. Priority for consideration for allocation reflects the purpose of protecting and enhancing the health and wellbeing of the Waikato River and achieving a net improvement in water quality, and subject to this has been given to water for domestic or municipal supply and replacement of existing water takes.

- Rules reflect the overarching purpose of the Vision and Strategy to restore and protect the health and wellbeing of the Waikato River and achieve a net improvement in water quality, and subject to this, the priority given to domestic or municipal supply and replacement of existing takes in the policies. The rules also ensure that there is not the ability of one abstractor to take the entire allocable flow of a river without adequate consultation with neighbours.
- Chapter 3.3 includes policies which state which matters the Council will have particular regard to in assessing a resource consent application. In particular, these require applications to take or use water from the Waikato River to demonstrate that the proposed activity will not detract from the overarching purpose of restoring and protecting the health and wellbeing of the Waikato River.

Relevant information is made available to resource users

- Water Allocation maps are included in the Plan to illustrate the catchments in which the allocable flows and sustainable yields in Tables 3-5 and 3-6 apply.

The efficient allocation and use of water

- Common review dates for various sub-catchments in the Region are included as is requirements for water metering.
- Chapter 3.3 contains rules restricting permitted takes. The level of permitted takes is capped at the primary allocable flow.
- Rules are included in Chapter 3.4 which permit the transfer of surface water permits and control the transfer of groundwater permits.
- Policy and rules are included in Chapter 3.4 which manage the use of water. In particular rules are included which control the use of water for crop and pasture irrigation in the catchment of the Waikato River from the Karapiro Dam to the Taupo Control gates or in the catchments of Lakes Taharoa, Maratoto, Serpentine (North, South and East), Rotomanuka, Mangahia, Rotongaro, Okowhao, Whangape, Waikare, Kuratau, Mangakaware, Ohinewai, Waahi, and Rotokawau, and Whangamarino wetland, Kopuatai peat dome, wetlands listed in Section 3.7.7 of the Waikato Regional Plan, and the Opuatia wetland.

Clear and equitable management of water shortage conditions

- Policies are included that clearly state what a water shortage is, the priority to apply during water shortages and how restrictions shall be applied.

The policies and rules in this chapter do not relate to the allocation and management of Geothermal Water unless explicitly stated otherwise. The allocation and management of geothermal energy and geothermal water is addressed in Module 7 – Geothermal.

The provisions in Chapter 3.3 do not apply to the taking of water for a dam or diversion where water passes through or over the dam or diversion in the river channel. Such takes are managed by the policies and rules in Chapter 3.6.

3.3.1 Issue

In addition to the effects addressed in Issue 3.1.1, the taking and use of water can give rise to, or must respond to, the following:

- a) The taking of water can reduce the ability of water bodies to assimilate contaminants from point and non-point sources. In relation to the Waikato River catchment this is inconsistent with giving effect to the overarching purpose of restoring and protecting the health and wellbeing of the Waikato River for present and future generations.
- b) The allocation and use of water, if not managed appropriately, can adversely affect the restoration and protection of the health and well-being of the Waikato River as well as the spiritual, physical and economic wellbeing, identity and cultural practices of those iwi whose mana and mauri the river represents.
- c) The inefficient allocation and use of water within the Region can significantly reduce the benefits to be derived from the use of the resource.
- d) The allocation of water currently used for the generation of electricity to other uses will reduce existing electricity generation, and this can have adverse effects on the social and economic wellbeing of people and communities.
- e) The allocation of water to activities other than domestic or municipal supply may have the potential to compromise the renewal of existing domestic or municipal supply takes and the granting of future applications for reasonably justified and foreseeable domestic or municipal supply needs.
- f) Existing water takes contribute to the social and economic wellbeing of people and communities and in some cases significant investment relies on the continuation of those takes.
- g) The ability to provide for the growing social and economic needs of people and communities, is dependent on water being available, where possible, to accommodate growth both in individuals' and communities' domestic needs and production and community activity (including rural-based activities such as agriculture, perishable food processing and industry).
- h) The unmanaged taking of water during periods of shortage, or over allocation of water resources, can:
 - i) significantly impact on the quality of the Region's water bodies;
 - ii) compromise the ability of individuals and communities, to provide for their essential water use requirements, including domestic or municipal supply or for stock watering, and may result in adverse effects on the environment.
 - iii) reduce the ability of water bodies and estuaries to transport sediment, with consequent increases in flooding and stream bank instability
 - iv) increase the risk of salt water intrusion to aquifers on account of high seasonal demand increased threats to estuarine ecosystems on account of adverse changes to the quantity and quality of fresh water inflows.
- i) Some catchments are currently allocated in excess of the combined primary and secondary flows set in Table 3-5 and that exceedence should be phased out over time.
- j) The unmanaged transfer of permits for the taking of water limits the potential to fully utilise the allocable resource, may limit the range of reasonably foreseeable uses and may result in adverse effects on the environment.
- k) The individual and cumulative effects of the taking of water may;
 - i) constrain the ability to protect and enhance the health and wellbeing of the Region's water bodies, and result in the degradation of water quality and aquatic habitat
 - ii) impact on cultural relationships with the water bodies in the Region
 - iii) limit the availability of water for other actual and potential uses
 - iv) compromise the generation of electricity from renewable energy sources and cooling of the Huntly Power Station.

Explanation:

This issue addresses matters which are either not included in Issue 3.1.1 or which are included but are not clearly attributable to water allocation and use. Part a) acknowledges that the taking of water out of a water body reduces its ability to assimilate (dilute) contaminants and that this may compromise the legitimate use of the resource for this purpose. The transfer of permits is a mechanism by which greater efficiency of use may be achieved and which should not be overly constrained by plan rules. Part aa) reflects the Vision and Strategy for the Waikato River which has as the overarching purpose of restoring and protecting the health and wellbeing of the Waikato River for present and future generations. Part b) also recognises and acknowledges the importance of the relationship of Waikato River Iwi with the region's waterways and in particular the Waikato River and how this may be impacted by the taking and use of water.

Part c) recognises that the inefficient allocation and use of water can reduce the benefits of the use of the resource, to other users.

Part d) recognises that water allocated to electricity generation has significant social and economic benefits.

Part e) reflects that increasing demand and competition for water resources has the potential to lead to over allocation of those resources and compromise the ability to provide for the health and wellbeing of existing communities and for their future growth.

Part f) recognises that many existing uses of water are associated with significant and productive activities that contribute to economic and community well-being and depend on a secure supply of water.

Part h) recognises that unmanaged taking of water during water shortages and over allocation of water resources can significantly compromise the quality of the Region's water resources, as well as the ability of individuals and communities to provide for their essential water use. When water shortages or over allocation of resources occur there may not be enough water to supply everyone's needs, and to avoid adverse effects on the environment. Therefore takes need to be appropriately managed to ensure that adverse effects on the environment are avoided, and domestic or municipal supply can be maintained and future growth of communities can be provided for.

Part i) recognises that in some catchments the existing abstractions exceed the Table 3-5 allocable flows. This has occurred for a number of reasons, including:

- a) users being unaware of, or disregarding rules regulating water takes;
- b) the cumulative effect of numerous small resource consents continuing to be granted in heavily allocated catchments;
- c) assessment of minimum and allocable flows in some catchments resulting in a reduction in the amount of water available for allocation; and
- d) assessment of minimum and allocable flows in some catchments being conservatively set in the absence of a detailed ecological investigation.

The NPS on Freshwater Management requires allocation limits to be set and defines 'over-allocation'. Chapters 3.3 and 3.4 were developed prior to the release of the Operative NPS and it was not intended that an exceedence of an allocable flow as set out in Table 3-5 would be considered to be 'over-allocation' as defined in the NPS. The flows in Table 3-5 have been set to achieve Objective 3.3.2 and they also determine the activity status of water take consent applications. The activities identified in Policy 6 are enabled to achieve aspects of Objective 3.3.2.

Part j) recognises that the unmanaged transfer of permits can result in situations where the reverse is the case and parties may hoard the resource or make inefficient use of existing permits in order to maximise economic returns from trading. Part k) recognises that the cumulative effects of takes of water, particularly large numbers of un-recorded permitted takes, can be significant and can, under some circumstances, impact on the consented taking and use of water. Without management, and if appropriate, capping of these small takes, this effect could significantly detract from the ability of other users to provide for their social, economic and cultural well being.

Part k) Sub-clause (iii) further recognises that the benefits to be derived from the use and development of renewable energy are a matter to which particular regard shall be had under Section 7(j) of the Resource Management Act 1991. The taking of water from the catchments upstream of the Karapiro Dam including the Waikato River and Lake Taupo, can cumulatively impact on the generation of electricity from renewable energy sources and the cooling of the Huntly Power Station. As well as being a valued natural resource in its own right, Lake Taupo also plays an integral role in the flexible operation of the Waikato Hydro Scheme through providing critical hydro storage capacity which can be relied on to provide a buffer during drier periods. As such, this issue has year-round relevance. The Tongariro Power Scheme (TPS) and the Waikato Hydro Scheme work as an integrated system. The TPS draws water from four catchments (Whanganui, Whangaehu, Moawhango and Waikato River) and diverts the water into Lake Taupo. The water diverted from outside the Waikato River catchment plays a significant role in both providing additional flow to the Waikato Hydro Scheme and the cooling system at HPS.

3.3.2 Objective

In addition to Objective 3.1.2, the management of water allocation and use in a way which ensures:

- a) Giving effect to the overarching purpose of the Vision and Strategy to restore and protect the health and wellbeing of the Waikato River for present and future generations.
- b) The availability of water to meet the existing and the reasonably justified and foreseeable future domestic or municipal supply requirements of individuals and communities and the reasonable needs for an individual's animal drinking water requirements.
- c) The recognition of the significant community benefits that derive from domestic or municipal supply takes.
- d) The efficient allocation and the efficient use of water.
- e) No further allocation of water that exceeds the primary allocation in Table 3-5 that reduces the generation of electricity from renewable energy sources.
- f) The recognition that existing water takes contribute to social and economic wellbeing and in some cases significant investment relies on the continuation of those takes, including rural-based activities such as agriculture, perishable food processing and industry.

- g) The continued availability of water for cooling of the Huntly Power Station.
- h) Sufficient water is retained instream to safeguard the life supporting capacity of freshwater, including its ecosystem processes and indigenous species and their associated ecosystems.
- i) That decisions regarding the allocation and use of water take account of the need to avoid the further degradation of water quality, having regard to the contaminant assimilative capacity of water bodies.
- j) Subject to Objectives a) to h) above, the availability of water to meet other future social, economic and cultural needs of individuals and communities (including rural-based activities such as agriculture, perishable food processing and industry).

Principal Reasons for Adopting the Objective:

This objective addresses matters which are either not included in Objective 3.1.2 or which are included but are not clearly attributable to water allocation and use.

The purpose of Part a) is to ensure that the Vision and Strategy for the Waikato River which has as the overarching purpose of restoring and protecting the health and wellbeing of the Waikato River for present and future generations is given effect.

The purpose of Part b) is to protect the ability of communities to grow and still have certainty that they will be able to provide adequately for their reasonable and efficient domestic or municipal supply needs. This is a matter of priority for the Waikato Regional Council. The certainty could be provided by limiting the duration of other take consents in order to ensure that water remains available to meet the growth needs of communities, imposing conditions on other take consents which provide for review of the volume of water taken, or even declining to grant other consents, where appropriate. The purpose of Part c) is to guide decision-makers to give priority to the taking of water for domestic or municipal supplies. However, future growth requirements will need to be reasonably justified in a Water Management Plan. The purpose of Part d) is to ensure that water is allocated in a manner that promotes economic, technical and dynamic efficiency and that it is used in a manner that is efficient. The purpose of Part f) is to recognise the importance of existing takes.

Section 7(j) of the RMA provides for electricity generation from renewable energy sources as a matter to which Council must have particular regard. This legislative requirement is acknowledged in part e) and in appropriate policies in this Chapter. The purpose of part e) is to ensure that any reduction in electricity generation from renewable energy sources is confined to that resulting from takes falling within the primary allocation. Part g) acknowledges the importance of the Huntly Power Station to the national electricity supply system, and foreshadows making the renewal of the existing cooling water take a controlled activity.

During periods of water shortage or as a result of over allocation, in stream values are often compromised by the continued taking of water without appropriate guidance on methods for management of low flow situations. Part h) and subsequent policies and rules seek to avoid these effects and maintain environmental flows in stream values.

Part i) and the parallel objectives in Chapters 3.5 and 3.6 ensure that when allocating water, considering discharges to water or the damming and diverting of water, both the effects on water quality and contaminant assimilative capacity and allocable flow are considered.

The purpose of Part j) is to recognise the importance of water for future uses other than electricity generation and domestic or municipal supply.

3.3.3 Policies

Policy 1: Establish Allocable and Minimum Flows for Surface Water

(Implements Objective 3.1.2 a), b), c), d), e), g), i) j) k) l) o) and p) and Objective 3.3.2. Also refer to Section 3.2.3 Policy 2 a)iii))

Establish and review allocable and minimum flows for surface water bodies which are to be used when assessing authorised water takes and resource consent applications from surface water bodies while having particular regard to the following matters:

- a) Giving effect to the overarching purpose of the Vision and Strategy to restore and protect the health and wellbeing of the Waikato River for present and future generations.
- b) The recognition of the relationship between tangata whenua with water bodies and providing for tangata whenua input in determining their values and interests, and reviewing the allocable and minimum flows for those surface water bodies.
- c) The maintenance and enhancement of water quality in accordance with the policies in Chapter 3.2 of this Plan.
- d) The avoidance of further degradation of water quality having regard to the contaminant assimilative capacity of water bodies.
- e) The benefits of flow regime variability, including sediment transport and natural flushing and flood flows.
- f) The avoidance of significant adverse effects on in stream ecological values and biodiversity and the remediation or mitigation of adverse effects otherwise.
- g) The protection of wetlands and areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- h) The security of existing, efficient take and use of water and the associated lawfully established infrastructure.
- i) Maintenance and enhancement of tangata whenua uses and values of water, including the ability to exercise kaitiakitanga and measures to protect and enhance the mauri of water bodies.
- j) Maintenance of identified recreational and intrinsic values and the natural character of rivers.
- k) The benefits derived from the use of water for, or directly associated with, the generation of electricity from renewable energy sources and the cooling of the Huntly Power Station.
- l) The benefits derived from the existing take and consumptive use of water for people's social, economic and cultural wellbeing.
- m) The benefits to be derived from the efficient take and use of water for reasonably foreseeable future consumptive uses, and in particular existing and reasonably justified and foreseeable future needs for domestic or municipal supply and the reasonable needs for an individual's animal drinking water.
- n) The effects of climate change on surface water resources.

Advisory Notes:

- Refer to Method 3.3.4.6 Development of Minimum and Allocable Flows for Surface Water Bodies and Sustainable Yields for Aquifers on how Policy 1 will be implemented.
- Information on the level of allocation from surface water bodies as listed in Table 3-5 can be found on Waikato Regional Council's website (water allocation calculator)

Policy 2: Determining the level of minimum flows, primary, secondary and water harvesting allocable flows

(Implements Objective 3.1.2 a), b), c), d), e), g), i), j), k), l), o) and p) and Objective 3.3.2. Also refer to Section 3.2.3 Policy 2 a)iii))

When implementing Policy 1, the Waikato Regional Council shall:

- a) Except as provided for in clause (e) below, determine minimum flows having particular regard to Policy 1 above following detailed habitat and river studies. Where such studies have not been undertaken, the minimum flow shall be set at 90% of the one in five year 7-day low flow (Q_5) for streams with a mean flow greater than 5 cumecs and 95% of the Q_5 for streams with a mean flow less than 5 cumecs. One function of the minimum flow is to determine when water take restrictions commence.
- b) Except as provided for in clause (e) below, determine primary allocable flows having particular regard to Policy 1 above, the need to safeguard the minimum flow and the desirability of providing a high level of reliability for allocated water. To achieve that, primary allocable flows shall be set on the basis of the difference between the minimum flow and the Q_5 flow. If the minimum flow is greater than the Q_5 the allocable flow is zero.
- c) Except as provided for in clause (e) below, determine secondary allocable flows as that portion of the Q_5 flow that can be taken from a river with a lower level of reliability and which does not compromise the reliability of the primary allocable flow. The level of the secondary allocable flow shall be deemed to be the portion of the flow between the primary allocable flow and 30% of Q_5 except as otherwise specified in Table 3-5.
- d) In addition to the primary and secondary allocable flows, provide for surface water harvesting at an amount up to 10% of the river's flow at times when the flow is greater than the median flow immediately upstream of the point of the take. However, surface water harvesting shall not be allowed in catchments upstream of Karapiro Dam.
- e) Determine the primary allocable flow at Karapiro Dam to be set at 5% of the Q_5 flow in order to provide for existing authorised water takes in the catchment above Karapiro while protecting electricity generation from the Waikato Hydro Scheme. While in other catchments of the region, the primary allocable flow is the fraction of the Q_5 flow remaining after the minimum flow has been specified (as in clause b above), in the catchment above Karapiro the primary allocable flow of 5% of Q_5 has been set first and the minimum flow is simply the remaining fraction of the Q_5 flow (95%). In reality, the Waikato Hydro Scheme uses all water remaining in the river (i.e. after any water that is authorised to be taken from within the primary allocable flow has been abstracted) to generate electricity in a renewable manner. The water used for electricity generation includes both the minimum flow component and all variable flows above the primary allocation. The entire variable flow is used to generate electricity and so no secondary allocable flow is specified in Table 3-5 and no surface water harvesting is able to be undertaken in the catchments above the Karapiro dam.

Policy 3: Determining the combined level of surface water allocation within a catchment

(Implements Objective 3.1.2 b), c), d), e) i) j) k) l) and o) and Objective 3.3.2. Also refer to Section 3.2.3 Policy 2 a)iii))

In determining the combined level of surface water allocation in catchments and the activity classification of a particular surface water take, in accordance with Policies 8 and 9 and the associated rules the Waikato Regional Council shall:

- a) Assess all the takes on a net take basis at the point of take and at each affected downstream reach;
- b) Assess all the takes for the months of the year for which the particular take will be authorised to abstract water;
- c) Classify the particular surface water take on the basis of the relevant reach in the catchment (part a)) and the time of year (part b)) that gives the most onerous activity classification

Advisory Note:

- Where summer allocation fully utilises the primary and secondary allocable flows (given in Table 3-5), this does not preclude the further allocation of water during other parts of the year, with a more preferable activity classification than would apply to a summer allocation, if the allocation for the other parts of the year is less than the combined primary and secondary allocable flows.

Policy 4: Establish Sustainable Yields from Groundwater

(Implements Objective 3.1.2 f) and m) and Objective 3.3.2 b))

Establish, set and review sustainable yields from groundwater resources which are to be used when assessing authorised water takes and resource consent applications from aquifers while having particular regard to the following matters:

- a) Giving effect to the overarching purpose of the Vision and Strategy to restore and protect the health and wellbeing of the Waikato River for present and future generations.
- b) The recognition of the relationship between tangata whenua with groundwater resources and providing for tangata whenua input in determining their values and interests, and reviewing the sustainable yields for those groundwater resources.
- c) The protection of groundwater resource from salt intrusion
- d) The need to ensure that any groundwater discharges into surface waters are not reduced such that there is a resultant significant adverse effect on in-stream uses and values (including wetlands and karst systems) and on other allocated use
- e) The need to ensure groundwater depletion or dewatering of aquifers does not result in significant adverse effects on resource availability
- f) The maintenance of groundwater quality in accordance with the policies in Chapter 3.2 of this Plan
- g) The benefits derived from the take and consumptive use of groundwater for people's social, economic and cultural wellbeing
- h) The loss of benefits derived from the generation of electricity that can result from groundwater takes above Karapiro
- i) The benefits to be derived from the efficient take and use of groundwater for reasonably foreseeable future consumptive uses, and in particular for domestic or municipal supply and the reasonable needs for an individual's animals drinking water

- j) The maintenance of security of existing, efficient take and use of water and the associated lawfully established infrastructure
- k) Maintenance of tangata whenua uses and values
- l) The effects of climate change on groundwater resources
- m) The avoidance of a reduction in recharge groundwater flows to Geothermal Systems.

