

15 Takes, Uses and Diversions of Water, and Bores

15.1 Policies

Policy 15-1: Consent decision-making for takes and uses of surface water and groundwater

When making decisions on resource consent applications, and setting consent conditions, for takes and uses of surface water the Regional Council will:

- (a) recognise and provide for the provisions of Chapter 6, in particular the Policies in Section 6.4.3
- (b) seek to avoid any adverse effects on other lawful activities, particularly other water takes
- (c) have regard to the objectives and policies of Chapters 2, 3 and 7 to the extent that they are relevant to the activity.

Policy 15-2: Consent decision-making for diversions and drainage

When making decisions on resource consent applications, and setting consent conditions, for the diversion of water including diversions associated with drainage the Regional Council will:

- (a) recognise and provide for the provisions of Chapter 6
- (b) manage effects on rare and threatened habitats* and at-risk habitats* in accordance with Chapter 7
- (c) manage effects on the natural character of waterbodies in accordance with Chapter 7
- (d) recognise and provide for the provisions of Chapter 10, in relation to flood risk
- (e) seek to avoid any adverse effects on any other lawful activity, including water takes.

Policy 15-3: Consent decision making for bores

When making decisions on resource consent applications and setting consent conditions for the development and management of bores, the Regional Council will recognise and provide for Policy 6-22.

Policy 15-4: Monitoring requirements of consent holders

Water takes shall generally be subject to the following monitoring requirements:

- (a) the installation of a pulse-count capable water meter on all water takes that are allowed by way of a resource consent, in order to monitor the amount of water taken
- (b) the installation of a Regional Council compatible telemetry system on surface water takes greater than 750 m³/d, and on groundwater takes greater than 750 m³/d where the groundwater is highly interconnected with surface water
- (c) the installation of a Regional Council compatible telemetry system on other groundwater takes greater than 4000 m³/d
- (d) the installation of Regional Council compatible telemetred conductivity meters on groundwater takes located within 5 km of the coast, or on a nearby monitoring bore
- (e) the installation of a Regional Council compatible telemetry system on consented surface takes where:
 - (i) the amount of water taken, when assessed in combination with all other water takes upstream, exceeds 15% of the estimated one-day mean annual low flow, or
 - (ii) the amount of water taken from a water management sub-zone as identified in Schedule D exceeds 15% of the one-day mean annual low flow for that sub-zone.

Policy 15-5: Consent review and expiry

Resource consents to take water shall generally be reviewed, and shall generally expire, in accordance with the dates set out in table 11.1. At the time of consent review or expiry the Regional Council will allocate water resources within each water management zone* in accordance with Policy 15-1 and in a manner which:

- (a) allows for the taking of water by as many resource users as possible, within the allocable limits set in this Plan for the subject water management zone*
- (b) allows takes in the following order of priority:
 - (i) takes permitted under Rule 15-1 of this Plan and takes for the purpose of fire-fighting
 - (ii) current resource consents that are due for review, taking into account records of past actual water usage
 - (iii) current resource consents that are expiring and have been reapplied for at least 6 months prior to the expiry date for that consent, taking into account records of past actual water usage
 - (iv) new resource consent applications for essential takes, being takes providing for domestic use, hospitals and freezing works
 - (v) all other new resource consent applications based on the date of lodgement of the application.

Policy 15-6: Transfer of water permits

On the application of any consent holder, the transfer of a permit to take water will be approved in terms of s 136(2)(b)(ii) of the RMA providing:

- (a) the transferred take is exercised within the same water management zone* as the original consent
- (b) the rate and quantity of water taken are consistent with the provisions of Chapter 6 regarding the need for water and efficient use of water
- (c) the transferred take complies with all relevant water allocation requirements of Chapter 6 at the site of transfer
- (d) there are no more than minor adverse effects on any other take or use of water.