Advisory Notes:

- Refer to Method 3.3.4.6 Development of Minimum and Allocable Flows for Surface Water Bodies and Sustainable Yields for Aquifers on how Policy 4 will be implemented.
- Information on the level of allocation from the aquifers as listed in Table 3-6 Sustainable Yields from Aquifers can be found on Waikato Regional Council's website (water allocation calculator).

Policy 5: Determining sustainable yields

(Implements Objective 3.1.2 f) and m) and Objective 3.3.2 b))

Sustainable Yields shall be determined having particular regard to Policy 4 following detailed investigation of aquifers. In the absence of a Sustainable Yield being determined, a management level will be set on a conservative basis having particular regard to Policy 4 using a water balance methodology that takes account of:

- a) Average annual recharge over the aquifer
- b) Area of land above the aquifer
- c) Distribution of groundwater users

The management level represents a portion of an aquifer's likely recharge and will be used as a trigger point for the setting of a sustainable yield.

Policy 6: Certain Exceedences of Table 3-5 Allocable Flows not to Represent Over-allocation for the Purposes of the Freshwater NPS

(Implements Objective 3.1.2 and 3.3.2)

Takes that may exceed the combined primary and secondary allocable flows in Table 3-5 in order to achieve one or more limbs of Objective 3.3.2 for the following types of activities do not represent "over-allocation" as defined in the Interpretation section of the National Policy Statement for Freshwater Management 2011:

- a) In recognition of Objective 3.3.2(b) and 3.3.2(c) and the statutory requirement to provide potable water for people and communities, takes to meet the existing and reasonably justified and foreseeable domestic or municipal supply requirements of individuals and communities where a water management plan which meets the requirements of Method 8.1.2.2 has been provided.
- b) In recognition of Objective 3.3.2(f), takes to meet existing and reasonably justified needs for milk cooling or dairy shed wash down where applications for those takes are lodged prior to 1 January 2015.
- c) In recognition of Objective 3.3.2(b) and 3.3.2(f), takes relying on section 14(3)(b) of the Resource Management Act that were occurring prior to 15 October 2008.

Policy 7: How Surface Water Takes Will Be Classified in Catchments Where Existing Takes Exceed the Table 3-5 Allocable Flows

(Implements Objective 3.1.2 and 3.3.2)

In the catchments where the combination of all authorised water takes exceeds the combined primary and secondary allocable flows in Table 3-5 the Waikato Regional Council will manage the further allocation of surface water by classifying the taking of surface water on a net take basis as:

- a) A Controlled Activity for existing domestic or municipal supply takes that comply with Policy 9(a);
- b) A Controlled Activity for existing milk cooling and dairy shed wash down takes where applications to authorise those takes are lodged prior to 1 January 2015;
- c) A Restricted Discretionary Activity for water harvesting takes undertaken in accordance with Policy 20;
- d) A Discretionary Activity for takes relying on section 14(3)(b) of the Resource Management Act that were not existing prior to 15 October 2008;
- e) A Discretionary Activity for all other existing and replacement takes;
- f) A Discretionary Activity for any take that is a zero net take;
- g) A Discretionary Activity for new takes for domestic or municipal supplies that comply with Policy 9(d); and
- h) A Non-complying Activity for any other new take.

Policy 8: How Surface Water Takes Will Be Classified in Catchments that do not Exceed the Table 3-5 Allocable Flows

(Implements Objective 3.1.2 a), f) and p) and Objective 3.3.2 b), e) and i))

Except as provided for in Policy 9 the Waikato Regional Council will manage the allocation of surface water in catchments that do not exceed the combined primary and secondary allocable flows in Table 3-5 on a net take basis by:

- a) Classifying takes as being authorised without the need for resource consent if such takes:
 - i) Are allowed by s14(3)(b) RMA purposes, except as restricted in part b) of this policy and in any associated rules, or
 - ii) Do not exceed 15 cubic metres per day, except for the main stems of the Waikato River downstream of Lake Taupo and the Waipa River downstream of Otorohanga in which case takes shall not exceed 30 cubic metres per day, and except as provided for in part ca) of this policy and in any associated rules, or
 - iii) Are temporary takes up to 150 cubic metres per day except as provided for in part ca) of this policy and in any associated rules.
- b) Classifying as a controlled activity any take existing at 15 October 2008 that was for the purposes of milk cooling or dairy shed wash down provided the effects of the take are avoided, remedied or mitigated
- c) Classifying as a non-qualifying s14(3)(b) take and a discretionary activity any take which was not existing prior to 15 October 2008 and would otherwise be allowed by s14(3)(b) of the RMA except that when assessed in combination with all other existing authorised water takes within the same catchment, is for a rate greater than 100 percent of the primary allocable flow in Table 3-5

- d) Except where part e) v) of this Policy applies, classifying as a discretionary activity any supplementary take or temporary take which might otherwise be a permitted activity, when the net take, assessed in combination with all other existing authorised water takes within the same catchment, is for a rate greater than 100 percent of the primary allocable flow identified in Table 3-5.
- e) Classifying all other applications for takes in the following manner:
 - i) As a controlled activity when the net take, assessed in combination with all other existing authorised water takes within the same catchment, is for a rate less than or equal to 70 percent of the primary allocable flow identified in Table 3-5
 - ii) As a controlled activity for cooling water at the Huntly Power Station when the net take does not exceed 0.7 cumecs
 - iii) As a restricted discretionary activity when the net take, assessed in combination with all other existing authorised water takes within the same catchment, is for a rate exceeding 70 percent and up to and including 100 percent of the primary allocable flow identified in Table 3-5
 - iv) Except where part (e)(v) of this policy applies, as a discretionary activity when the net take, assessed in combination with all other existing authorised water takes within the same catchment, is for a rate greater than 100 percent of the primary allocable flow but is less than the combined primary and secondary allocable flow identified in Table 3-5.
 - v) As a non-complying activity when the net take, assessed in combination with all other existing authorised water takes within the same catchment is for a rate that would be greater than the combined primary and secondary allocable flow identified in Table 3-5.
- f) Classifying as a non-complying activity all applications for takes of water from natural state water bodies, wetlands and lakes (excluding artificial lakes, hydro electricity reservoirs, Lake Rotoaira and Lake Taupo).
- g) Assigning all new and existing resource consent holders a priority level for the whole or part of the consent to apply when water shortage restrictions occur.

Advisory Note

- Under s14(3)(b) of the RMA, the taking and using of water for an individual's reasonable domestic needs and the reasonable needs of an individual's animals drinking water requirements are allowed without a resource consent, provided they do not, and are not likely to, have an adverse effect on the environment.
- Under Policies 8 c) and 8 d) only new takes that cause the primary allocation to be exceeded require resource consents. In other words, if a take was permitted or allowed immediately prior to a catchment reaching the point of full primary allocation, it remains a permitted or allowed take, as the case may be, after that point is reached provided the nature and scale of that take remains unchanged.

Policy 9: How Surface Water Takes for Domestic or Municipal Supply Will Be Classified

(Implements Objective 3.1.2 f) and Objective 3.3.2 b) and c))

The Waikato Regional Council will manage water allocation in catchments to ensure the availability of water to meet the existing and reasonably justified and foreseeable domestic or municipal supply requirements of individuals and communities by:

- a) Classifying applications for takes for domestic or municipal supply to replace resource consents as controlled activities provided that:

- i) At the time of application the take was an authorised water take; and
 - ii) There is no increase in the nature, rate and volume of the take from that previously authorised; and
 - iii) A water management plan which meets the requirements of Method 8.1.2.2 has been provided.
- b) Classifying as a controlled activity applications for takes not previously authorised for domestic or municipal supply when the net take, assessed in combination with all other existing authorised water takes within the same catchment, is for a rate less than or equal to 70 percent of the primary allocable flow identified in Table 3-5.
 - c) Classifying as a restricted discretionary activity applications for takes not previously authorised for domestic or municipal supply when the net take, assessed in combination with all other existing authorised water takes within the same catchment, is for a rate exceeding 70 percent and up to and including 100 percent of the primary allocable flow identified in Table 3-5.
 - d) Classifying as a discretionary activity applications for takes not previously authorised for domestic or municipal supply which exceed 100 percent of the primary allocable flow identified in Table 3-5 or exceed 100% of the combined primary and secondary allocable flows identified in Table 3-5.
 - e) Classifying all applications for takes for domestic or municipal supply as a non-complying activity where a water management plan which meets the requirements of Method 8.1.2.2 has not been provided.

Policy 10: How Groundwater Takes will be Classified

(Implements Objective 3.1.2 m))

The Waikato Regional Council shall manage the taking of groundwater resources in a manner that meets the criteria for establishing Sustainable Yields from groundwater resources listed in Policy 4 by:

- a) Classifying takes as being authorised without the need for resource consent if such takes:
 - i) Are allowed by s14(3)(b) RMA purposes, except as restricted in part c) of this policy and in any associated rules, or
 - ii) Do not exceed 15 cubic metres per day except as provided for in part d) of this policy and in any associated rules, or
 - iii) Are temporary takes up to 150 cubic metres per day except as provided for in part d) of this policy and in any associated rules; or
 - iv) Are takes for well and aquifer testing up to 2500 cubic metres per day and a pumping duration of less than three days
- b) Classifying as a controlled activity any take existing at 15 October 2008 that was for the purposes of milk cooling or dairy shed wash down provided the effects of the take are avoided, remedied or mitigated.
- c) Classifying as a non-qualifying s14(3)(b) take and a discretionary activity any take which was not existing prior to 15 October 2008 and would otherwise be allowed under s14(3)(b) of the RMA except that when assessed in combination with all other existing authorised water takes within the same aquifer it exceeds the Sustainable Yield in Table 3-6
- d) Classifying as a discretionary activity any supplementary take or temporary take which might otherwise be a permitted activity when the take, assessed in combination with all other existing authorised water takes within the same aquifer, is for a rate greater than 100 percent of the Sustainable Yield identified in Table 3-6.

- e) Using Management Levels to indicate when there is increasing demand from an aquifer.
- f) Classifying as a discretionary activity all applications for domestic or municipal supply takes for groundwater where a water management plan which meets the requirements of Method 8.1.2.2 has been provided.
- g) Classifying all other applications for takes of groundwater in the following manner:
 - i) As a discretionary activity, or
 - ii) As a non-complying activity if a relevant Sustainable Yield is provided in Table 3-6 and the rate of take in combination with all other existing authorised water takes within the same aquifer is greater than the relevant Sustainable Yield value.
- h) Classifying all new and existing resource consent holders a priority level(s) for the whole or part of the consent to apply when water shortage restrictions occur.
- i) Notwithstanding Policies a) to h), assessing the nature of hydraulic connection (if any) between groundwater takes and surface water bodies and, if there is such a connection as defined by Policy 12 w), having regard to relevant parts of Policy 11 and Policy 12 when making decisions on groundwater takes.
- j) Including Sustainable Yields by way of a Plan Change when sufficient information is available and when needed to address significant adverse effects of groundwater takes.
- k) Classifying all applications for groundwater takes for domestic or municipal supply as a non-complying activity where a water management plan which meets the requirements of Method 8.1.2.2 has not been provided.

Advisory Notes:

- Management Levels are not used in Policy 10 to determine the activity status of groundwater takes. Method 3.3.4.9 provides the framework for utilising Management Levels in managing groundwater and setting sustainable yields in Table 3-6.
- Under Policy 10 c) only new takes that cause the Sustainable Yield to be exceeded require resource consents. In other words, if a take was allowed immediately prior to an aquifer reaching the point of full Sustainable Yield, it remains an allowed take after that point is reached provided the nature and scale of that take remains unchanged.
- Under Policy 10 g) ii)) only new takes that cause the Sustainable Yield to be exceeded are non-complying activities. In other words, if a take was permitted or consented as a controlled or discretionary activity immediately prior to an aquifer reaching the point of full Sustainable Yield, it remains a permitted or consented take as a controlled or discretionary activity, as the case may be, after that point is reached provided the nature and scale of that take remains unchanged.

Policy 11: Consent Application Assessment Criteria – Surface Water

(Implements Objectives 3.1.2 and 3.3.2)

When assessing resource consent applications for surface water takes and/or any associated water use, the effects of these activities shall be assessed individually and cumulatively with all other existing or authorised (or currently applied for) water take and use activities. In doing so the Council shall have particular regard to the following matters:

- a) Whether the proposed take would adversely affect the restoration and protection of the health and wellbeing of the Waikato River
- b) The effect of the activity on the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga

- c) Phasing out any existing allocation of surface water that exceeds the combined primary and secondary allocable flows in Table 3-5, or exceeds the water harvesting limits in Policy 20 b) by 31 December 2030 in accordance with Policy 19
- d) Whether the applicant has demonstrated a need for the volume and rate of water sought, taking into account the applicant's seasonal and rotational requirements (if any), and has proposed appropriate water efficiency measures including an assessment of measures to be taken to reduce the take and use during water shortage conditions as defined in Policy 17
- e) The need to ensure that surface water is available for existing and reasonably justified and foreseeable future domestic or municipal supply needs identified in a water management plan that meets the requirements of Method 8.1.2.2, stock drinking water requirements and fire fighting purposes
- f) The significant social and economic benefits associated with the take and use of water for domestic or municipal supply
- g) With the exception of water harvesting undertaken in accordance with Policy 20 and Rule 3.3.4.22 and takes associated with renewable electricity generation, any need to limit the duration of a water take consent, impose conditions to provide for the review of the volume of water taken pursuant to a consent, or to decline to grant a water take consent, all in order to enable domestic or municipal supply takes required for future growth.
- h) Restricting takes that exceed the primary allocation in Table 3-5 and which reduce the amount of water that would otherwise be available for renewable electricity generation or be used for cooling of the Huntly Power Station, including in particular any takes from the Waikato River catchment upstream of the HPS mixing zone that when assessed in combination with all other authorised water takes would exceed 100% of the primary allocable flows in Table 3-5
- i) The significance of the social and economic benefits that derive from existing takes and the significance of the investment that relies on the continuation of those takes
- j) The potential adverse effects on existing users of granting a consent which may result in the allocation of a catchment exceeding the combined primary and secondary allocable flows in Table 3-5
- k) Subject to the matters listed in a), e) and h) of this Policy, the social and economic benefits that may arise from the take and use of water (including rural-based activities such as agriculture, perishable food processing and industry.)
- l) The net effect of the take on water quality in the water body from which the water will be taken i.e. whether the further degradation of water quality is avoided (having regard to the flow rates and contaminant concentrations in that water body)
- m) Whether the applicant has demonstrated adequate consideration of alternative water sources including water harvesting and water reuse and that the current application is industry good practice
- n) The effects on the water body of any associated discharge of contaminants, (either point source or diffuse) arising from the take and use
- o) Whether existing lawful takes will be adversely affected, including those granted by neighbouring regional councils where water bodies cross regional boundaries
- p) Impacts on, and integration with, other existing authorised uses of the relevant water body (including customary uses)
- q) Whether Tangata Whenua uses and values, including the mauri of water, are maintained or enhanced
- r) The effects on ecological values and biodiversity and the benefits of the natural flow regime variability, including sediment transport and natural flushing and flood flows

- s) The need to ensure that water bodies are not over-allocated (having regard to the current allocation limits of the water body as indicated by Table 3-5 and to the provisions of Policy 6, Policy 9 and Method 3.3.4.10.k)
- t) In the case of an application for the replacement of an existing resource consent, whether the applicant has demonstrated a continued need for the volume and rate of water, taking account of seasonal and rotational requirements, applied for based on water use records, the efficiency of the use of the resource, any enforcement action taken by Council in respect to the previous consent and use of industry good practice
- u) Any improvements in water take and use infrastructure, and whether adequate metering, data collection and leak detection mechanisms are adopted
- v) The effects of the abstraction on wetlands, areas of significant indigenous vegetation, or significant habitats for indigenous fauna
- w) The effects of the take and associated intake structure on fish passage and fish migration, and the potential for the entrainment of aquatic organisms
- x) Whether appropriate mitigation measures are to be implemented, including the maintenance of adequate environmental flows or flow regimes, the location of the abstraction, the maintenance of fish passage, the application of riparian planting, or other measures;
- y) Using site specific flow measurement methods where practicable to ensure compliance with water restrictions
- z) Demonstration that physical access to the water does not adversely affect any other land and/or property owner
- aa) In the case of temporary transfers; the extent to which the consent has already been given effect to on the site which the original consent relates
- bb) The requirements of the National Environmental Standard for Human Drinking water.

Policy 12: Consent Application Assessment Criteria – Groundwater

(Implements Objectives 3.1.2 and 3.3.2)

When assessing resource consent applications for groundwater takes and/or any associated water use, the effects of these activities shall be assessed individually and cumulatively with all other existing (or currently applied for) water take and use activities. In doing so the Council shall have particular regard to the following matters:

- a) Whether the proposed take would adversely affect the restoration and protection of the health and wellbeing of the Waikato River
- b) The effect of the activity on the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga
- c) Whether the applicant has demonstrated a need for the volume and rate of water sought, taking into account the applicant's seasonal and rotational requirements (if any) and has proposed appropriate water efficiency measures including an assessment of measures to be taken to reduce take and use during water shortages as defined in Policy 17
- d) The need to ensure that groundwater is available for existing and reasonably justified and foreseeable domestic or municipal supply needs identified in a water management plan that meets the requirements of Method 8.1.2.2, stock drinking water requirements and fire fighting purposes
- e) Whether the applicant has demonstrated adequate consideration of alternative water sources including water harvesting and water reuse and that the current application is the industry good practice

- f) Whether, in the case of an application for the replacement of an existing resource consent, the applicant has demonstrated a continued need for the volume and rate of water applied for, taking account of the applicant's seasonal and rotational requirements (if any), based on water use records, the efficiency of the use of the resource, any enforcement action taken by Council in respect to the previous consent and use of industry good practice
- g) Whether existing lawful takes of both either ground and surface water will be adversely affected including those granted by neighbouring regional councils where water bodies cross regional boundaries
- h) Impacts on, and integration with, other existing authorised uses of the relevant water body (including customary uses)
- i) Any improvements in water take and use infrastructure and whether adequate metering, data collection and leak detection mechanisms are adopted
- j) Whether tangata whenua uses and values, including the mauri of water, are maintained or enhanced
- k) The need to ensure that aquifers are not over-allocated (having regard to the Sustainable Yield of the aquifer as indicated by Table 3-6) or as indicated by estimates of groundwater catchment boundary; groundwater flow budget, including estimates of recharge and discharge within the catchment; and groundwater allocation within the groundwater catchment)
- l) Any demonstrated return flow to the aquifer resulting from the use of the abstracted groundwater, including irrigation return water
- m) Whether surface water instream uses, values and flows are adversely affected, including the base flows of streams, springs and the water levels of wetlands and lakes
- n) Whether potential for saltwater intrusion is avoided
- o) Where Sustainable Yields have not been set in Table 3-6 potential for loss of recharge to other aquifers
- p) Where Sustainable Yields have not been set in Table 3-6 potential adverse effects from aquifer compaction and ground surface subsidence
- q) Potential for contamination of ground or surface water e.g. nutrient contamination due to excessive leaching
- r) Potential for interference effects on neighbouring bores to the extent the neighbouring bore owner would be prevented from obtaining their lawfully established water allocation requirements. An applicant may mitigate the adverse effects by:
 - i) locating the pump intake of affected neighbouring bore(s) at a greater depth with the bore; or
 - ii) Deepening existing bores or drilling new bores for neighbouring landowners to a deeper level; or
 - iii) Providing an alternative water source agreed to by all affected parties
- s) Whether the proposed, or existing, bore is capable of extracting the quantity applied for
- t) Whether appropriate mitigation measures are to be implemented, including but not limited to, alternative rates and timing of abstractions, provision of alternative water supplies, water conservation options in times of reduced water availability
- u) Possible monitoring methods that will be used for monitoring of a type and scale appropriate for the activity, including but not limited to measurement and recording of water use, measurement and recording of levels, sampling and assessment of water quality and fresh water biota

- v) Demonstration that physical access to the water does not adversely affect any other land and/or property owner
- w) The nature of hydraulic connection (if any) between the groundwater resource from which water is proposed to be taken and surface water bodies will generally be assessed on a case by case basis by evaluating:
 - i) groundwater depletion of surface water bodies (i.e. the replacement of abstracted groundwater by flows from surface water bodies); and
 - ii) where no Table 3-6 Sustainable Yield has been identified for the groundwater resource, groundwater interception (i.e. the reduction of groundwater flows to surface water bodies)

Where the case by case assessment demonstrates that there is a hydraulic connection and the assessed maximum surface water body depletion and interception loss (in cubic metres per day) calculated for the term of the consent exceeds 15 cubic metres per day then the Waikato Regional Council will assess the nature of the effect of the groundwater take on surface water bodies having particular regard to the relevant parts of Policy 11.

The nature of hydraulic connection does not need to be assessed and the groundwater take need not be assessed against Policy 11 or Policy 12(x) where:

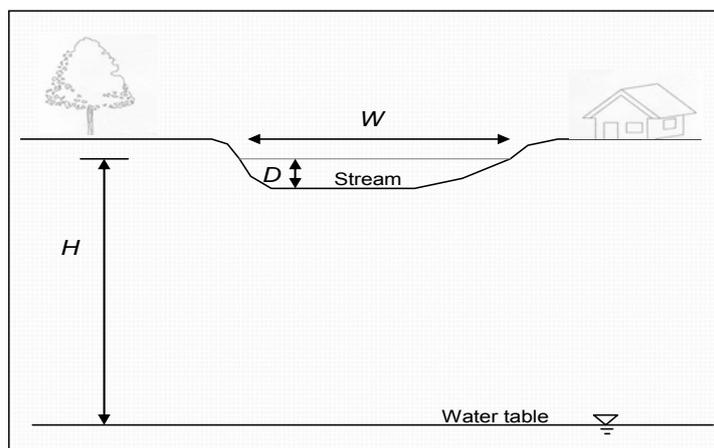
- iii) the physical separation between the surface water body(s) and the underlying groundwater table is large enough to ensure that if there was a lowering of the groundwater table from pumping this would not impact the surface water body (as calculated for streams using the Advisory Note at the end of this Policy); or
- iv) the take is allowed by s14(3)(b) of the RMA, or is less than 15 cubic metres per day (the maximum allowed by Permitted Activity Rule 3.3.4.12; or
- v) the take is temporary and is allowed by Permitted Activity Rule 3.3.4.14; or
- vi) the take is for well or aquifer testing and is allowed by Permitted Activity Rule 3.3.4.15; or
- vii) the take is a renewal of a groundwater take consent within the Waikato River catchment upstream of the HPS mixing zone* and the take was authorised at 15 October 2008

Except in the circumstances described under (iv) to (vii) above, the nature of hydraulic connection shall always be assessed for groundwater takes within the Waikato River catchment upstream of the Karapiro Dam unless a Table 3-6 Sustainable Yield has been set for the groundwater resource from which the groundwater take is to occur.

- x) Restricting groundwater takes in circumstances where there is a hydraulic connection between the groundwater resource from which the applicant proposes to take groundwater and a surface water body and the take will reduce the amount of water that would otherwise be available for renewable electricity generation or be used for cooling of the Huntly Power Station, including in particular any groundwater takes from the Waikato River catchment upstream of the HPS mixing zone whose surface flow depletion effects, when assessed in combination with all other authorised water takes, would exceed 100% of the primary allocable flows in Table 3-5
- y) In the case of temporary transfers the extent to which consent has already been given effect to on the site which the original consent relates
- z) The requirements of the National Environmental Standard for Human Drinking Water
- aa) Whether the take is efficient having regard to, amongst other things, the depth of the proposed bore(s) within an aquifer.

Advisory Notes for Policy 12 w)

- The physical separation described in Policy 12 w) iii) for streams exists when:
 - i. the depth to the water table (H) below a stream that occurs within the area affected by the groundwater abstraction is greater than five times the maximum depth of water in the stream (D), i.e. $H \geq 5D$, and
 - ii. the depth to the water table below any potential affected stream surface (H) is greater than twice the stream width (W) i.e. $H \geq 2W$.
- For the avoidance of doubt, the water table (H) is the level below the land surface at which the subsurface material is fully saturated with water.



Policy 13: Non-Complying Activities within the Waikato River Catchment above Huntly and Karapiro

(Implements Objectives 3.1.2 and 3.3.2 e) and g))

Generally, non-complying activity applications for surface water takes within the Waikato River catchment upstream of the HPS mixing zone shall not be granted unless the take:

- a) Is a zero net take; or
- b) Replaces a consented take for an activity listed in Policy 15 a)v); or
- c) Achieves a higher level of renewable electricity generation within the Waikato River catchment than would otherwise be achieved were the consent declined; or
- d) Is located between the Karapiro Dam and the HPS mixing zone but would not adversely affect electricity generation from the Huntly Power Station.

Policy 14: Non-Complying Activities outside Waikato River Catchment and below Huntly within Waikato River Catchment

(Implements Objectives 3.1.2 and 3.3.2)

Generally, non-complying activity applications for a takes located anywhere in the Region outside of the catchment area covered by Policy 13 shall not be granted unless the take:

- a) Is a zero net take, or
- b) Replaces a consented take for an activity listed in Policy 15 a)v); or
- c) Achieves a higher level of electricity generation that would otherwise be achieved were the consent declined, or

- d) Is for the ecological enhancement of wetlands, or
- e) Avoids the further degradation of water quality as provided for in Chapter 3.2 of this Plan.

Policy 15: Consent Duration for the Taking of Water

(Implements Objectives 3.1.2 and 3.3.2)

- a) Subject to Policy 19, the Waikato Regional Council will generally ensure that all resource consents for the take of surface and groundwater shall have a term no longer than 15 years except those consents:
 - i) for domestic or municipal supply.
 - ii) for the primary purpose of, or directly associated with, electricity generation.
 - iii) which are assessed as having a zero net take and do not restrict the further allocation of water.
 - iv) for the purpose of managing the flow or level regimes of rivers or aquifers (e.g. other dewatering and/or water level control, ecological purposes, pit or lake filling for rehabilitation and flood control, mine water management) where the take does not or is not likely to during the consent term limit other users from being allocated water, or result in any adverse effects listed in Policy 1 and 4.
 - v) for large scale, capital intensive industrial facilities such as mines, dairy factories, pulp mills and water harvesting infrastructure.
- b) Consents granted for the activities listed in a) i) to v) above shall be for a term that is appropriate in the circumstances and that term may exceed 15 years.
- c) Consents for takes other than those listed in a) i) to v) above may be granted for a duration shorter than 15 years where appropriate in order to ensure the availability of water to meet the existing and reasonably justified and foreseeable future domestic or municipal supply needs identified in a water management plan the meets the requirements of Method 8.1.2.2.
- d) All consents for takes, except surface water zero net takes, shall include provision for a review within one year of the completion of a relevant catchment investigation undertaken in accordance with Method 3.3.4.9 and, if applicable, a consequent change to the Waikato Regional Plan being proposed.

Policy 16: Water Take Recording and Reporting

(Implements Objectives 3.1.2 and 3.3.2)

Except as provided for in part g) of this policy, as a means of assessing compliance with consents for the taking of water, the Waikato Regional Council will require resource consent holders, through conditions to:

- a) Install a tamper-proof water-measuring device to manufacturer's specifications with:
 - i) a minimum accuracy under field conditions of +/- 5 percent for piped takes or +/- 8 percent for open channel takes, and
 - ii) a pulse output if optimum recording is required by Table 3-4,
- b) Provide an "as built" plan of the installed water measuring device prior to giving effect to any consent to take water
- c) Record and report water take data for all consented surface water takes at a frequency and in a manner described in Table 3-4

- d) Record water take data for all consented groundwater takes at a frequency and in a manner to achieve:
- i) Minimum recording on a weekly basis and minimum reporting twice yearly in January and June for all consented groundwater takes less than 1500 cubic metres per day, or
 - ii) Minimum recording and reporting on a daily basis with data logger for all consented groundwater takes greater than 1500 cubic metres per day, or
 - iii) Reduced or enhanced recording and reporting requirements as determined by the Waikato Regional Council as appropriate in response to the adverse effects associated with the groundwater take.
- e) Complete a calibration(s) of the water measuring device and a water use audit(s) during the term of the consent at a frequency and to the standard specified in the consent conditions.
- f) In any situation where it is physically not practical to meet parts a) to e) in Policy 16 the following shall apply:
- i) The consent holder shall establish a methodology for estimating the amount of water taken, and shall obtain the approval of the Consent Authority that the method is appropriate for the type of take, and the time frame for collecting water use data.
 - ii) The consent holder shall record the volume of water taken, using the methodology established in Policy 16 part f) i), at a minimum of daily intervals for surface water takes and at least weekly intervals for groundwater takes and keep records of each date and corresponding water use measurement.
 - iii) The water use records shall be submitted to the consent authority, at intervals of at least one year.
- g) Parts a) to e) of this policy shall not generally apply to authorised takes of less than 50 cubic metres per day using pumps with a capacity of 2 litres per second or less. The 50 cubic metres per day shall be inclusive of any water taken under s14(3)(b) of the RMA.

Table 3-4: Surface Water Take and Use - Recording Type and Frequency

Instantaneous Rate of Take l/s	
Waikato & tributaries < 65 l/s Other catchments < 20 l/s	Waikato & tributaries > 65 l/s Other catchments > 20 l/s
<p><u>Basic Recording and Reporting</u></p> <ul style="list-style-type: none"> ➤ Minimum recording frequency - weekly (increased frequency may be required at The Waikato Regional Council's discretion) ➤ Minimum reporting frequency – paper records, twice yearly in January and June (recording and reporting by loggers and telemetry may be required at The Waikato Regional Council's discretion) 	<p><u>Optimum Recording and Reporting</u></p> <ul style="list-style-type: none"> ➤ Minimum recording frequency - daily (increased frequency may be required at The Waikato Regional Council's discretion) ➤ Recording by tamper-proof data logger ➤ Minimum reporting frequency – daily (reporting by telemetry may be required at The Waikato Regional Council's discretion) ➤ Where telemetry is unavailable a lower frequency may be provided for at the discretion of the Waikato Regional Council.

Policy 17: Water Shortage Conditions

(Implements Objective 3.3.2 b), e) and h))

- a) When a catchment or aquifer is in a water shortage condition restrictions on abstractions will include, but will not be limited to: rostering (day on, day off abstractions); rationing or cessation and will occur as provided for in Policy 18 and in accordance with Standard 3.3.4.27
- b) Restrictions will apply to all existing consents, unless those consents already contain conditions requiring the restriction or cessation of taking at times of low flow in which case the consent conditions shall prevail over part a) of this Policy. Every new and replacement consent for taking water will include either conditions that assign a priority level to apply to the whole or part of the consent in a water shortage condition as provided in Policy 18 or specific conditions appropriate to the particular take and water body in a water shortage condition having regard to Policy 1.
- c) When a catchment or aquifer is in a water shortage condition the Waikato Regional Council may issue water shortage direction as provided for under s329 of the Resource Management Act.

Policy 18: Levels of Priority to Apply During Water Shortages

(Implements Objective 3.3.2 b), e) and h))

- a) The level of priority to apply during water shortage conditions in surface water (SW) bodies, in descending level of importance is as follows:
 - i) Priority SW-A activities: takes which have a zero net take, or for fire fighting
 - ii) Priority SW-B activities: stock watering supplies, takes for animal welfare and sanitation (including shed wash down and milk cooling), takes for perishable food processing, takes associated with electricity generation, all permitted and s14(3)(b) RMA takes, and takes for domestic or municipal supply.
 - iii) Priority SW-C activities all other takes allocated within the primary allocable flow as defined in Table 3-5.
 - iv) Priority SW-D activities: all other takes allocated water above the primary allocable flow as defined in Table 3-5 and temporary takes of short duration.
 - v) Priority SW-E activities: takes for water harvesting.
- b) The level of priority to apply during water shortage conditions in groundwater (GW) aquifers, in descending level of importance, is as follows:
 - i) Priority GW-A activities: will include groundwater takes allocated as discretionary activities.
 - ii) Priority GW-B activities: will include groundwater takes allocated as non complying activities.

Policy 19: Phasing Out Exceedences of the Table 3-5 Allocable Flows

(Implements Objective 3.1.2 a), b), c) and d) and 3.3.2 b), e) and h))

In catchments managed under Policy 7 the Waikato Regional Council will:

- a) Generally not decline applications lodged before 1 January 2015 relating to existing takes where there is no increase in the amount of the take;
- b) Seek to phase out exceedences of the combined primary and secondary allocable flows set in Table 3-5 by 31 December 2030 by implementing, in the following priority order, parts a), c), l), d), f), e), h), b), k) and i) of Method 3.3.4.10 and by reviewing the minimum and allocable flows in accordance with Method 3.3.4.9;

- c) Except for any take that is a zero net take, generally decline, or grant for a lesser volume or for a lesser duration, replacement applications lodged on or after 1 January 2015 if the continued implementation of Policy 19(b) is unlikely to result in the phasing out of any exceedence of the combined primary and secondary allocable flows set in Table 3-5 by 31 December 2030.

Policy 20: Surface Water Harvesting

(Implements Objective 3.1.2 c), g) and p))

Except as restricted by Policies 13 and 14, in addition to the primary allocation and secondary allocation set out in Table 3-5, an allocation at higher flows from rivers may be provided as a restricted discretionary activity:

- a) if the take is not within the Waikato River Catchment upstream of the Karapiro Dam; and
- b) in circumstances where water is only taken when the river flow is greater than the median flow, and the total amount of water taken by way of water harvesting does not exceed 10% of the flow in the river at the time of abstraction.

Policy 21: Shared Use and Management of Water

(Implements Objective 3.1.2 a) and g))

The Waikato Regional Council will promote shared use and management of water that, subject to ongoing compliance with individual resource consent conditions:

- a) allows water users the flexibility to work together to make the best use of available water
- b) allows water users to share water abstraction and reticulation infrastructure provided that it is fit for its purpose.

3.3.4 Implementation Methods – Water Takes

3.3.4.1 Environmental Education

(Method to implement Section 3.3.3 Policies 8 and 9)

The Waikato Regional Council will through ongoing environmental education programmes:

- a) encourage the use of alternative water resources where there is over allocation
- b) encourage consent holders to review their current water takes to ensure water use is still required and their use of water is efficient (see Chapter 3.4 of this Plan)
- c) inform landowners and water users about the in-stream and groundwater values that need to be considered when assessing water take applications
- d) inform the community about water management and allocation as contained in the Variation. The implications for all water users will be identified.

3.3.4.2 Integration with Territorial Authorities

(Method to implement Section 3.3.3 Policy 9)

The Waikato Regional Council will work with Territorial Authorities to:

- a) develop appropriate land use provisions in district plans to avoid, remedy, or mitigate adverse effects of land use on groundwater aquifer yields, aquifer water quality, spring protection, river flows and wetland water levels;

- b) encourage and assist territorial authorities to adopt, through respective LTCCP processes, water demand management tools to plan and manage future projected water use;
- c) encourage the preparation of water management plans in accordance with Section 8.1.2.2 and applications to vary existing resource consent conditions to require existing domestic or municipal supply water takes to be undertaken in accordance with the water management plan.

3.3.4.3 Water User Groups/Voluntary Agreements

(Method to implement Section 3.3.3 Policies 17, 18, 19 and 21)

The Waikato Regional Council will, in order to assist and support the community to understand water management and allocation as an essential element of restoring and protecting water bodies:

- a) promote water user groups, or voluntary agreements between water users, to schedule takes and manage allocations.
- b) initiate and support water user groups to assist with allocations during times of restrictions or when the catchment is fully or over allocated.
- c) provide, where available, accurate technical information on which user groups can make decisions.

The Waikato Regional Council will further investigate how water user groups can be used to:

- a) assist with management of water allocated to abstractors;
- b) provide opportunities for shared investment in, and optimal use of water transport and storage infrastructure;
- c) make best use of available water.

3.3.4.4 Estimating Permitted Takes and s14(3)(b) Takes

(Method to implement Section 3.3.3 Policies 8 and 9)

In order to accurately assess the level of permitted takes and water takes for reasonable stock and domestic needs (s14(3)(b) of the RMA), the Waikato Regional Council will maintain a model to estimate the level of permitted takes. In consultation with stakeholders the Waikato Regional Council will also undertake audits of actual use in selected areas to coincide with relevant catchment investigation dates.

3.3.4.5 Investigations

(Method to implement Section 3.3.3 Policy 4)

The Waikato Regional Council will continue to monitor aquifers and surface waters to ensure water use is sustainable and in areas of high use will develop sustainable yield limits and allocable flows. The council will develop means of making water allocation information readily available to the public.

3.3.4.6 Development of Minimum and Allocable Flows for Surface Water Bodies and Sustainable Yields for Aquifers

(Method to implement Section 3.3.3 Policies 1, 2, 3 and 4)

In determining allocable flows, minimum flows and sustainable yields, the Waikato Regional Council will:

- a) Work with its iwi co-management partners and make use of a variety of recognised assessment methods as appropriate to the particular conditions, including maatauranga Maaori. In determining which combination of technical methods is most appropriate, guidance will be taken from any Integrated River Management Plan, any relevant planning document recognised by an iwi authority and lodged with the Council to the extent that its content has a bearing on water allocation, and the Ministry for the Environment – Environmental Flow Guidelines for Instream Values May 1998, or any subsequent update
- b) Consult with key affected parties including tangata whenua representatives, existing consent holders, domestic or municipal suppliers, Fish and Game New Zealand, Department of Conservation, industry organisations and local area water user groups.

All new entries into Tables 3-5 and 3-6 will be included by way of a Plan Change under the First Schedule of the RMA.

3.3.4.7 Groundwater Depletion of Surface Water

(Method to implement Section 3.3.3 Policy 10(i))

Waikato Regional Council will manage the surface water depletion effects identified by Policy 10 i) and Policy 12 w) using either one or both of the following methods.

- a) A groundwater take will have surface water restrictions imposed where there is a hydraulic connection between the two systems, and a restriction of the groundwater take will result in an increase in surface water flows during times of restrictions.
- b) Where a groundwater take is assessed under Policy 10 i) as impacting on surface water resources and this cannot be solely managed with restrictions on the groundwater take, the reduction in surface water flow occasioned by the groundwater take will be quantified and included in the surface water allocation regime used for assessing the cumulative allocation for the surface water takes in Chapter 3.3. The remainder of the groundwater take (the actual rate of take less the amount quantified as being a reduction in surface water flow) will be allocated against the sustainable yield in Table 3-6.

3.3.4.8 Assessment of hydrological flow statistics for water allocation

(Method to implement Section 3.3.3 Policy 1)

The Waikato Regional Council will maintain a technical report detailing the calculation of flow statistics used for water allocation at key flow recorder sites in the Region, including methods to remove the influence of existing surface water takes. In the Waikato River catchment upstream of the Karapiro Dam this includes the Council developing a model to remove the influence of the eight Waikato River hydro-generation dams, the Lake Taupo outlet gates and the Tongariro Power Scheme on the hydrology of the catchment for implementing Standard 3.3.4.27 f). The model shall be independently peer reviewed.

The flow statistics in the technical report will typically be reassessed five yearly, unless there are any significant changes to the flow regime in which case the technical report will be reassessed as soon as practical thereafter. The technical report will be published on the Waikato Regional Council website.

Advisory Note:

- The Council will make available to stakeholders a peer review of the model described in this method and the results of periodic reviews of the data used in this model.

3.3.4.9 Review Allocable Flows/Sustainable Yields

(Method to implement Section 3.3.3 Policy 1)

Waikato Regional Council will review minimum flows and primary and secondary allocable flows of surface water or the Sustainable Yields in aquifers when:

- a) Targets and measures are incorporated into either the Vision and Strategy for the Waikato River promulgated under the Waikato River Co-management framework or the regional plan; or
- b) Investigations indicate that the matters listed in Section 3.3.3 Policies 1 and 4 cannot be provided for at current minimum or allocable flows; or
- c) Investigations indicate that the matters listed in either Policy 1 or 4 can be provided for at a different level of allocation than allowed for in either Table 3-5 or 3-6 respectively and that no adverse effects that are more than minor will occur; or
- d) The allocation reaches or exceeds 70 percent of the primary allocable flow for catchments listed as “all other catchments” in Table 3-5; or
- e) The allocation reaches or exceeds 70 percent of Management Level listed in Table 3-6; or
- f) Actual or potential adverse effects are occurring within a catchment due to high demand for surface or groundwater or when tangata whenua values as noted in Section 3.3.3 Policies 1 and 4 are shown to be adversely affected; or
- g) Investigations indicate that climate change is affecting surface water flows and sustainable yields in groundwater; or
- h) Investigations demonstrate that there are significant improvements in water quality which could enable more water to be allocated for out of stream uses; or
- i) Investigations indicate that the matters listed in Section 3.3.3 Policies 1 and 4 cannot be provided for at current minimum flows and primary and secondary allocable flows; or
- j) Catchment investigation date listed in Table 3-4A occurs; or
- k) Any significant changes to the inflow regime that occur in relation to the Waikato River catchment upstream of Karapiro Dam.