15.2 Rules – Takes and Uses of Water

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
15-1 Minor takes and uses of surface water	The taking and use of surface water pursuant to s 14(1) RMA, excluding those rivers protected under Rule 15-7 and except where the water take is controlled under Rule 13-1.	Permitted	<p>(a) The rate of take shall not exceed:</p> <ul style="list-style-type: none"> (i) 30 m³/d per property* where the water is required for an individual's reasonable domestic needs and/or the reasonable needs of an individual's animals for drinking water, (ii) 15 m³/d per property* where the water is for any other use. <p>The rates of take allowed under subsections (i) and (ii) cannot be added: the maximum allowable rate of take under this Rule is 30 m³/d per property.</p> <p>(b) The rate of take shall not exceed 0.5 l/s.</p> <p>(c) An intake screen with a mesh aperture size not exceeding 3 mm in diameter shall be used and the intake velocity shall not exceed 0.3 m/s.</p> <p>(d) The take shall not be from any wetland that is a rare or threatened habitat*.</p> <p>(e) The water shall be used on the subject property*.</p> <p>The Regional Council shall be notified in writing of the location of the</p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
			take, the maximum instantaneous rate of take and the intended use of water.	
15-2 Minor takes and uses of groundwater	The taking and use of groundwater pursuant to s 14(1) RMA, except where the water take is controlled under Rule 13-1.	Permitted	<ul style="list-style-type: none"> (a) The rate of take shall not exceed 50 m³/d per property*. (b) The take shall not be located within 50 m of any other bore unless written approval is obtained from the bore owner. (c) The take shall not be located within 100 m of any river, lake or spring, or within 200 m of any wetland that is a rare or threatened habitat*. (d) The take shall not lower the water level in any wetland that is a rare or threatened habitat*. (e) There shall be a means of controlling the rate of flow where a bore would otherwise be free-flowing, and no water shall be allowed to run to waste. (f) The water shall be used on the subject property*. (g) The Regional Council shall be notified in writing of the location of the take, the maximum instantaneous rate of take and the intended use of water. 	
15-3 Use of heat or energy from surface water	The use of heat or energy from surface water pursuant to s 14(1) RMA.	Permitted		
15-4 Bore and groundwater testing	The taking and use of groundwater for bore or groundwater testing purposes pursuant to s 14(1) RMA, and any consequential discharge into water or onto land pursuant to s 15(1) RMA.	Permitted	<ul style="list-style-type: none"> (a) The Regional Council shall be notified in writing at least 5 working days prior to commencement of the test. (b) The rate of take shall not exceed 60 l/s. (c) The duration of any single test shall not exceed 7 days. (d) The activity shall be carried out in accordance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock. (e) The take shall not lower the water level in any wetland that is a rare or threatened habitat*. (f) Where the discharge is into water the discharge shall not: <ul style="list-style-type: none"> (i) change the receiving water temperature by more than 3°C after reasonable mixing (ii) cause erosion of the bed of the receiving waterbody 	