Table 3-4A Catchment Investigation Dates

Note:

Refer to water allocation maps 'Catchment Investigation Dates'.

Catchment or Sub-Region	Catchment Investigation Date - and on each 15 th anniversary thereafter
Coromandel Peninsula (from the Waihou Catchment north)	1 July 2010
Waihou River including the sections of the streams which have their headwaters in the Waikato Region and their mouth in Bay of Plenty Region	1 July 2012
Piako River and all catchments flowing to the Firth of Thames along the Hunua and Hapuakohe Ranges	1 July 2014
West Coast (From Taranaki regional boundary to Auckland regional boundary excluding the Waikato Catchment)	1 July 2015
Waikato River (1) - Lake Taupo catchment above Huka Falls	1 July 2016
Waikato River (2) - Huka Falls to Karapiro Dam	1 July 2017
Waikato River (3) - Karapiro Dam to Ngaruawahia at confluence of Waipa (including the Waipa River)	1 July 2019
Waikato River (4) - Ngaruawahia at confluence of Waipa (excluding the Waipa River) to Mercer Bridge	1 July 2021
Waikato River (5) - Mercer Bridge to Waikato River Mouth	1 July 2023

3.3.4.10 Phasing Out Exceedences of the Table 3-5 Allocable Flows

(Method to implement Section 3.3.3 Policy 19)

Exceedences of the Table 3-5 allocable flows will be phased out by some or all of the following methods:

- a) Ceasing any new allocation of water (not including the replacement of previously consented taking of water subject to the requirements of s124B of the RMA after 9 August 2008)
- b) Encouraging voluntary reductions or promoting water augmentation/harvesting
- c) Reviewing conditions of existing consents to determine if any efficiency gains can be made, including through altering the volume, rate or timing of the take provided this does not invalidate the exercise of the consent for its original purpose
- d) Shared reduction across the catchment either by consent review for existing takes or as resource consents for takes expire. Shared reductions may also be achieved by anticipating the expiry of existing consents in a catchment
- e) Rostering users, so they are not all taking at once or alternatively reducing the rate of permissible takes
- f) Directing new applications or replacement of existing resource consents consider alternatives to the water take or to other potential sources of water (e.g. groundwater, water harvesting)
- g) Temporarily restricting the taking of water by the issuing of a water shortage direction under section 329 of the RMA
- h) Encouraging the establishment of catchment groups or voluntary agreements between water users to achieve necessary reductions in catchment water use

- i) Reduce permitted takes, excluding those provided for by s14 (3)(b) of the RMA, through a pro rata reduction in the rate of take and where necessary through a reduction in the daily permitted volume via a plan change
- j) Undertake an assessment of sustainable yield or allocable flow in accordance with Method 3.3.4.9
- k) Where there is an increase in allocation of water for domestic or municipal supply in a catchment where allocation exceeds 100% of the primary allocation in Table 3-5, there may be shared reduction across the catchment (taking into account the relative efficient use of the water taken) of all industrial, commercial or agricultural users of water (not being water used for human drinking purposes or human sanitation purposes), either by consent review or as consents expire. For the purpose of this provision industrial takes do not include takes associated with the generation of electricity from renewable energy sources.
- l) Where the allocation of water for milk cooling and dairy shed wash down allowed by Rules 3.3.4.12, 3.3.4.13, 3.3.4.19 and 3.3.4.20 results in allocation exceeding 100% of the primary allocable flows in Table 3-5, the Council may as a priority reduce that over allocation by reducing the amount of water allocated by existing consents to other dairy sector production land use activities (including pasture irrigation) before applying shared reductions across all other sectors. Except that, in the case of surface water, this provision shall only apply to the extent that the reduction achieved by the dairy sector equals the amount of water consented for milk cooling and dairy shed wash down under Rules 3.3.4.19 and 3.3.4.20, less the water allowed to be taken by those consent holders under Rule 3.3.4.13.

3.3.4.11 Conditions relating to Water Management Plans

(Method to implement Section 3.3.3 Policy 9 and Section 3.4.3 Policy 2)

The Waikato Regional Council will require a water management plan that meets the requirements of Method 8.1.2.2 to be submitted with any application for a resource consent for domestic or municipal supply, and will impose conditions on any consent granted requiring:

- a) Regular reviews of the water management plan;
- b) Reporting on the effectiveness of the plan in achieving water conservation and water demand management;
- c) Reporting on:
 - i) Updated forecasted water demand;
 - ii) The basis on which those forecasts have been prepared (including breakdown on forecast requirements for domestic or municipal supply use);
 - iii) The maximum daily take required during the next reporting period and the rationale for this;
 - iv) Any uncertainties associated with growth data used in the calculation of future demand;
 - v) In light of (i) to (iv), whether any reduction in the maximum daily water takes for the next reporting period is considered appropriate;
- d) Regular reviews of consent conditions to give effect to the matters identified in (b) and (c) above.

3.3.4.12 Permitted Activity Rule – Supplementary Groundwater Takes

(Implements Section 3.3.3 Policy 10 a)ii)

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

1. The taking of up to 1.5 cubic metres per day on sites equal to or less than one hectare; or
2. The taking of up to 1.5 cubic metres per day on sites where the well is within 600 metres of the coastal marine area; or
3. The taking of up to 15 cubic metres of groundwater per day on all other sites

by means of a well is a **permitted activity** subject to the following conditions:

- a) The take(s) shall be within a single site.
- b) The site of the activity shall not be within 100 metres of a Significant Geothermal Feature except for those features that are Recent Sinter or Hydrothermal Eruption Craters containing no geothermal pools or discharging geothermal features in which case the take shall not be located within 20 metres of the feature.
- c) The activity shall not result in salt water intrusion or any other contamination of the aquifer.
- d) The total of all takes from the aquifer does not exceed the Sustainable Yield if listed in Table 3-6.

Exception

This rule does not apply to:

- The taking of geothermal energy and water.
- The taking of water for a dam or diversion. Such takes are managed by the policies and rules in Chapter 3.6.

Advisory Notes:

- The drilling and construction of a well for a water take is provided for under Rules 3.8.4.6, 3.8.4.7 and 3.8.4.8. Rule 3.3.4.8 provides control over the location of new wells.
- Under s14(3)(b) of the RMA, the taking and using of water for an individual's reasonable domestic needs and stock drinking water requirements are allowed without a resource consent, provided they do not, and are not likely to, have an adverse effect on the environment. Water taken under Parts 1 and 2 of this rule is in addition to that which may be taken for an individual's domestic and stock watering needs.
- Where a site with an existing permitted supplementary groundwater take is acquired by the owner of an adjacent site that also has an existing permitted supplementary groundwater take, both takes continue to be permitted activities.
- Rules governing the take of geothermal energy and water are found in Module 7: Geothermal of this Plan.

3.3.4.13 Permitted Activity Rule - Supplementary Surface Water Takes

(Implements Section 3.3.3 Policy 8 a)ii)

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.

Exception

This rule does not apply to:

- The taking of geothermal energy and water; or to
- Takes from wetlands or lakes (excluding artificial lakes and Lake Taupo).
- The taking of water for a dam or diversion. Such takes are managed by the policies and rules in Chapter 3.6.

Advisory Note:

- Under s14(3)(b) of the RMA, the taking and using of water for an individual's reasonable domestic needs and stock drinking water requirements are allowed without a resource consent, provided they do not, and are not likely to, have an adverse effect on the environment. Water taken under Parts 1 and 3 of this rule is in addition to that which may be taken for an individual's domestic and stock watering needs.
- Where a site with an existing permitted supplementary surface water take is acquired by the owner of an adjacent site that also has an existing permitted supplementary surface water take, both takes continue to be permitted activities.
- Rules governing the take of geothermal energy and water are found in Module 7: Geothermal of this Plan.
- The assessment of cumulative allocation in this rule does not include that allocated by 3.3.4.22 Restricted Discretionary Activity Rule – Surface Water Harvesting.

3.3.4.14 Permitted Activity Rule – Temporary Takes

(Implements Section 3.3.3 Policies 8 a)iii), 10 a)iii))

The taking of up to 150 cubic metres of water per day (calculated on a net take basis for surface water takes) for no more than five days per annum from any river or aquifer is a **permitted activity** subject to the following standards and terms:

- a) The net rate of the take, assessed in combination with all other authorised water takes, shall not exceed 100 percent of the primary allocable flows for catchments specified in Table 3-5.
- b) For groundwater takes the well is not within 600 metres of the coastal marine area and the total rate of the take in combination with all other takes from the aquifer does not exceed the Sustainable Yield if listed in Table 3-6.

- c) The intake structure shall comply with the screen and velocity standards as set out in the Water Management Class for that water body (see Chapter 3.2 of this Plan) and with the provisions in Rule 4.2.10.1 of this Plan.
- d) This rule shall not apply when water restrictions are in place in accordance with Standard 3.3.4.27.
- e) Written notice of the location, time and duration of take shall be provided to the Waikato Regional Council 10 working days before works commence.

Exceptions

This rule does not apply to:

- the taking of geothermal energy and water; or to
- takes from wetlands or lakes (excluding artificial lakes and Lake Taupo).
- The taking of water for a dam or diversion. Such takes are managed by the policies and rules in Chapter 3.6.

Advisory Note:

- The assessment of cumulative allocation in this rule does not include that allocated by 3.3.4.22 Restricted Discretionary Activity Rule – Surface Water Harvesting.

3.3.4.15 Permitted Activity Rule - Well or Aquifer Testing

(Implements Section 3.3.3 Policy 10 a) iv)

The taking of groundwater for well or aquifer testing purposes (including water with a temperature in excess of 30 degrees Celsius) is a **permitted activity** subject to the following conditions:

- a) No test or tests for a well shall exceed a pumping period in excess of three days in duration.
- b) The rate of take shall not exceed 2,500 cubic metres or 2,500 tonnes per day.
- c) The site of the activity shall not be within 100 metres of a Significant Geothermal Feature except for those features that are Recent Sinter or Hydrothermal Eruption Craters containing no geothermal pools or discharging geothermal features in which case the take shall not be located within 20 metres of the feature.
- d) The Waikato Regional Council shall be notified in writing at least one week in advance of tests with a pumping period in excess of 24 hours.
- e) Records of the pump test(s) shall be kept by the owner, detailing flow rates, draw downs, and any information analysis. Copies shall be forwarded to the Waikato Regional Council within one month of completion.
- f) Where the temperature of the water taken exceeds 30 degrees Celsius the following additional information shall be provided in writing to the Waikato Regional Council within one month of completing testing:
 - i) location of take and discharge
 - ii) geological log
 - iii) well/aquifer test results
 - iv) map of any deviated drilling
 - v) temperature/pressure profiles.

Advisory Notes:

- The drilling and construction of a well for a water take will require resource consent under Rule 3.8.4.8.
- Refer also to Rules 3.5.8.1 and 3.5.8.2 regarding the discharge of well and aquifer testing water.

3.3.4.16 Controlled Activity Rule - Taking of Surface Water

(Implements Section 3.3.3 Policy 8 e)i) and Policy 9 b))

Except as permitted by **Rules 3.3.4.13** and **3.3.4.14** of this Plan, the taking of surface water up to and including 70 percent of the allocable flow identified in Table 3-5 is a **controlled activity** (requiring resource consent) subject to the following standards and terms:

- a) 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 70 percent of the primary allocable flows for catchments specified in Table 3-5
- b) The water take location shall not be within a water body classified as Natural State Water on the Water Management Class Maps.
- c) Where the take is for a domestic or municipal supply a water management plan which meets the requirements of Method 8.1.2.2 shall be provided.
- d) All applications to take water under this rule shall be assessed on a net take basis¹

Exception

This rule does not apply to:

- The taking of geothermal energy and water.
- The taking of water for a dam or diversion. Such takes are managed by the policies and rules in Chapter 3.6.

Waikato Regional Council reserves control over the following matters:

- i) Measures to restore and protect the health and wellbeing of the water body for present and future generations
- ii) The timing of abstraction, the (net) volume of water allocated and the rate at which water is abstracted, including daily and seasonal requirements and duration and timing of peak daily take rate, having regard to the efficiency and use of the water allocated and having regard to the matters contained in Policy 11.
- iii) The carrying out of measurements, samples, analyses, inspections, recording and reporting having regard to the matters contained in Policy 16.
- iv) Measures to avoid, remedy, or mitigate any adverse effects associated with the intake structure.
- v) Measures to satisfy the intake velocity and screening requirements for the protection of aquatic fauna having regard to standards identified in the Water Management Class standards in Section 3.2.4.
- vi) The level(s) of priority to apply during water shortage conditions having regard to the matters contained in Policy 18 and Standard 3.3.4.27.
- vii) Abstraction restrictions during water shortage conditions (including suspension of abstraction and rostering) having regard to the matters contained in Policies 17, 18 and Standard 3.3.4.27.
- viii) The duration of the resource consent having regard to the matters contained in Policy 15 and Policy 18 and to future demands for water for domestic or municipal supply from the surface water body to which the application applies.
- ix) Review date with respect to the catchment investigation date as detailed in Method 3.3.4.9 and Table 3-4A.

¹ This means an applicant must provide information in an AEE to demonstrate this standard is met

- x) The effect of the activity on the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga.
- xi) Measures to maintain and enhance tangata whenua uses and values of water, the ability to exercise kaitiakitanga, and measures to protect and enhance the mauri of water bodies.
- xii) The need for and content of a water management plan as appropriate to the nature and scale of the proposed activity in accordance with Method 8.1.2.2.
- xiii) Measures to ensure that the net take is achieved whenever any consent granted under this rule is being exercised.

Advisory Notes:

- The level of cumulative authorised abstraction occurring within a catchment is reported on the Waikato Regional Council website
- Information requirements to enable the assessment of any application under this rule are as set out in Section 8.1.2.1 of this Plan.
- Rules governing the take of geothermal energy and water are found in Module 7: Geothermal of this Plan.
- Rule 3.3.4.16 applies to all abstractors, including people/organisations taking water for domestic or municipal supply.
- Any resource consent granted under this rule shall include a condition specifying the amount of water taken as a net take.
- The assessment of cumulative allocation in this rule does not include that allocated by 3.3.4.22 Restricted Discretionary Activity Rule – Surface Water Harvesting.

3.3.4.17 Controlled Activity Rule – Taking of Surface Water for Cooling Water for the Huntly Power Station

(Implements Section 3.3.3 Policy 8 e)ii)

The taking of surface water from the Waikato River for cooling water at the Huntly Power Station is a **controlled activity** (requiring resource consent) subject to the following standards and terms;

- a) The net take by Huntly Power Station shall not exceed 0.7 cubic metres per second.
- b) All applications to take water under this rule shall be assessed² on a net take basis.

Waikato Regional Council reserves control over the following matters:

- i) Measures to restore and protect the health and wellbeing of the water body for present and future generations.
- ii) The timing of abstraction, the quantum of the net take, the timing thereof and volume of water allocated and the rate at which water is abstracted, including daily and seasonal requirements and duration and timing of peak daily take rate, having regard to the efficient use of the water by the existing infrastructure and having regard to the matters contained in Policy 11.
- iii) The carrying out of measurements, samples, analyses, inspections, recording and reporting having regard to the matters contained in Policy 16.
- iv) Measures to avoid, remedy or mitigate any adverse effects associated with the taking of water including the intake structure.

² This means an applicant must provide information in an AEE to demonstrate this standard is met

- v) Abstraction restrictions during water shortage conditions (including suspension of abstraction, rostering) having regard to the matters contained in Policies 17, 18 and Standard 3.3.4.27.
- vi) Measures to satisfy the intake velocity and screening requirements for the protection of aquatic fauna.
- vii) The duration of the resource consent having regard to the matters contained in Policy 15 and to future demands for water for domestic or municipal supply from the surface water body to which the application applies.
- viii) Review date with respect to the catchment investigation date as detailed in Method 3.3.4.9 and Table 3-4A.
- ix) The effect of the activity on the relationship of tangata whenua and their culture, and traditions with their ancestral lands, water, sites, wahi tapu and other taonga.
- x) Measures to maintain and enhance tangata whenua uses and values of water, the ability to exercise kaitiakitanga, and measures to protect and enhance the mauri of water bodies.
- xi) Measures to ensure that any discharge taken into account when calculating the net take is being exercised whenever any consent granted under this rule is being exercised.

Advisory Note:

- Any resource consent granted shall include a condition specifying the quantum of the net take.
- The assessment of cumulative allocation in this rule does not include that allocated by 3.3.4.22 Restricted Discretionary Activity Rule – Surface Water Harvesting.

3.3.4.18 Controlled Activity Rule – Replacing Authorised Taking of Surface Water for Domestic or Municipal Water Supply

(Implements Section 3.3.3 Policy 9 a))

Except as permitted by **Rule 3.3.4.13** any taking of surface water for the purposes of domestic or municipal supply is a **controlled activity** (requiring resource consent) subject to the following standards and terms:

- a) The take is described by Policy 9(a).
- b) The applicant shall prepare and provide a water management plan which meets the requirements of Methods 8.1.2.2.
- c) All applications to take water under this rule shall be assessed on a net take basis.

The Waikato Regional Council reserves control over the following matters:

- i) Measures to restore and protect the health and wellbeing of the water body for present and future generations.
- ii) The timing of abstraction, the (net) volume of water allocated and the rate at which water is abstracted, including daily and seasonal requirements and duration and timing of peak daily take rate, having regard to the efficiency of the use of the water allocated and having regard to the matters contained in Policy 11.
- iii) The carrying out of measurements, samples, analyses, inspections, recording and reporting having regard to the matters contained in Policy 16.
- iv) The extent and location of riparian fencing and planting having regard to the applicant's Riparian Vegetation Management Plan, the nature of the existing land use in the riparian margins, the length of riparian margin within the property adjacent to the intake structure, the scale of the take and the benefits of fencing and planting in the vicinity of the point of take relative to other locations.

- v) Measures to satisfy the intake screening requirements for the protection of aquatic fauna.
- vi) Measures to avoid, remedy, or mitigate any adverse effects associated with the intake structure.
- vii) The level(s) of priority to apply during water shortage conditions having regard to the matters contained in Policy 18 and Standard 3.3.4.27.
- viii) Abstraction restrictions during water shortage conditions (including suspension of abstraction, rostering) having regard to the matters contained in Policies 17, 18 and Standard 3.3.4.27.
- ix) The duration of the resource consent and future demands for domestic or municipal supply for water from the surface water body to which the application applies having regard to the matters contained in Policy 15 and Policy 19.
- x) Review date with respect to the catchment investigation date as detailed in Method 3.3.4.9 and Table 3-4A.
- xi) The content and implementation of a water management plan submitted in compliance with standard and term d) of this rule.
- xii) The effect of the activity on the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga.
- xiii) Measures to maintain and enhance tangata whenua uses and values of water, the ability to exercise kaitiakitanga, and measures to protect and enhance the mauri of water bodies.
- xiv) Measures to ensure that the net take is achieved whenever any consent granted under this rule is being exercised.

Exception

This rule does not apply to:

- The taking of geothermal energy and water.
- The taking of water for a dam or diversion. Such takes are managed by the policies and rules in Chapter 3.6.

Advisory Note:

- The level of cumulative authorised abstraction occurring within a catchment is reported on the Waikato Regional Council website
- Any resource consent granted under this rule shall include a condition specifying the amount of water taken as a net take.
- The assessment of cumulative allocation in this rule does not include that allocated by 3.3.4.22 Restricted Discretionary Activity Rule – Surface Water Harvesting.

3.3.4.19 Controlled Activity Rule – Taking of Surface Water for Existing Milk Cooling and Dairy Shed Wash Down

(Implements Section 3.3.3 Policies 6 b), 7 b) and 8 b))

Except as provided for by Rule 3.3.4.13 any taking of surface water described in 1 or 2 below for the purposes of milk cooling or dairy shed wash down is a **controlled activity**:

1. For applications lodged prior to 1 January 2015 for takes that were existing prior to 15 October 2008 in catchments where the net rate of the take when assessed in combination with all other authorised water takes (all calculated on a net take basis) exceeds 100 percent of the combined primary and secondary flows set in Table 3-5; or
2. For takes in catchments where the net rate of the take when assessed in combination with all other authorised water takes (all calculated on a net take basis) does not exceed 100 percent of the combined primary and secondary flows set in Table 3-5

subject to the following standards and terms:

- a) The water take shall not be from a water body classified as Natural State Water in the Water Management Class Maps.
- b) The take shall be for a single site
- c) The net amount of water taken is proven to be the same or less than that occurring prior to 15 October 2008.
- d) All stock on the property for which the water is taken and used shall be excluded from the river from which the take occurs by way of fencing, provided that the property owner also owns the land adjacent to that water body.
- e) A Riparian Vegetation Management Plan which meets the requirements of Method 3.3.4.28 shall be provided for the property for which the water is taken and used on and that plan shall specify the location and length of any streams whose riparian margins are to be planted and the proposed timing of that planting.
- f) The reticulation network for the water taken shall include leak detection mechanisms.
- g) All applications to take water under this rule shall be assessed on a net take basis.
- h) Any water take under this rule shall be deemed to include (as the first 15 cubic metres per day of such takes) all water that is permitted for the site pursuant to Rules 3.3.4.12 and 3.3.4.13 (so that the total water allocated to the site is accounted for within the consented amount to ensure no double accounting).

Waikato Regional Council reserves control over the following matters:

- i) Measures to restore and protect the health and wellbeing of the water body for present and future generations.
- ii) The extent and location of riparian fencing and planting having regard to the applicant's Riparian Vegetation Management Plan, the nature of the existing land use in the riparian margins, the length of riparian margin within the property adjacent to the intake structure, the scale of the take and the benefits of fencing and planting in the vicinity of the point of take relative to other locations.
- iii) Adequacy and nature of mechanisms used to identify and remedy leaks.
- iv) The timing of abstraction, the (net) volume of water allocated and the rate at which water is abstracted, including daily and seasonal requirements and duration and timing of peak daily take rate, having regard to the efficiency and use of the water allocated, the number of cows milked (as at October 2008) and having regard to the matters contained in Policy 11 and Policy 19.
- v) The carrying out of measurements, samples, analyses, inspections, recording and reporting having regard to the matters contained in Policy 16.
- vi) Measures to avoid, remedy, or mitigate any adverse effects associated with the intake structure.
- vii) Measures to satisfy the intake velocity and screening requirements for the protection of aquatic fauna having regard to standards identified in the Water Management Class standards in Section 3.2.4.
- viii) The level(s) of priority to apply during water shortage conditions conditions having regard to the matters contained in Policy 18 and Standard 3.3.4.27.
- ix) Abstraction restrictions during water shortage conditions (including suspension of abstraction and rostering) having regard to the matters contained in Policies 17, 18 and Standard 3.3.4.27.

- x) The duration of the resource consent having regard to Policy 15 and to future demands for water for domestic or municipal supply from the surface water body to which the application applies.
- xi) Review date with respect to the catchment investigation date as detailed in Method 3.3.4.9 and Table 3-4A.
- xii) The effect of the activity on the relationship of tangata whenua and their culture, and traditions with their ancestral lands, water, sites, wahi tapu and other taonga.
- xiii) Measures to maintain and enhance tangata whenua uses and values of water, the ability to exercise kaitiakitanga, and measures to protect and enhance the mauri of water bodies.
- xiv) Measures to ensure that any discharge taken into account when calculating the net take is being exercised whenever any consent granted under this rule is being exercised

Advisory Note:

- Any resource consent granted shall include a condition specifying the quantum of the net take.
- For the purpose of determining the maximum volume of take as at 15 October 2008 the Waikato Regional Council shall have regard to water use monitoring records held by the applicant, or where no such records exist, shall generally calculate the volume based on the number of cows proven by the applicant to have been milked on the subject site at that time multiplied by 70 litres per cow.
- Information requirements to enable the assessment of any application under this rule are as set out in Section 8.1.2.1 of this Plan.
- Under Rule 4.2.18.1 of this Plan a consent is required for planting and fencing within 10 metres (except in the Hauraki District Council and Aka Aka Otatau Drainage areas where a 15 metre distance applies) of the water bodies listed in Table 4-1. The consent requirements of Rule 4.2.18.1 will be dealt with contemporaneously by WRC when assessing consent applications under Rule 3.3.4.19.

3.3.4.20 Controlled Activity Rule – Taking of Groundwater for Existing Milk Cooling and Dairy Shed Wash Down

(Implements Section 3.3.3 Policy 10b))

Except as permitted by Rule 3.3.4.12 any taking of groundwater for the purposes of milk cooling and dairy shed wash down is a **controlled activity** subject to the following standards and terms:

- a) The take shall be for a single site .
- b) The take is from a well:
 - i) Greater than 600 metres from the coastal marine area or 100 metres from a lake or stream; or
 - ii) Greater than 100 metres from a Significant Geothermal Feature except for those features that are Recent Sinter or Hydrothermal Eruption Craters containing no geothermal pools or discharging geothermal features in which case the take shall not be located within 20 metres of the feature; or
 - iii) Greater than 100 metres from any other wells, except if the other well is also owned by the applicant.
 - iv) With the upper extent of the screen being at a depth greater than 40 metres below ground level.
- c) The take shall not result in salt water intrusion or any other contamination of the aquifer.
- d) The net amount of groundwater taken is proven to be the same or less as was occurring prior to 15 October 2008

- e) The reticulation network for the water taken shall include leak detection mechanisms
- f) The well(s) used for the taking of water are registered with Waikato Regional Council.
- g) Any water take under this rule shall be deemed to include (as the first 15 cubic metres per day of such takes) all water that is permitted for the site pursuant to Rules 3.3.4.12 and 3.3.4.13 (so that the total water allocated to the site is accounted for within the consented amount to ensure no double accounting)

Waikato Regional Council reserves control over the following matters:

- i) Adequacy and nature of mechanisms used to identify and remedy leaks.
- ii) The timing of abstraction, the (net) volume of groundwater allocated and the rate at which groundwater is abstracted, including daily and seasonal requirements and duration and timing of peak daily take rate, having regard to the efficiency and use of the groundwater allocated having regard to the number of cows milked (as at October 2008), to the matters contained in Policy 12, and to the matters contained in Policy 11 where appropriate.
- iii) The carrying out of measurements, samples, analyses, inspections, recording and reporting having regard to the matters contained in Policy 16.
- iv) Measures to avoid, remedy, or mitigate any adverse effects associated with the abstraction, including drawdown interference effects on neighbouring groundwater takes.
- v) Abstraction restrictions during water shortage conditions (including suspension of abstraction and rostering) having regard to the matters contained in Policies 17, 18 and Standard 3.3.4.27.
- vi) The duration of the resource consent having regard to the matters contained in Policy 11 and to future demands for water for domestic or municipal supply from the groundwater body to which the application applies.
- vii) Review date with respect to the catchment investigation date as detailed in Method 3.3.4.9 and Table 3-4A.
- viii) The effect of the activity on the relationship of tangata whenua and their culture, and traditions with their ancestral lands, water, sites, wahi tapu and other taonga.
- ix) Measures to maintain and enhance tangata whenua uses and values of water, the ability to exercise kaitiakitanga, and measures to protect and enhance the mauri of water bodies.

Advisory Note:

- Information requirements to enable the assessment of any application under this rule are as set out in Section 8.1.2.1 of this Plan. In addition, assessment shall also take into account the matters identified in Policies 1 - 14 of Section 3.3.3.
- For the purpose of determining the maximum volume of take as at 15 October 2008 the Waikato Regional Council shall have regard to water use monitoring records held by the applicant, or where no such records exist, shall generally calculate the volume based on the number of cows proven by the applicant to have been milked on the subject site at that time multiplied by 70 litres per cow.

3.3.4.21 Restricted Discretionary Activity Rule – The Taking of Surface Water

(Implements Section 3.3.3 Policy 8 e) iii) and Policy 9 c))

1. Any taking of surface water unable to comply with **Rules 3.3.4.16, 3.3.4.17 or 3.3.4.18;** or
2. The taking of surface water exceeding 70 percent and up to and including 100 percent of the primary allocable flow of water from catchments as identified in Table 3-5

is a **restricted discretionary activity** (requiring resource consent) subject to the following standards and terms:

- a) 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;
- b) Where the take is for a domestic or municipal supply a water management plan which meets the requirements of Method 8.1.2.2 shall be provided;
- c) All applications to take water under this rule shall be assessed on a net take basis.³

Exception

This rule does not apply to:

- The taking of geothermal energy and water.
- The taking of water for a dam or diversion. Such takes are managed by the policies and rules in Chapter 3.6.

The Waikato Regional Council restricts its discretion over the following matters:

- i) Measures to restore and protect the health and wellbeing of the water body for present and future generations.
- ii) The matters contained in Policy 8.
- iii) The timing of abstraction, the (net) volume of water allocated and the rate at which water is abstracted, including daily and seasonal requirements and duration and timing of peak daily take rate, having regard to the efficiency and use of the water allocated.
- iv) Where the application is for a domestic or municipal supply the content and implementation of a water management plan.
- v) The carrying out of measurements, samples, analyses, inspections, recording and reporting having regard to the matters contained in Policy 12.
- vi) Measures to avoid, remedy, or mitigate any adverse effects associated with the intake structure.
- vii) Measures to satisfy the intake screening requirements for the protection of aquatic fauna.
- viii) The level(s) of priority to apply during water shortages having regard to the matters contained in Policy 18 and Standard 3.3.4.27.
- ix) Abstraction restrictions during water shortage conditions (including suspension of abstraction and rostering) having regard to the matters contained in Policies 17, 18 and Standard 3.3.4.27.
- x) The duration of the resource consent and future demands for domestic or municipal supply for water from the surface water body on which the application applies having regard to the matters contained in Policy 15 and Policy 19.
- xi) Review date with respect to the catchment investigation date as detailed in Method 3.3.4.9 and Table 3-4A.
- xii) The effect of the activity on the relationship of tangata whenua and their culture, and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

³ This means an applicant must provide information in an AEE to demonstrate this standard is met.

- xiii) Measures to maintain and enhance tangata whenua uses and values of water, the ability to exercise kaitiakitanga, and measures to protect and enhance the mauri of water bodies.
- xiv) Measures to ensure that the net take is achieved whenever any consent granted under this rule is being exercised.

Advisory Notes:

- The level of cumulative authorised abstraction occurring within a catchment is reported on the Waikato Regional Council website
- Rules governing the take of geothermal energy and water are found in Module 7: Geothermal, of this Plan.
- Information requirements to enable the assessment of any application under this rule are as set out in Section 8.1.2.1 of this Plan.
- Any resource consent granted under this rule shall include a condition specifying the amount of water taken as a net take.
- The assessment of cumulative allocation in this rule does not include that allocated by 3.3.4.22 Restricted Discretionary Activity Rule – Surface Water Harvesting.

3.3.4.22 Restricted Discretionary Activity Rule – Surface Water Harvesting

(Implements Section 3.3.3 Policy 20)

The taking of surface water (calculated on a net take basis) for the purposes of water harvesting is a **restricted discretionary activity** (requiring resource consent) subject to the following standards and terms:

- a) The take shall not occur in the Waikato River catchment upstream of the Karapiro Dam
- b) In circumstances where water is only taken when the river flow is greater than the median flow, and the total amount of water taken by way of water harvesting shall not exceed 10% of the flow in the river at the time of abstraction,
- c) All applications to take water under this rule shall be assessed on a net take basis⁴.
- d) The take shall cease if the average flow for the previous seven days falls below the median flow.

Waikato Regional Council restricts its discretion over the following matters:

- i) Measures to restore and protect the health and wellbeing of the water body for present and future generations;
- ii) The matters contained in Policy 11.
- iii) The timing of abstraction, the (net) volume of water allocated and the rate at which water is abstracted, including daily and seasonal requirements and duration and timing of peak daily take rate, having regard to the efficiency and use of the water allocated.
- iv) The carrying out of measurements, samples, analyses, inspections, recording and reporting having regard to the matters contained in Policy 16.
- v) Measures to avoid, remedy, or mitigate any adverse effects associated with the intake structure.
- vi) Measures to satisfy the intake velocity and screening requirements for the protection of aquatic fauna having regard to standards identified in the Water Management Class standards in Section 3.2.4.

⁴ This means an applicant must provide information in an AEE to demonstrate this standard is met

- vii) The level(s) of priority to apply during water shortage conditions having regard to the matters contained in Policy 18 and Standard 3.3.4.27.
- viii) Abstraction restrictions during water shortage conditions (including suspension of abstraction and rostering) having regard to the matters contained in Policies 17, 18 and Standard 3.3.4.27.
- ix) The duration of the resource consent having regard to the matters contained in Policy 15 and Policy 19.
- x) Review date with respect to the catchment investigation date as detailed in Method 3.3.4.9 and Table 3-4A.
- xi) The effect of the activity on the relationship of tangata whenua and their culture, and traditions with their ancestral lands, water, sites, wahi tapu and other taonga.
- xii) Measures to maintain and enhance tangata whenua uses and values of water, the ability to exercise kaitiakitanga, and measures to protect and enhance the mauri of water bodies.
- xiii) The need for and content of a water management plan as appropriate to the nature and scale of the proposed activity in accordance with Method 8.1.2.2.
- xiv) Effects on the generation of electricity.
- xv) Measures to ensure that the net take is achieved whenever any consent granted under this rule is being exercised.
- xvi) Measures monitor and manage the take to ensure water is only taken when the river flow is greater than the median flow, and the total amount of water taken by way of water harvesting shall not exceed 10% of the flow in the river at the time of abstraction.

Advisory Note:

- Any resource consent granted shall include a condition specifying the quantum of the net take.
- Information requirements to enable the assessment of any application under this rule are as set out in Section 8.1.2.1 of this Plan.
- With regard to monitoring and managing the water harvesting take, the Waikato Regional Council's preference is for electronic measuring devices that provide real time monitoring information to the applicant and the Council with respect to the times when the water harvesting is occurring and with respect to the gauged median flow of surface water in the river.

3.3.4.23 Discretionary Activity Rule – Surface Water Takes

(Implements Section 3.3.3 Policy 7e) and f), Policy 8 c), d) e)iv) and Policy 9 d)

The taking of surface water that:

1. Is a non-qualifying s14(3)(b) take described by Policy 8 c) or
2. Is a supplementary take or a temporary take described by Policy 8 d), or
3. Except as provided for by Rules 3.3.3.17, 3.3.4.18 and 3.3.4.19, is a take that when assessed in combination with all other authorised water takes (all calculated on a net take basis), exceeds the primary allocable flow but is less than the combined primary and secondary allocable flows in Table 3-5, or
4. Is an existing take described by Policy 7(e); or
5. Is a zero net take described by Policy 7(f); or
6. Is a new take for domestic or municipal supply described by Policy 7(g) and Policy 9(d); or

is a **discretionary activity** (requiring resource consent) subject to the following standards and terms:

- a) The water take shall not be from a Natural State water body, wetland or lake (excluding artificial lakes, hydro electricity reservoirs, Lake Rotoaira and Lake Taupo).
- b) Except in relation to applications for domestic and municipal supply, for existing surface takes in catchments exceeding the combined primary and secondary flows in Table 3-5 a Riparian Vegetation Management Plan which meets the requirements of Method 3.3.4.28 shall be provided for the property for which the water is taken and used on and that plan shall specify the location and length of any streams whose riparian margins are to be planted and the proposed timing of that planting.
- c) For domestic or municipal supply takes the applicant must have prepared a water management plan which meets the requirements of Section 8.1.2.2 of this Plan and that water management plan must be made available to the Waikato Regional Council and the Waikato River Iwi within whose rohe the take is located.
- d) All applications to take water under this rule shall be assessed on a net take basis.
- e) Any water take under this rule shall include all water that is permitted for the site pursuant to Rules 3.3.4.12 and 3.3.4.13 (so that the total water allocated to the site is accounted for within the consented amount to ensure no double accounting).

Exception

This rule does not apply to:

- The taking of geothermal energy and water.
- The taking of water for a dam or diversion. Such takes are managed by the policies and rules in Chapter 3.6.

Advisory Notes:

- The level of cumulative authorised abstraction occurring within a catchment is reported on the Waikato Regional Council website.
- Information requirements to enable the assessment of any application under this rule are as set out in Section 8.1.2.1 of this Plan.
- In general, takes assessed in combination with all other existing authorised water takes which exceed 100 percent of the combined primary and secondary allocable flow identified in Table 3-5 are a non-complying activity in accordance with Rule 3.3.4.26.
- Any resource consent granted under this rule shall include a condition specifying the amount of water taken as a net take.
- Under Rule 4.2.18.1 of this Plan a consent is required for planting and fencing within 10 metres (except in the Hauraki District Council and Aka Aka Otatau Drainage areas where a 15 metre distance applies) of the water bodies listed in Table 4-1. The consent requirements of Rule 4.2.18.1 will be dealt with contemporaneously by WRC when assessing consent applications under Rule 3.3.4.19.

3.3.4.24 Discretionary Activity Rule – Groundwater Takes

(Implements Section 3.3.3 Policy 10 c), f), g)i)

The taking of groundwater that, when assessed in combination with all other authorised takes from the same aquifer:

1. Is a supplementary take, temporary take or well and aquifer testing take that does not comply with **Rules 3.3.4.12, 3.3.4.14 or 3.3.4.15**; or
2. Is a non-qualifying s14(3)(b) take described by Policy 10 c); or
3. Does not exceed the Sustainable Yield if listed in Table 3-6; or
4. Is from an aquifer that is not listed in Table 3-6; or

5. Is for domestic or municipal supply takes where a water management plan is provided that meets the requirements of Method 8.1.2.2 of this Plan.

is a **discretionary activity** (requiring resource consent)

Exception

This rule does not apply to the taking of geothermal energy and water.

Advisory Notes:

- Information requirements to enable the assessment of any application under this rule are as set out in Section 8.1.2.1 of this Plan.
- Rules governing the take of geothermal energy and water are found in Module 7: Geothermal of this Plan.

3.3.4.25 Non-Complying Activity Rule – Surface Water Takes From Wetlands, Natural State Water Bodies and Lakes

(Implements Section 3.3.3 Policy 8 f)

Notwithstanding any other rule in this Plan, the taking of water (calculated on a net take basis) from Natural State water bodies, wetlands (that are referred to in Section 3.7.7 of the this Plan or meet the criteria of Appendix 3 of the RPS) and lakes (excluding artificial lakes, hydro electricity reservoirs, Lake Rotoaira and Lake Taupo) is a **non-complying activity** (requiring resource consent) subject to the following standard and term:

a) All applications to take water under this rule shall be assessed on a net take basis⁵.

Advisory Notes:

- For the avoidance of doubt, the lake impounded by the Rangipo Dam on the Tongariro River is a hydro electricity reservoir and Lake Elliot (Grid Reference NZMS 260 U17 753836) is an artificial lake.
- Information requirements to enable the assessment of any application under this rule are as set out in Section 8.1.2.1 of this Plan.
- Any resource consent granted under this rule shall include a condition specifying the amount of water taken as a net take.
- The assessment of cumulative allocation in this rule does not include that allocated by 3.3.4.22 Restricted Discretionary Activity Rule – Surface Water Harvesting.

3.3.4.26 Non-Complying Activity Rule - Water Takes

(Implements Section 3.3.3 Policy 8 e)v), Policy 9 e) and Policy 10 g)ii))

Except as provided in **Rules 3.3.4.17, 3.3.4.18, 3.3.4.19, 3.3.4.20, 3.3.4.23, 3.3.4.24** and **3.3.4.25** and the takes described by Policy 6 the taking of groundwater or surface water (surface water calculated on a net take basis) that:

1. Is for a surface water take which when assessed in combination with all other authorised water takes exceeds the combined primary and secondary allocable flows in Table 3-5; or
2. Is for a surface water harvesting take which when assessed in combination with all other authorised surface water harvesting water takes exceeds the limits set in Policy 20 b); or
3. Is for a groundwater take which exceeds the Sustainable Yields (if listed) in Table 3-6, or

⁵ This means an applicant must provide information in an AEE to demonstrate this standard is met

4. Is for domestic or municipal supply and a water management plan developed in accordance with Method 8.1.2.2 has not been provided to the Waikato Regional Council and to the Waikato River Iwi within whose rohe the take is located.

is a **non-complying activity** (requiring resource consent)

Exception

This rule does not apply to:

- The taking of geothermal energy and water.
- The taking of water for a dam or diversion. Such takes are managed by the policies and rules in Chapter 3.6.

Advisory Notes:

- Information requirements to enable the assessment of any application under this rule are as set out in Section 8.1.2.1 of this Plan
- Rules governing the take of geothermal energy and water are found in Module 7: Geothermal of this Plan.
- Any resource consent granted under this rule in relation to a surface water take shall include a condition specifying the amount of water taken as a net take.
- The assessment of cumulative allocation in this rule does not include that allocated by 3.3.4.22 Restricted Discretionary Activity Rule – Surface Water Harvesting.

3.3.4.27 Standard - How Water Shortage Restrictions Shall Apply

(Implements Section 3.3.3 Policies 8 g), 10 h), 17 and 18)

- a) Restrictions on water takes directly from surface water bodies will occur in the following manner and order, unless existing water take resource consents already contain conditions requiring the restriction or cessation of taking at times of river low flow or in other circumstances in which case the resource consent conditions shall prevail:
- i) Priority SW-E users will be required to cease taking if the average flow for the previous seven days falls below the median flow.
 - ii) Priority SW-D users will be required to cease their taking if the average flow for the previous seven days is less than the minimum flows specified in Table 3-5.
 - iii) Priority SW-C users will be required to reduce their net daily take rate by 50 percent of the authorised amount (when averaged over any two consecutive days, unless undertaken in accordance with Part c) of this Standard) when river flows fall below the minimum flows specified in Table 3-5, three or more days after part a) ii) of this Standard has been implemented.
 - iv) If the river flow falls below the minimum flows specified in Table 3-5, seven or more days after part a) iii) of this Standard has been implemented:
 - Priority SW-C users will be required to reduce their net daily take rate by 75 percent of the authorised amount (which reduction must be effected on any one day, not averaged over four days unless undertaken in accordance with Part c) of this Policy), and
 - Priority SW-B users will be required to reduce their net daily take rate (averaged over any two consecutive days unless undertaken in accordance with Part c) of this Standard) by 15 percent of the authorised amount.
 - Priority SW-A users will not be required to reduce their net daily net take rate
- b) Where there are no SW-D users the restrictions specified in a) iii) will be implemented if the average flow for the previous seven days is less than the minimum flow in Table 3-5.

- c) The Waikato Regional Council may issue Water Shortage Directions under s329 RMA if surface water flows continue to fall below the minimum flow after implementing parts a) ii), iii), or iv) of this Standard.
- d) Restrictions under parts a) ii), iii), or iv) of this Standard may be implemented by water user groups, voluntary agreements between water users, or transfer of water permits as approved by the Waikato Regional Council.
- e) Priority GW-A and GW-B users taking directly from groundwater will not be restricted except as provided for under s329 RMA (Water Shortage Direction) by Policy 19 and Methods 3.3.4.9, 3.3.4.7 and 3.3.4.10.
- f) In the Waikato River catchment upstream of Karapiro Dam, restrictions will be deemed to occur when calculated natural flows (calculated for the relevant natural inflows to Lake Taupo and the Waikato River above Karapiro Dam) fall below the minimum natural flows calculated using the relevant minimum flow percentages in Table 3-5.

Advisory Note

- Standard 3.3.4.27 part f), 'natural flows' are flows where the influence of the eight Waikato River hydro-generation dams, Lake Taupo outlet gates and the Tongariro Power Scheme on the hydrology of the catchment have been removed. These flows will be determined by the model referred to in Method 3.3.4.8.

3.3.4.28 Standard – How riparian planting and stock exclusion fencing shall apply

(Implements Section 3.3.3 Policies 7, 11 n) and 11 x))

The contents of a Riparian Vegetation Management Plan prepared as part of a consent application to take water shall meet the following requirements:

- a) Extent of riparian fencing and planting:
 - i) Notwithstanding Rules 4.3.5.4 and 4.3.5.5, where stock are or are likely to be present, riparian fencing and planting should generally be undertaken within the property along the full extent of the water body from which the take occurs, or the equivalent length of tributary water bodies on the property or another property in the catchment;
 - ii) All fencing undertaken should generally be permanent and effectively exclude all livestock present;
 - iii) Where stock exclusion fencing is not required (i.e. there are no livestock on the affected property) or is already in place, riparian planting should generally be undertaken within the property along the full extent of the water body, or the equivalent length of tributary water bodies.
- b) Timeframes for implementation of fencing and/or planting:
 - i) Fencing must be completed within 3 years of a water take consent being granted;
 - ii) Riparian planting must be progressively completed over the term of the water take consent;
 - iii) Where stock exclusion fencing is not required (i.e. there are no livestock on the affected property) or is already in place, riparian planting must be progressively completed over the term of the water take consent.
- c) Minimum riparian width:
 - i) Fences must be set back a minimum of 3 metres from the top of the bank⁶,

⁶ See Glossary definition of Bed*

- ii) Riparian planting must be undertaken within the full extent of the riparian setback. Where fencing is not required the riparian margin which is planted must be at least 3 metres wide from the top of the bank.
- d) Planting requirements:
- i) Where no suitable planting already exists, a minimum of 80% of riparian plantings shall be made up of native plant species appropriate to the characteristics of the site and catchment (e.g. climate, size of stream, flood risk, erosion, local native flora, potential, and slope);
 - ii) Plantings must be undertaken at a density of no less than 2500 stems per hectare and shall be maintained (including replacement of losses and control of pest species) accordingly during the term of the consent.

Advisory Note:

- Fencing and riparian planting may be undertaken on a property other than the property containing the water body from which the water is taken provided that property is in the same catchment. As a guide Waikato Regional Council will generally require riparian fencing and planting over a length equivalent to the full extent of the water body within the property from which the take occurs. However, depending on the site-specific circumstances, the Waikato Regional Council may modify this requirement by altering the extent of fencing and/or planting.

Table 3-5: Allocable Flows for Surface Water

- Refer to water allocation maps 'Surface Water Allocation Catchments,' as directed by the relevant map and catchment numbers in this table to identify the catchment areas to which the allocable and minimum flows relate:
- For catchments where the allocable or minimum flow is the same for the upland and lowland sub-catchments (e.g. Hapuakohe Range (Piako catchment)) information is only listed in the section of the table relating to the lowland sub-catchments.
- Table 3-5 specifies the percentage of the Q_5 flow which is able to be allocated and the portion required for the minimum flow as established in Policy 1 and Policy 2. The Q_5 flow will need to be calculated at the point of take and at each affected downstream reach. The Waikato Regional Council in many cases will be able to provide known values of Q_5 for many locations in the region. However, where these are unknown applicants will need to provide a calculation of the Q_5 flow.

Catchment	Upland Catchments				Lowland Catchments			
	Flows: % of Q ₅			Map # (catchment #)	Flows: % of Q ₅			Map # (catchment #)
	Primary Allocable	Secondary Allocable	Minimum		Primary Allocable	Secondary Allocable	Minimum	
Hakarimata range	5	25	95	4 (68)	20	10	80	4 (51)
Hapuakohe Range (Piako catchment)	N/A	N/A	N/A	N/A	5	25	95	3 (238)
Kairoa	N/A	N/A	N/A	N/A	30	0	70	1 (118)
Kaniwhaniwha (Pirongia)	N/A	N/A	N/A	N/A	0	30	100	4/7 (86)
Karapiro Stream	10	20	90	6(48)	30	0	70	6 (7)
Kirikiroa	N/A	N/A	N/A	N/A	30	0	70	4 (8)
Kiwitahi (Piako R)	N/A	N/A	N/A	N/A	5	25	95	5/6 (242)
Komakorau	N/A	N/A	N/A	N/A	30	0	70	4/5 (9)
Mangaio (Pirongia)	N/A	N/A	N/A	N/A	20	10	80	7 (87)
Mangakara (Pirongia)	N/A	N/A	N/A	N/A	20	10	80	7 (88)
Mangakaware	N/A	N/A	N/A	N/A	30	0	70	7 (12)
Mangakotukutuku	N/A	N/A	N/A	N/A	0	30	100	4 (80)
Mangamauku - Domestic or municipal supply only. (Pirongia)	N/A	N/A	N/A	N/A	30	0	70	7 (89)
Mangamutu (Te Kura)	5	25	95	9 (66)	20	10	80	9 (38)
Mangaokewa	5	25	95	9/10 (49)	20	10	80	9/10 (10)
Mangaone	N/A	NA	N/A	N/A	20	10	80	6 (110)
Mangaonua	10	20	90	6 (107)	30	0	70	6 (141)
Mangaorongo (inc. some minor streams on Waipa R)	0	30	100	10 (56)	20	10	80	7/9/10 (11/72)
Mangaotama	N/A	NA	N/A	N/A	30	0	70	7 (13)
Mangapapa (Piako R)	N/A	NA	N/A	N/A	5	25	95	6 (241)

Catchment	Upland Catchments				Lowland Catchments			
	Flows: % of Q ₅			Map # (catchment #)	Flows: % of Q ₅			Map # (catchment #)
	Primary Allocable	Secondary Allocable	Minimum		Primary Allocable	Secondary Allocable	Minimum	
Mangapiko (inc. some minor streams on Waipa R)	10	20	90	8 (82)	20	10	80	7/8 (17/81)
Mangapu	10	20	90	9 (50)	30	0	70	9 (18)
Mangarapa (Mangapu)	N/A	NA	N/A	N/A	5	25	95	9/10 (19)
Mangatangi and Ruaotehuria	Auckland Regional Plan continues to apply pursuant to section 81(1) of the Resource Management Act 1991			1 (114)	20	10	80	1 (178)
Mangatawhiri	Auckland Regional Plan continues to apply pursuant to section 81(1) of the Resource Management Act 1991			1 (400)	30	0	70	1 (101)
Mangatutu (Puniu R.)	0	30	100	8/10 (57)	5	25	95	8/10 (20)
Mangauika - Domestic or municipal supply only. (Pirongia)	N/A	NA	N/A	N/A	30	0	70	7 (90)
Mangawara (inc. minor streams on Waikato R)	10	20	90	3/4/5 (58/59)	20	10	80	4/5 (21)
Mangawawa - Domestic or municipal supply only. (Pirongia)	N/A	NA	N/A	N/A	30	0	70	7 (91)
Mangawhero	N/A	NA	N/A	N/A	30	0	70	6/8 (23)
Mangawhero (Te Kawa)	N/A	NA	N/A	N/A	30	0	70	7/8 (22)
Mangawhero South (Sth Otorohanga)	5	25	95	10 (60)	20	10	80	9 (25)
Moakurarua	0	30	100	7/9 (61)	10	20	90	7 (26)
Mystery Creek	N/A	NA	N/A	N/A	30	0	70	8 (27)
Ngakoaohia (Pirongia)	N/A	NA	N/A	N/A	0	30	100	7 (92)
Ngaruawahia sub catchments (exc. Waikato R. main stem)	0	30	100	4 (73)	30	0	70	4 (74)
Ngutunui (Moakurarua)	N/A	NA	N/A	N/A	0	30	100	7 (94)

Catchment	Upland Catchments				Lowland Catchments			
	Flows: % of Q ₅			Map # (catchment #)	Flows: % of Q ₅			Map # (catchment #)
	Primary Allocable	Secondary Allocable	Minimum		Primary Allocable	Secondary Allocable	Minimum	
Nukuhau (inc. minor streams on Waikato R)	N/A	NA	N/A	N/A	0	30	100	4 (77)
Ohote	N/A	NA	N/A	N/A	30	0	70	4 (33)
Ongarue (inc. neighbouring tributaries of the Waipa R)	10	20	90	7/9 (63)	30	0	70	7 (62)
Opitonui (Coromandel)	0	30	100	14 (277)	10	20	90	14 (354)
Orahiri (inc. some minor streams on Waipa R)	0	30	100	9 (64)	30	0	70	9 (34)
Parker Lane	N/A	NA	N/A	N/A	30	0	70	1 (119)
Piako	10	20	90	3/5/6 (251)	30	0	70	3 (237)
Pokaiwhenua	30	0	70	11 (99)	10	20	90	11 (299)
Puniu	0	30	100	8/10 (65)	10	20	90	7/8 (35)
Rangitukia (Pirongia)	N/A	NA	N/A	N/A	0	30	100	7 (95)
Stony (Coromandel)	Refer to "All other Coromandel Peninsula catchments" upland			15 (369)	10	20	90	15 (360)
Tapu (Coromandel)	N/A	NA	N/A	N/A	10	20	90	14 (150)
Te Kowhai (inc. some minor streams on Waipa R)	N/A	NA	N/A	N/A	30	0	70	4 (36/37)
Te Pahu (Pirongia)	N/A	NA	N/A	N/A	0	30	100	7 (96)
Topehahae (Piako R)	N/A	NA	N/A	N/A	5	25	95	5/6 (243)
Torepatutahi	10	20	90	12 (233)	15	15	85	12 (263)
Tutaenui	30	0	70	1/2 (367)	15	15	85	1/2 (115)
Waikanae – East Coast (Coromandel)	Refer to "All other Coromandel Peninsula catchments" upland			13 (365)	10	20	90	13 (366)
Waikato R Nth Cambridge minor tributaries (exc. Waikato R. main stem)	N/A	NA	N/A	N/A	30	0	70	4/6/8 (108)

Catchment	Upland Catchments				Lowland Catchments			
	Flows: % of Q ₅			Map # (catchment #)	Flows: % of Q ₅			Map # (catchment #)
	Primary Allocable	Secondary Allocable	Minimum		Primary Allocable	Secondary Allocable	Minimum	
Waikato River mainstem only downstream of HPS mixing zone to the mouth. Different levels of allocation occur upstream of HPS mixing zone, Karapiro Dam and on tributaries as specifically listed or accounted for in "All other catchments" in this Table	N/A	NA	N/A	N/A	10 as provided for by "All other catchments" in this Table	0	90 as provided for by "All other catchments" in this Table	New Map
Waikato River mainstem only downstream of Karapiro Dam to the HPS mixing zone. Different levels of allocation occur for the reach above Karapiro Dam and on tributaries as specifically listed or accounted for in "All other catchments" in this Table	N/A	NA	N/A	N/A	10 as provided for by "All other catchments" in this Table	0	90 as provided for by "All other catchments" in this Table	New Map
Waikato River, Cumulative allocation at the point of Karapiro Dam. Different levels of allocation may occur within this catchment as specifically listed or accounted for in "All other catchments" in this Table	N/A	NA	N/A	Not mapped	5	0	95 This minimum flow is relevant for the purposes of applying Rule 3.3.4.27 f)	Map 1 Waikato River Catchments 1 and 2, Index Map, Maps 6,8,10,11,12 (227, 99, 299, 233, 263)
Waikato River, Cumulative allocation at the point of Huka Falls. Different levels of allocation may occur within this catchment as specifically listed or accounted for in "All other catchments" in this Table	N/A	NA	N/A	Not mapped	1.84	0	98.16 This minimum flow is relevant for the purposes of applying Rule 3.3.4.27 f)	17 (396)
Waikawau – East Coast (Coromandel)	Refer to "All other Coromandel Peninsula catchments" upland			13 (363)	20	10	80	13 (364)
Waikeria (Puniu R.)	N/A	NA	N/A	N/A	20	10	80	8/10 (39)
Waikoha (Pirongia)	N/A	NA	N/A	N/A	20	10	80	4 (97)

Catchment	Upland Catchments				Lowland Catchments			
	Flows: % of Q ₅			Map # (catchment #)	Flows: % of Q ₅			Map # (catchment #)
	Primary Allocable	Secondary Allocable	Minimum		Primary Allocable	Secondary Allocable	Minimum	
Waipa (Sth Otorohanga)	5	25	95	10 (67)	10	20	90	9/10 (40)
Waipa R minor tributaries (exc. Waipa R. main stem)	N/A	NA	N/A	N/A	30	0	70	4/7 (52/53/69)
Waitakaruru	5	25	95	3 (246)	10	20	90	3 (236)
Waitoa (Piako R)	N/A	NA	N/A	N/A	5	25	95	6 (240)
Waitomo (inc. some minor streams on Waipa R)	0	30	100	9 (155)	30	0	70	9 (41)
Waiomu (Coromandel)	N/A	NA	N/A	N/A	5	25	95	14 (355)
Wentworth (Coromandel)	Refer to "All other Coromandel Peninsula catchments" upland			15 (359)	15	15	85	15 (358)
Whakapipi	30	0	70	1/2 (368)	15	15	85	1/2 (117)
Whangamaroro (Coromandel)	Refer to "All other Coromandel Peninsula catchments" upland			14 (279)	5	25	95	14 (353)
Wharekawa (Coromandel)	10	20	90	15 (283)	20	10	80	15 (357)
Whareroa (Coromandel)	Refer to "All other Coromandel Peninsula catchments" upland			13 (361)	10	20	90	13 (362)
Whenuakite 1 Aug to 30 Nov	N/A	NA	N/A	N/A	0	30	193	16 (280)
Whenuakite 1 Dec to 31 July (10am to Midnight)	N/A	NA	N/A	N/A	0	30	120	16 (280)
Whenuakite 1 Dec to 31 July (Midnight to 10am)	N/A	NA	N/A	N/A	0	30	193	16 (280)

Catchment	Upland Catchments				Lowland Catchments			
	Flows: % of Q ₅			Map # (catchment #)	Flows: % of Q ₅			Map # (catchment #)
	Primary Allocable	Secondary Allocable	Minimum		Primary Allocable	Secondary Allocable	Minimum	
All other Coromandel Peninsula catchments (refer to advisory notes)	5	25	95	N/A	10	20	90	N/A
All other catchments (excluding Coromandel Peninsula) (Refer to advisory notes)	5	25	95	Not mapped	10	20	90	Not mapped

Advisory Notes:

- For the default catchments listed in Table 3-5 as “all other catchments (excluding Coromandel Peninsula)” the division between upland and lowland catchments is defined by the mean flow of the stream regardless of catchment location. An upland stream is defined as having a mean flow of less than 5 cubic metres per second (m³/s). Conversely a lowland stream is defined as having a mean flow of more than 5 cubic metres per second (m³/s).
- Coromandel Peninsula covers all catchments north of the Waihou and Ohinemuri catchments. The 20 m amsl elevation contour defines the division between lowland and upland reaches for the main stem channel.
- The default minimum flows presented for the lowland Coromandel catchments do not protect the ecosystem against issues relating to dissolved oxygen. Investigations indicated that streams with more than 2 km of stream length from the 20 m amsl elevation contour to the coastal marine have an intermediate to high likelihood of oxygen being a critical issue for determining environmental flow requirements.
- The default minimum flows presented for the Coromandel catchments may not protect the transitional zone of intermediate gradient between upland and lowland areas. These zones can have high values for fish and invertebrates as they provide less harsh hydrological conditions, and stony streams dominated by run-riffle habitats that are favoured by many fish and invertebrate species.
- As indicated by Policy 3, any utilisation of the secondary allocable flow in all tributary streams of the Waikato River above Karapiro (including those flowing into Lake Taupo) is contingent upon the take also not exceeding the primary allocable flow at Karapiro, which is 5% of the Q₅ flow.
- Information on the level of allocation from surface water bodies as listed in Table 3-5 can be found on Waikato Regional Council’s website (water allocation calculator).

Table 3-6: Sustainable Yields from Aquifers

- Refer to water allocation maps 'Management Level – Assessed Aquifers', as directed by the relevant map and catchment numbers in Table 3-6.
- In Table 3-6 where N/A appears in the column relating to Sustainable Yield, the necessary evaluation of sustainable yield has yet to be undertaken. When a Sustainable Yield is set it supersedes the Management Level.
- The determination of Sustainable Yields may result in the inclusion of more refined information. This may include delineation of aquifers laterally and with depth, and improved mapping of aquifer extents.

Aquifer	Management Level	Sustainable Yield	Aquifer Map #
	m ³ (x1000) per year	m ³ (x1000) per day	
Cooks Beach	450	N/A	2
Hahei	75	N/A	2
Kuaotunu West	80	N/A	1
Matarangi	1400	N/A	1
Opoutere	650	N/A	3
Pauanui	900	N/A	3
Whangamata - Moana Point	400	N/A	4
Whangamata	1200	N/A	4
Whangapoua	180	N/A	1
Whiritoa	350	N/A	4
Hamilton basin - North	105200	N/A	8
Hamilton basin - South	42000	N/A	9
Hamilton basin - West	37500	N/A	9
Northern Hauraki	165000	N/A	6
Southern Hauraki	335000	N/A	10
Pukekawa	20000	N/A	5
Pukekohe	12000	N/A	5
Waiuku - Discharge zone	9000	N/A	5
Waiuku - Recharge zone	5500	N/A	5
Reporoa Basin - East of Waikato River	39000	N/A	13
Reporoa Basin - Torepatutahi recharge zone	5000	N/A	13

Aquifer	Management Level	Sustainable Yield	Aquifer Map #
	m ³ (x1000) per year	m ³ (x1000) per day	
Reporoa Basin - Torepatutahi discharge zone	9000	N/A	13
Reporoa Basin - West of Waikato river	16500	N/A	13
Putaruru	9000	N/A	12
Tokoroa/Kinleith	25000	N/A	12
Taupo Township	1100	N/A	14
Waihi Basin shallow aquifer (refer to advisory note)	4800	N/A	7
Waihi Basin deep aquifer (refer to advisory note)	1200	N/A	7
Waipa	320000	N/A	11

Advisory Notes:

- Information on the level of allocation from the aquifers as listed in Table 3-6 Sustainable Yields from Aquifers can be found on Waikato Regional Council's website (water allocation calculator).
- For the Waihi Basin, the contact between the upper and lower aquifers is commonly marked by the transition from gravel boulder beds or dacite to several metres of iron-stained, clay rich weathered andesite rock. This thickness varies from 0.5 to 30 metres. The lower aquifer rocks can be distinguished from upper aquifer by the presence of fine-grained pyrite throughout the rock mass.

3.4 Efficient Use of Water

Background and Explanation

Historically, water resources in the Waikato Region have not generally been used efficiently. This can largely be attributed to water being perceived as a free public resource, plentiful in supply and generally available to anyone wishing to use it. Waikato Regional Council considers the promotion of water use efficiency to be an important resource management issue. This means ensuring when water is in high demand its use is maximised (i.e. wastage is minimised) and the adverse effects of that use are minimised. Decisions by regional councils regarding water takes are becoming increasingly focused on promoting the efficient use of water, that is, ensuring that when water is allocated it is for a justifiable purpose and the quantity taken represents a reasonable allocation for the proposed use.

Section 14 of the RMA regulates the **take, use, damming and diversion** of water. These activities are not permitted unless expressly allowed by a rule in a regional plan (or in any relevant proposed regional plan) or a resource consent. The only uses of water that are allowed by the RMA are:

- a) an individual's reasonable domestic needs (s14(3)(b)(i))
- b) the reasonable needs of an individual's animals for drinking water (s14(3)(b)(ii)) and
- c) fire fighting purposes.

The uses stated in parts a) and b) are allowed, provided the use does not, or is not likely to, have an adverse effect on the environment.

Regional councils can also make provisions to facilitate the transfer of water take permits (or interest in water take permits) from site to site (s136 of the RMA). If no such provision is made in the Plan, then permit transfers are to be considered by Council on a case-by-case basis through the process set out in s136 of the RMA. In water-short catchments, or where the water resources are almost fully allocated, permit transfers could be an important mechanism for achieving efficient water use.

The policies and rules in this chapter do not relate to the allocation and management of Geothermal Water unless explicitly stated otherwise. The allocation and management of geothermal energy and geothermal water is addressed in Module 7 – Geothermal.

The provisions in Chapter 3.4 do not apply to the use of water associated with a dam or diversion where the water passes through or over the dam or diversion in the river channel. Such takes are exclusively covered by the policies and rules in Chapter 3.6.

3.4.1 Issue

Refer to Issues 3.1.1 & 3.3.1

The use of water for poorly planned or poorly managed crop and pasture irrigation can result in increased discharges of nutrients to either surface water or groundwater.

Explanation

Irrigating farm land in a poorly planned or poorly managed manner can result in nutrients from the land leaching into the groundwater or surface water, thus causing a further degradation of water quality.

3.4.2 Objective

Refer to Objectives 3.1.2 & 3.3.2

3.4.3 Policies

Policy 1: Manage the Use of Water

(Implements Objective 3.1.2 a), b), o) and p) and Objective 3.2.2 b))

Manage, through permitted activities and resource consents, the use of water, any associated discharge of water onto or into land in a manner that ensures that:

- a) The overarching purpose of the Vision and Strategy to restore and protect the health and wellbeing of the Waikato River for present and future generations is given effect to
- b) The further degradation of water quality is avoided
- c) Any adverse changes to natural flow regimes are avoided as far as practicable and otherwise mitigated
- d) Adverse effects on the relationship tangata whenua as Kaitiaki have with water are avoided, remedied or mitigated
- e) Adverse effects on in-stream ecological values are avoided, remedied or mitigated
- f) Adverse effects on wetlands that are habitats for significant indigenous vegetation and significant habitats for indigenous fauna are avoided, remedied, or mitigated
- g) Adverse effects on groundwater quality are avoided as far as practicable and otherwise mitigated
- h) Does not result in an adverse effect relating to the objectives in Chapter 5.2 of this plan
- i) The benefits to be derived from the efficient take and use of water for reasonably foreseeable future uses, and in particular for domestic or municipal supply, are maintained and/ or enhanced.

Policy 2: Efficient Use of Water

(Objective 3.1.2 a), f) and g) and Objective 3.3.2 d))

Ensure the efficient use of water by:

- a) Requiring the amount of water taken and used to be reasonable and justifiable with regard to the intended use and where appropriate:
 - i) For domestic or municipal supplies is justified by way of a water management plan.
 - ii) For industry, implementation of industry good practice, in respect of the efficient use of water for that particular activity/industry.
 - iii) For irrigation, the following measures in relation to the maximum daily rate of abstraction, the irrigation return period and the seasonal or annual volume of the proposed take:
 - A maximum seasonal allocation reliability of up to 9 out of 10 years
 - A minimum application efficiency of 80 percent (even if the actual system being used has a lower application efficiency), or on the basis of a higher

efficiency where an application is for an irrigation system with a higher efficiency

- b) Requiring consideration of water conservation and minimisation methods, such as leak detection and loss monitoring as integral parts of water take and use consent applications to ensure no significant wastage of water resources
- c) Raising awareness amongst the regional community about water efficiency issues and techniques
- d) Facilitating the transfer of water take permits, provided the transfer does not result in effects that are inconsistent with the purpose of the relevant Water Management Class, as identified by the policies in section 3.2.3 and the water classes in section 3.2.4
- e) Promoting investigation of alternatives to the water take, alternative water sources, water harvesting (excluding the Waikato River catchment above Karapiro Dam) and seasonal storage, as an integral part of water take and use consent applications.
- f) Promoting shared use and management of water through water user groups or other arrangements where there is increased efficiency in the use and allocation of water.

Advisory Note:

- When considering the efficiency of any proposed take and/or use of water Waikato Regional Council will refer to the most up to date guidelines and/or industry codes of practice relevant to that use.
- The Waikato Regional Council recognises that the Territorial Local Authorities will need to balance efficiency gains with financial impacts and will work with Territorial Local Authorities to ensure this is considered through the LTCCP processes.

Policy 3: Transfer of Water Permits

(Implements Objective 3.1.2 a), g) and p) and Objective 3.3.2)

Provide for the temporary or permanent transfer of the whole or part of a surface water or groundwater take permit through rules, provided the transfer:

- a) Results in the Vision and Strategy promulgated under the Waikato River Co-management framework being given effect to
- b) Does not result in effects that are inconsistent with the purpose of the relevant Water Management Class, as identified by the policies in section 3.2.3 and the water classes in section 3.2.4
- c) Does not result in adverse effects on tangata whenua uses and values
- d) Does not increase the net take and surface water allocation over the prescribed level in the original permit
- e) Does not result in a groundwater allocation over the prescribed Sustainable Yield in Table 3-6
- f) Is consistent with the objectives and policies of this Plan
- g) Does not cause adverse effects on springs or other surface water bodies
- h) In the case of temporary or partial transfers, is between parties who have metering and reporting at the appropriate recording and reporting level as defined in Table 3-4
- i) In the case of groundwater, the location, nature and scale of the take are unchanged
- j) Does not result in adverse effects on existing users
- k) Does not involve the transfer of takes for domestic or municipal supply from the main stem of the Waikato River downstream of the Huntly Power Station to upstream of the Huntly Power Station

3.4.4 Implementation Methods – Transfer of Water Take Permits

3.4.4.1 Environmental Education

(Method to implement Section 3.4.3 Policy 3)

Waikato Regional Council will, through environmental education programmes, raise the awareness of the community about transferring water permits by undertaking the following:

1. Providing information about the process for the transfer of permits between resource users
2. Providing educational material promoting the efficient use and conservation of water to minimise waste discharges
3. Providing information on the positive benefits to be derived from the efficient use of water.

3.4.4.2 Consents for Transfer of Water

(Method to implement Section 3.4.3 Policy 3)

To improve efficient use and efficient allocation of water applicants for the take and use of water may consider applying for:

1. A single take consent that may cover multiple locations. This may be used either by an individual or a group of individuals; such as provided for by Section 3.3.3 Policy 21 Water User Groups.
2. A transfer consent so that water can be taken at multiple locations.
3. A single use consent where more than one site is being utilised by the consent holder, where a use consent is required.
4. For the avoidance of doubt, when separate applications are made for either a take consent, use consent, or transfer consent, the separate applications retain their relevant rule provisions for each consent, rather than a bundling of the applications.

3.4.4.3 Permitted Activity Rule - Transfer of Surface Water and Groundwater Take Permits

(Implements Section 3.4.3 Policy 3)

In accordance with s136(2)(b)(i) of the RMA, the temporary or permanent transfer of the whole or part of a permit holder's interest in a water permit for the taking of surface and groundwater to:

1. Any person or occupier of the site in respect of which the permit is granted, or
2. To another person on another site (for surface water take permits only)

is a **permitted activity** subject to the following conditions:

- a) The permit does not pertain to the transfer of geothermal water, and
- b) The transfer is within the same catchment to any point downstream (excluding downstream tributaries) of the location to which the permit applies or is within the same hydro electricity reservoir on the Waikato River; and
- c) The Water Management Class (refer Section 3.2.4) as identified in the Water Management Class Maps, is the same at the new site as that to which the water permit pertains, or the class at the new site specifies the same or less restrictive intake screening and intake velocity requirements than the site to which the permit applies; and

- d) written notice signed by the transferor and transferee is given to the Waikato Regional Council five working days prior to the transfer, specifying:
- i) full names and addresses of transferor and transferee
 - ii) if the whole permit is not being transferred, the portion of the water permit being transferred
 - iii) proposed daily volume (cubic metres per day) and rate (litres per second of take at both sites
 - iv) the number of the permit to be transferred and the number of the use permit held by each party
 - v) the location of new take and use site (shown on a map or identified by NZMS 260 map reference)
 - vi) the date of transfer
 - vii) description of purpose for which water is to be used
 - viii) whether the transfer is permanent or temporary and, if temporary, the date on which the transfer ceases.
- e) The permit shall retain the same conditions (excluding location) and priority for water shortage restrictions, and, excluding screening and intake requirements as specified in part c) above.
- f) In the case of partial or temporary transfers of more than five days per annum, all parties to the transfer shall have metering and reporting at the appropriate recording and reporting level as defined in Table 3-4.
- g) The water taken under the permit (or the net take for surface takes) shall not exceed the volume allocated by the original permit.
- h) The permit shall be transferred only to parties who hold a current consent for the use of water or to parties whose intended use of the water is permitted by a rule in the plan.
- i) In the case of partial or temporary transfers of more than five days per annum the transferor must have given full effect to the purpose of the permit prior to any transfer taking place.
- j) This rule shall not apply to the transfer of a groundwater take permit to another location within the same aquifer or to another aquifer.
- k) This rule does not apply to the transfer of domestic or municipal supply take permits, except where the transfer is to another person or organisation that will be using the water for domestic or municipal supply.

Advisory Notes

- Pursuant to s136(3) of the RMA, the transfer has no effect until written notice of the transfer is received by Waikato Regional Council.
- Section 136(5) of the RMA provides that when notification of the transfer has occurred, the permit or that part of the permit transferred shall be deemed to be cancelled, and the permit or part transferred shall be deemed to be a new permit subject to the same conditions as the original permit.

3.4.4.4 Restricted Discretionary Activity – Transfer of Surface and Groundwater Take Permits

(Implements Section 3.4.3 Policy 3)

1. Any transfer of a water permit that is unable to comply with **Rule 3.4.4.3**: or
2. The temporary or permanent transfer of the whole or part of a permit holder's interest in a water permit for the taking of groundwater

is a **restricted discretionary activity** (requiring resource consent) subject to the following standards and terms:

- a) The Water Management Class (refer Section 3.2.4) as identified in the Water Management Class Maps, is the same at the new site as that to which the water permit pertains, or the class at the new site specifies the same or less restrictive intake screening and intake velocity requirements than the site to which the permit applies.
- b) The permit shall retain the same conditions (excluding location) and priority for water shortage restrictions, and, excluding screening and intake requirements as specified in part a) above.
- c) The transfer is within the same catchment.
- d) In the case of temporary or partial transfers, all parties to the transfer shall have metering and reporting at the appropriate recording and reporting level as defined in Table 3-4.
- e) The permit does not pertain to the taking of geothermal water.
- f) The transfer is to another site within the same aquifer.
- g) The transfer is to a location at which the aquifer has the same or greater transmission and storage characteristics.
- h) The transfer shall not adversely affect any lawfully established efficient groundwater abstraction, which existed prior to transfer of the take.
- i) The water taken under the permit (or the net take for surface takes) shall not exceed the volume allocated by the original permit.
- j) Any transfer on the main stem of the Waikato River upstream of Karapiro Dam is within the same hydro electricity reservoir or is downstream.
- k) This rule does not apply to the transfer of domestic or municipal supply take permits, except where the transfer is to another person or organisation that will be using the water for domestic or municipal supply. Notwithstanding that, this rule does not apply to the transfer of takes for domestic or municipal supply from the main stem of the Waikato River downstream of the Huntly Power Station to upstream of the Huntly Power Station.

Waikato Regional Council restricts its discretion over the following matters:

- i) The timing of abstraction, the (net) volume of water allocated and the rate at which water is abstracted, including daily and seasonal requirements and duration and timing of peak daily take rate, having regard to the efficiency of the water allocated and having regard to Chapter 3.3 Policy 11 and Chapter 3.4 Policy 1.
- ii) The proposed use of the water.
- iii) Volume of water allocated for crop irrigation, having regard to crop water requirements and efficiency of use and Chapter 3.4 Policy 2.
- iv) The level(s) of priority to apply during water shortages having regard to Chapter 3.3 Policy 18 and Standard 3.3.4.27.
- v) Abstraction restrictions during water shortage condition (including suspension of abstraction and rostering) having regard to Policies 17, 18 and Standard 3.3.4.27 of Chapter 3.3.
- vi) The duration of the resource consent having regard to Policy 15 of Chapter 3.3 and to future demands for water for domestic or municipal supply from the surface water body to which the application applies.
- vii) Measures to avoid, remedy, or mitigate the adverse effects of water takes on the purpose of the Water Management Classes identified in Section 3.2.4.
- viii) The carrying out of measurements, samples, analyses, inspections, and reporting having regard to Chapter 3.3 Policy 16.

- ix) Measures to satisfy the intake screening requirements for the protection of aquatic fauna.
- x) Measures to avoid, remedy, or mitigate any adverse effects associated with the intake structure.
- xi) Effects on any waahi tapu or other taonga from the activity.
- xii) Effects on the relationship of tangata whenua and their culture and traditions with the site and any waahi tapu or other taonga affected by the activity.
- xiii) Effects on the ability of tangata whenua to exercise their kaitiaki role in respect of any waahi tapu or other taonga affected by the activity.
- xiv) Effects on existing users, including generation from renewable energy sources.

Advisory Notes:

- Information requirements to enable the assessment of any application under this rule are as set out in Section 8.1.2.3 of this Plan.

3.4.4.5 Non-Complying Activity Rule – Transfer of Surface and Groundwater Take Permits

(Implements Section 3.4.3 Policy 3)

Any transfer of a water take permit that is not able to comply with **Rule 3.4.4.4** is a **non-complying activity** (requiring resource consent).

Advisory Notes:

- Information requirements to enable the assessment of any application under this rule are as set out in Section 8.1.2.3 of this Plan. In addition, assessment shall also take into account the matters identified in Policies 1- 14 of Section 3.3.3.

3.4.5 Implementation Methods – The Use of Water

3.4.5.1 Environmental Education

(Method to implement Section 3.4.3 Policies 1 and 2)

Waikato Regional Council will, through environmental education programmes, raise the awareness of the community about efficient water use practices by undertaking the following:

1. Providing information regarding the adverse environmental and pasture production effects associated with inefficient irrigation of pastures
2. Providing information regarding the efficient use and conservation of water by householders and resource users
3. Providing information about the use of transferable permits between resource users
4. Providing educational material promoting the efficient use and conservation of water by industries to minimise waste discharges
5. Providing information on the positive benefits to be derived from the efficient use of water
6. Providing climate information measured by the Waikato Regional Council in order to improve the information base for positive irrigation management
7. Providing information on best irrigation practices to improve the efficient use of water.

3.4.5.2 Good Practice

(Method to implement Section 3.4.3 Policy 2)

Waikato Regional Council will, in conjunction with organisations, industries and individuals, provide guidance to develop, implement and undertake efficient water use practices, including:

1. Developing guidelines for water use efficiency
2. Promoting the reuse of water where appropriate
3. Promoting water efficient technology
4. Promoting 'water efficient' crops.

3.4.5.3 Crop and Pasture Monitoring Programme

(Method to implement Section 3.4.3 Policy 2)

Waikato Regional Council will undertake a crop and pasture irrigation monitoring programme in conjunction with commercial vegetable growers, farmers and associated industries to develop and test a set of guidelines to ensure sound scientific justification for consideration in relation to consent applications.

3.4.5.4 Permitted Activity Rule – Use of Water

(Implements Section 3.4.3 Policy 1)

Except as restricted by **Rules 3.4.5.6, 3.4.5.7 and 3.4.5.8** the use (as restricted by s14 of the RMA) of water is a **permitted activity** subject to the following conditions:

- a) The use of water shall comply with the water management class standards in section 3.2.4 of this Plan.

Exception

This rule does not apply to:

- The use of geothermal energy and water. Such uses are managed by the policies and rules in Module 7 – Geothermal
- The use of water for a dam or diversion. Such uses are managed by the policies and rules in Chapter 3.6.

Advisory Note:

- Any subsequent discharge of water or contaminants arising from the use of water authorised by this rule may require separate resource consent under the rules in Chapters 3.5 and 5.2 of this Plan.

3.4.5.5 Restricted Discretionary Activity Rule – Use of Water

(Implements Section 3.4.3 Policy 1)

The use of water (as restricted by s14 of the RMA), that cannot comply with **Rule 3.4.5.4** is a **restricted discretionary activity** (requiring resource consent).

Waikato Regional Council restricts its discretion over the following matters:

- i) Measures to avoid, remedy, or mitigate the adverse effects on water quality allocated having regard to Chapter 3.3 Policies 11 and 12 and Chapter 3.4 Policies 1 and 2.
- ii) Measures to avoid, remedy or mitigate any adverse effects on neighbouring properties allocated having regard to Chapter 3.3 Policy 11 and Chapter 3.4 Policies 1 and 2.

- iii) The method, rate, volume and timing of application of the water allocated having regard to Chapter 3.3 Policy 11 and Chapter 3.4 Policies 1 and 2.
- iv) Effects on any waahi tapu or other taonga from the activity.
- v) Effects on the relationship of tangata whenua and their culture and traditions with the site and any waahi tapu or other taonga affected by the activity.
- vi) Effects on the ability of tangata whenua to exercise their kaitiaki role in respect of any waahi tapu or other taonga affected by the activity.
- vii) Measures to avoid the contamination of land as a result of the use of water having regard to Chapter 3.4 Policies 1 and 2.

3.4.5.6 Permitted Activity Rule – Use of Water for Crop and Pasture Irrigation

(Implements Section 3.4.3 Policy 1)

Except as restricted by **Rules 3.4.5.7** and **3.4.5.8** the use (as restricted by s14 of the RMA) of water and any associated discharge of water onto or into land for irrigated crop and irrigated pasture purposes is a **permitted activity** subject to the following conditions:

- a) The water shall not be applied in a way or at a rate that causes the water holding capacity of the soil within the plant root zone (rhizosphere) to be exceeded.
- b) The rate of irrigation shall not exceed the infiltration rate of soil and any run-off or ponding of irrigated water shall be minimised.
- c) Seasonal and monthly irrigation water balances shall be used to demonstrate that the amount of irrigation water applied does not exceed the irrigation demand by more than 20%. The irrigation water balances must be used to manage water irrigation and must be made available to the Waikato Regional Council on request. The irrigation water balances shall specify:
 - i) Area of land irrigated
 - ii) Area of land irrigated
 - iii) Crop(s) type and crop rotation dates
 - iv) Volume of water irrigated
 - v) Start and end date of irrigation season
 - vi) Seasonal irrigation demand.
- d) The activity shall not result in any direct application of contaminants to any water body.
- e) Any discharge of contaminants into air arising from the activity shall comply with the permitted activity condition in Section 6.1.8 except where the matters addressed in Section 6.1.8 are already addressed by conditions on resource consents for the site.
- f) The activity shall not result in the contamination of land.

Advisory Note

- Rule 3.4.5.6 condition d) is intended to apply to the application of contaminants that are discharged into water body without contact with the surrounding land. The condition does not apply to any non-point source discharge into a water body as a result of the activity.

3.4.5.7 Controlled Activity Rule - Use of Water for Crop and Pasture Irrigation

(Implements Section 3.4.3 Policy 1)

1. Any use of water that cannot comply with **Rule 3.4.5.6**; and
2. The use of water, and any associated discharge of water onto or into land for irrigated crop and irrigated pasture purposes in the catchment of the Waikato River from the Karapiro Dam to the Lake Taupo Control gates or in the catchments of Lakes Taharoa, Maratoto, Serpentine (North South and East), Rotomanuka, Mangahia, Rotongaro, Okowhao, Whangape, Waikare, Kuratau, Mangakaware, Ohinewai, Waahi, and

Rotokawau, and Whangamarino wetland, Kopuatai peat dome, wetlands listed in Section 3.7.7 of the Waikato Regional Plan, and the Opuatia wetland

is a **controlled activity** (requiring resource consent) subject to the following standards and terms:

- a) Seasonal and monthly irrigation water balances shall be used to demonstrate that the amount of irrigation water applied does not exceed the irrigation demand by more than 20%. The irrigation water balances must be used to manage water irrigation and must be made available to the Waikato Regional Council on request. The irrigation water balances shall specify:
 - i) Area of land irrigated
 - ii) Crop(s) type and crop rotation dates
 - iii) Volume of water irrigated
 - iv) Start and end date of irrigation season
 - v) Seasonal irrigation demand.

Waikato Regional Council reserves control over:

- i) The quality and contents of a seasonal and monthly irrigation water balances prepared under condition a) of this rule having regard to Chapter 3.4 Policies 1 and 2.
- ii) Measures to avoid, remedy, or mitigate the adverse effects on water quality having regard to Chapter 3.3 Policies 11 and 12 and Chapter 3.4 Policies 1 and 2.
- iii) Measures to avoid, remedy, or mitigate the adverse effects on other properties having regard to Chapter 3.3 Policies 11 and 12 and Chapter 3.4 Policies 1 and 2
- iv) The method, rate, volume and timing of application of the water having regard to Chapter 3.3 Policies 11 and 12 and Chapter 3.4 Policies 1 and 2.
- v) Effects on any waahi tapu or other taonga from the activity.
- vi) Effects on the relationship of tangata whenua and their culture and traditions with the site and any waahi tapu or other taonga affected by the activity.
- vii) Effects on the ability of tangata whenua to exercise their kaitiaki role in respect of any waahi tapu or other taonga affected by the activity.
- viii) Measures to avoid the contamination of land as a result of the use of water having regard to Chapter 3.4 Policies 1 and 2.

Advisory Notes:

- Users of fertilisers and agrichemicals are referred to Rule 3.9.4.9 and Chapter 6.2 of this Plan. In respect of agrichemicals and fertiliser use, it is recommended that in order to minimise leaching of nutrients and pesticides, all practicable steps should be taken to comply with the New Zealand Fertiliser Manufacturers' Research Association Code of Practice for Fertiliser Use (1998) (in the case of fertilisers) and NZS 8409:2004 Management of Agrichemicals (in the case of agrichemicals).
- The use of soil moisture monitoring equipment can maximise efficient water use by reducing pumping times and water take volumes.
- Information requirements to enable the assessment of any application under this rule are as set out in Section 8.1.2.4 of this Plan.

3.4.5.8 Discretionary Activity Rule – Use of Water for Crop and Pasture Irrigation (Implements Section 3.4.3 Policy 1)

The use of water, and any associated discharge of water onto or into land for irrigated crop and irrigated pasture purposes in the catchment of the Waikato River from the Karapiro Dam

to the Lake Taupo Control gates or in the catchments of Lakes Taharoa, Maratoto, Serpentine (North South and East), Rotomanuka, Mangahia, Rotongaro, Okowhao, Whangape, Waikare, Kuratau, Mangakaware, Ohinewai, Waahi, and Rotokawau, and Whangamarino wetland, Kopuatai peat dome, wetlands listed in Section 3.7.7 of the Waikato Regional Plan, and the Opuatia wetland that cannot comply with **Rule 3.4.5.7** is a **discretionary activity** (requiring resource consent).

Advisory Notes:

- Information requirements to enable the assessment of any application under this rule are as set out in Section 8.1.2.4 of this Plan.

Glossary of New Terms

Agriculture: For the purposes of Chapters 3.3 and 3.4 means the raising of crops and livestock and includes pastoral farming, arable farming, and horticulture,

Primary Allocable flow: Is the high reliability flow allocation calculated as the difference in flow between the minimum flow and the Q₅ as specified in Table 3-5.

Secondary allocable flow: Is a lower level reliability allocation that is calculated as the difference between 30 percent of the one in five year 7-day low flow Q₅ and the primary allocable flow, except as otherwise specified in Table 3-5.

Authorised water take: Includes all takes of water provided for by either a resource consent or meet the requirements of s124 of the RMA or a permitted activity rule in this plan or as permitted by s14(3)(b) of the RMA.

Climate change: Means a change of climate that is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and that is in addition to natural climate variability observed over comparable time periods.

Co-Management: Requires a commitment to working in partnership, and in a spirit of collaboration. The successful implementation of co-management, and of the arrangements proposed under the co-management framework, require a new approach to management of the Waikato River. Accordingly, co-management includes;

1. A collaborative approach that reflects partnership between the Waikato Regional Council and Waikato River Iwi;
2. The highest level of good faith engagement;
3. Consensus decision-making as a general rule;

while having regard to the statutory frameworks and the mana whakahaere of all Waikato River Iwi, including Raukawa, Waikato Tainui, Ngati Maniapoto, Ngati Tuwharetoa and Te Arawa River Iwi.

Domestic or municipal supply: A reticulated supply publicly or privately owned where the net take is;

1. For the primary purpose of human drinking, or sanitation or household needs wherever they arise; or
2. For the purpose of enabling local authorities to meet their general responsibilities (wherever they arise) under the Local Government Act 2002, the Health Act 1956 and relevant legislation, including supply for the purposes of industrial and agricultural use.

Efficient Allocation: Includes economic, technical and dynamic efficiency.

Efficient Use: Where the volume of water taken is within the actual requirements for its intended use.

HPS mixing zone: A point five kilometres downstream of the cooling water outfall of the Huntly Power Station.

Maatauranga Māori: Māori customary knowledge, traditional knowledge or intergenerational knowledge.

Minimum flow: Is the minimum flow(s) set in accordance with Policy 2 of Chapter 3.3 of this plan to provide for a given set of water body values which are established by having regard to Policy 1 of Chapter 3.3. One function of a minimum flow is to determine when consent holders have to reduce, and ultimately stop, abstracting.

Groundwater: The subsurface water within the zone of saturation where the pore spaces are filled with water and the pressure of water is equal to or greater than atmospheric pressure. For the purposes of this plan groundwater excludes water flowing in karst systems which are considered to be surface water.

Industry: For the purposes of Chapters 3.3 and 3.4, means the extraction and processing of raw materials; the manufacture of goods in factories and processing plants; bulk storage; warehousing; service and repair activities.

Median flow: Is the flow which is equalled or exceeded 50% of the time derived from a suitable long term flow record taking into account changes in climate or water management.

Net Take: The amount of surface water that is no longer available for others to take as a result of an activity for which the water is taken.

Where an associated discharge is intended to be included in the computation of a net take then:

- a) The consent to take water must be conditional upon the subsequent return of the minimum amount of water that is relied on to establish the net take; or
- b) For existing consents where there is no requirement for the subsequent return, the quantity of the net take will be assessed by the Waikato Regional Council;
- c) The associated discharge must:
 - Be of a quality sufficient to either meet the permitted activity provisions of this plan for discharges, or be authorised by way of resource consent; and
 - Be returned to the same water body in the same sub-catchment as near as practicable to the point of abstraction or upstream of the point where the take is being assessed; and
 - Occur at the same time as or within a timeframe as near as practicable to when the take is operating.
- d) Depending on the location of the discharge in relation to the location of the take, a surface water take may be assessed as having more than one net take value.

Where there is no increase in the nature and scale of a take from that authorised at 15 October 2008 any replacement consent for that take will be assessed, for the purpose of determining the net take, using the same net rate of take that was determined by the Waikato Regional Council when the consent was granted and as recorded in the Waikato Regional Council consent database.

Non-qualifying s14(3)(b) take: A take which might otherwise be allowed under s14(3)(b) for an individual's reasonable domestic needs or the reasonable needs of an individual's animals for drinking water, but has, or is likely to have, an adverse effect on the environment.

One in Five Year 7-day Low Flow (Q₅): The stream flow at any point that has a 20 percent chance of occurring in any one year (or a likelihood of occurrence of once in every five years, also termed a '5-year return period'). The Q₅ is calculated from the lowest seven consecutive days of flow in each year.

Perishable food processing: For the purposes of Chapters 3.3 and 3.4 means the processing of any food (including dairy products, meat, fruit and vegetables) that will decay or spoil rapidly if not washed, refrigerated or preserved in some manner.

Property: For the purposes of Chapter 3.3 and 3.4 means one or more allotments contained in single certificate of title, and also includes all adjacent land that is in the same ownership but contained in separate certificates of title.

Renewable energy: Means energy produced from solar, wind, hydro, geothermal, biomass, tidal, wave, and ocean current sources.

River Iwi Co-management Legislation: Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 and Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and any subsequent co-management legislation incorporating the Vision and Strategy for the Waikato River

Site: One or more allotments contained in a single certificate of title.

Supplementary Take: A take that is authorised by Rules 3.3.4.13 and 3.3.4.13.

Sustainable Yield: The amount of fresh water take from an aquifer that can be maintained indefinitely without causing adverse effects on the values in that aquifer to be protected under this plan. This amount may change in the future based on investigations into the yield of the aquifer.

Technical Efficiency: The extent to which the infrastructure involved in the taking, transport and delivery of water, and its operation, influences the amount of water required to achieve the desired outcome.

Vision and Strategy: Is contained in the River Iwi Co-management Legislation

Waikato River Co-management Framework: Comprises the governance structures and processes established by the River Iwi Co-management Legislation

Water Harvesting: Taking water to be stored for future use in accordance with Policy 20.

Water Management Plan: is the short title for a Water Conservation, Demand Management and Drought Management Plan required pursuant to Section 3.3.3 Policy 9 and Method 8.1.2.2.

Water Shortage Conditions:

For the purposes of this plan a catchment or aquifer is in a water shortage condition when;

- a) River flows (based on a seven day rolling average of river flow data) fall below the median flow (for water harvesting takes) or the minimum flow; or
- b) In the Waikato River upstream of the Karapiro Hydro Dam, when calculated natural flows fall below the relevant minimum flows in Table 3-5 calculated for the relevant natural inflows to Lake Taupo and the Waikato River above Karapiro Dam; or
- c) Investigations indicate that the matters listed in Policy 4 cannot be provided for with the continued taking of groundwater.

Consequential Amendments arising out of changes to Chapters 3.3 and 3.4

Chapter 3.5 Discharges

Amend Objective 3.5.2 as follows:

Discharges of contaminants to water undertaken in a manner that:

- a) does not have adverse effects that are inconsistent with the water management objectives in Section 3.1.2
- b) does not have adverse effects that are inconsistent with the discharges onto or into land objectives in Section 5.2.2
- c) Ensures that decisions regarding the discharge of contaminants to water do not reduce the contaminant assimilative capacity of the water body to the extent that allocable flows as provided for in Chapter 3.3 are unable to be utilised for out of stream uses.

Add the following new paragraph to the Principal Reasons for Adopting the Objective as follows:

Part c) and the parallel objectives in Chapters 3.3 and 3.6 ensures that when allocating water or considering discharges to water or the damming and diverting of water, both the effects on contaminant assimilative capacity and allocable flow are accounted for.

Chapter 3.6 Damming and Diverting

Add the following to Objective 3.6.2:

- g) ensures that decisions regarding the damming and diverting of water take account of the consequent loss of water quality and any associated reduction in contaminant assimilative capacity, minimum flows and allocable flows for out of stream uses as provided by Section 3.3.3 Policy 1 and Table 3-5 of Chapter 3.3.

Add the following paragraph to the principal reasons for adopting the objective:

Part g) and the parallel objectives in Chapters 3.3 and 3.5 ensures that when allocating water or considering discharges to water or the damming and diverting of water, both the effects on contaminant assimilative capacity and allocable flow are accounted for.

Section 7.1 Clarification of the Relationship between the Water and Geothermal Modules

Amend section 7.1 b) i) by deleting reference to Rule 3.3.4.9 and replacing it with Rule 3.3.4.15.

Proposed Amendments to Chapter 8.1 Assessment Criteria and Information Requirements

- Replace 8.1.2.1 as follows:

8.1.2.1 Water Takes

- a) The location(s) of the take.
- b) The purpose for which water is to be taken including the proposed crop/pasture type, reflecting rotational crop requirements.
- c) Define the maximum volume of water to be taken as a minimum per day and per year.
- d) The rate at which water is to be taken.
- e) The source of water.
- f) Any associated discharges used to offset the cumulative allocation effects of the taking of water.
- g) Identification of alternative water sources including, groundwater, water harvesting and water reuse and provide an assessment of how these may minimise adverse effects, including those on existing and foreseeable future users.
- h) Intake screening.
- i) The identity and location of other neighbouring abstractors.
- j) What effects this activity will have on the environment.
- k) The proposed method of recording water use and reporting to Waikato Regional Council.
- l) In the case of an application for the replacement of an existing resource consent:
 - a demonstrated continued need for the volume and rate of water applied for based on water use records, recognising seasonal and crop rotational factors,
 - any enforcement action taken by Council, and
 - use of best industry practice.
- m) In the case of an application for domestic or municipal supply a water management plan prepared as detailed in method 8.1.2.2 shall be provided with all resource consent applications made in accordance with 3.3.3 Policy 9 and Rules 3.3.4.18, 3.3.4.21, 3.3.4.23, 3.3.4.24 and 3.3.4.26.
- n) Details, including distribution extent, of any other properties to which water is to be supplied from this take.
- o) In the case of an application for domestic or municipal supply details shall be provided of any existing or proposed riparian fencing and planting necessary to mitigate adverse effects of the take on the water body. Details on proposed riparian fencing and planting shall be provided in the form of a Riparian Vegetation Management Plan having regard to Standard 3.3.4.28

8.1.2.2 Water Management Plans

The Water Management Plan shall establish a long term strategy for the water requirements of domestic or municipal suppliers and their communities. It shall demonstrate that the volume of water required, including any increase over that previously authorised, has been justified and that the water take will be used efficiently and effectively. To this end the water management plan shall, to an extent which is appropriate for the scale of the activity, provide the following information:

1. A description of the water supply system including system operation, distribution extent, levels of service, water use measurement, maintenance and asset management procedures.
2. A comprehensive assessment of existing demand and future demand for water with regard to an assessment of reasonable population growth within the planning horizon to meet the following:

- a) reasonable domestic needs;
 - b) public health needs in accordance with requirements under any Act of Parliament or regulation;
 - c) reasonable community needs (e.g. for public amenities);
 - d) reasonable commercial, rural supply and industrial needs;
 - e) an assessment as to how each of the assessments required by clauses a) to d) above is predicted to vary over time;
 - f) a justification for each of the assessments required by clauses a) to e) above including reference to any relevant planning instruments promulgated under the Resource Management Act 1991 that provide for future growth or relevant documents promulgated under the Local Government Act 2002 such as Long Term Plans, growth strategies or spatial plans.
3. Any existing or proposed water pricing procedures and any linkages with wastewater pricing or management.
 4. How water reticulation networks are planned and managed to minimise their water losses as far as practicable.
 5. A description of patterns of water use practices and/or behaviour in all sectors of use (and distribution) with the objective of maximising water use efficiency and reducing water use, as far as practicable.
 6. Water saving targets for the full range of demand conditions including demand saving targets for council owned facilities, domestic demand targets and demand saving targets for commercial and industrial customers.
 7. Key performance indicators for each of the water saving targets.
 8. Any external auditing and benchmarking procedures that have been adopted.
 9. A drought management plan that includes:
 - a) steps to be taken to reduce consumption during water shortage conditions, including those uses that will be restricted at the same time as priority SW-B users (in accordance with Policy 18 and Standard 3.3.4.27) and steps to be taken to implement those restrictions.
 - b) Targets for the water savings expected to be achieved via the restriction of activities identified in a) above, which shall align as closely as possible to the restrictions for SW-B users provided for in Standard 3.3.4.27.
 - c) public and commercial user education programmes.
 - d) steps taken to reduce consumption when demand is approaching the maximum take volume specified under the relevant resource consent.
 - e) Enforcement procedures
 10. Actions, performance measures and a timeline for implementing actions. The actions and performance measures identified will depend on the circumstances of each applicant.
 11. Any consultation undertaken with key stakeholders and outcomes of such consultation.
 12. Details of an appropriate water conservation and demand management plan review process.
 13. Identification of any anticipated increases in water demand over the term of the consent and ability to stage water take volumes to more closely reflect demand requirements over time.
 14. Ability to reduce the amount of water used by existing industrial and agricultural users, as a result of improvements in the efficiency of the use of water, in order to meet any increase in water demand over the term of the consent.
 15. Identification of any single industrial, commercial or agricultural use of water that uses more than 15 cubic metres of water per day (not being water used for human drinking purposes or human sanitation purposes).
 16. Identification of future domestic or municipal supply take needs over and above authorised domestic or municipal supply takes required to meet growth and development that is provided for in planning instruments promulgated under the Resource Management Act 1991 or relevant

documents promulgated under the Local Government Act 2002, such as Long Term Plans, growth strategies or spatial plans (or similar).

The projected future needs shall be identified in terms of:

- a) Location of take; and
- b) Volume of take (including any seasonal variations); and
- c) The date at which the water is likely to be required.

- Add in the following two new methods to Section 8.1.2 as follows:

8.1.2.3 Transfer of Surface and Groundwater Permits

- a) Full names and addresses of transferor and transferee.
- b) If the whole permit is not being transferred, the portion of the water permit being transferred.
- c) Proposed daily and seasonal (cubic metres per day) and rate (litres per second) of take at new site.
- d) Permit number.
- e) Location of new take site (show on map or give NZMS 260 map reference).
- f) Proposed date/s of transfer.
- g) Description of purpose for which water is to be used.
- h) Whether the transfer is permanent or temporary and, if temporary, the date on which the transfer ceases.

8.1.2.4 Water Use - Crop and Pasture Irrigation

- a) The location and area of the activity.
- b) The proposed crop/pasture type(s), reflecting rotational crop requirements.
- c) The proposed daily and seasonal (cubic metres per day) to be used.
- d) The rate (litres per second) at which water is to be used.
- e) The method of application of water.
- f) Any associated resource consents or resource consent applications to take water.
- g) Seasonal and monthly irrigation water balances.
- h) The identity and location of other neighbouring water users.
- i) What effects this activity will have on the environment.

- Consequential renumbering of current methods 8.1.2.2, 8.1.2.3, 8.1.2.4, 8.1.2.5 and 8.1.2.6.