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			<ul style="list-style-type: none"> (iii) alter the natural course of the receiving waterbody (iv) cause visibly noticeable iron flocculation in the receiving waterbody. (g) Where the discharge is onto land the discharge shall not increase land instability or the risk of erosion. (h) The discharge shall not cause or contribute to flooding on any other property*. (i) Following completion of the test the bore shall be covered and secured as soon as practicable. (j) Records of all pumping and recovery tests shall be kept by the owner, including the location of the pumped bore and any monitoring bores, the flow rate during pumping, the water level at the pumped bore and any monitoring bores, and the time at which all measurements are taken. These records shall be forwarded to the Regional Council within 1 month of completion of the tests. 	
<p>15-5 Takes and uses of surface water complying with core allocations</p>	<p>The taking and use of surface water from a river pursuant to s 14(1) RMA, except where the water take is controlled under Rule 13-1.</p>	<p>Controlled</p>	<ul style="list-style-type: none"> (a) The take shall not be from those rivers protected under Rule 15-7. (b) Water shall only be taken when the river is at or above its minimum flow, as assessed in accordance with Schedule B. (c) The amount of water taken, when assessed in combination with all other water takes within the same water management zone, shall not exceed the relevant core allocation set out for water management zones in Schedule B. (d) The amount of water taken, when assessed in combination with all other water takes within the same catchment, shall not exceed the cumulative allocation for each water management zone in the same catchment. (e) The take shall not lower the water level in any wetland that is a rare or threatened habitat*. 	<p>Control is reserved over:</p> <ul style="list-style-type: none"> (a) the volume and rate of water taken, and the timing of the take (b) the location of take (c) intake velocity and screening requirements (d) measures to avoid, remedy or mitigate any adverse effects on the values of the waterbody at the point of abstraction, including restrictions on the volume and rate of abstraction (e) the efficiency of water use (f) effects on other water takes (g) effects on rare and threatened habitats* and at-risk habitats* (h) compliance with minimum flow requirements

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
				(i) duration of consent (j) review of consent conditions (k) compliance monitoring. Resource consent applications under this Rule will not be notified and written approval of affected persons will not be required (notice of applications need not be served on affected persons).
15-6 Takes of surface water not complying with core allocations	The taking of surface water from a river which, when assessed in combination with all other water takes, exceeds the relevant core allocation set out in Schedule B. This rule does not include: (a) takes permitted under Rule 15-1 (b) takes in circumstances where water is only taken when the river flow is greater than the median flow (these are a discretionary activity under Rule 15-8) (c) lawfully established takes for hydroelectricity generation (these are discretionary activities under Rule 15-8).	Non-complying		
15-7 Takes from rivers protected by water conservation orders	(a) The taking and use of surface water pursuant to s 14(1) RMA from: (i) the Upper Rangitikei River as defined in the Water Conservation (Rangitikei River) Order 1993 (ii) The Manganui o Te Ao River upstream of its confluence with the Waimarino Stream, the Makatote River or the Mangaturuturu River. (b) The taking and use of surface water pursuant to s 14(1) RMA from the Middle Rangitikei	Prohibited		

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	<p>River as defined in the Water Conservation (Rangitikei River) Order 1993 in a manner that causes the rate of flow of the natural waters in the middle river to be less than 95% of the river flow (where “river flow” is determined in accordance with the definition in the Water Conservation (Rangitikei River) Order 1993).</p> <p>(c) The taking and use of surface water pursuant to s 14(1) RMA from the Manganui o Te Ao River downstream of its confluence with the Waimarino Stream, the Waimarino Stream or the Orautoha Stream in a manner that causes the rate of flow of the natural waters to differ from the normal flow by more than 5% or to fall below the minimum flow (where “normal flow” and “minimum flow” are determined in accordance with the definitions in the Water Conservation (Manganui o Te Ao River) Order 1988).</p> <p>This rule does not prevent:</p> <p>(d) the taking and use of water for an individual's reasonable domestic needs and/or the reasonable needs of an individual's animals for drinking water, which are allowed in accordance with s 14(3)(b) RMA provided the taking or use does not, or is not likely to, have an adverse effect on the environment</p> <p>(e) the taking and use of water for fire-fighting purposes, which are allowed under s 14(3)(e) RMA</p> <p>(f) the renewal of any resource consent to take and use water from the Upper or Middle Rangitikei River that was current at the commencement of the Water Conservation (Rangitikei River) Order 1993.</p>			

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
15-8 Other takes and uses of water	The taking and use of surface water or groundwater pursuant to s 14(1) RMA, except as regulated by any other rule, and the taking and use of groundwater at a rate exceeding 50 m ³ /d per property*, except takes for bore or groundwater testing permitted under Rule 15-4.	Discretionary		

15.3 Rules – Diversions of Water including Drainage

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
15-9 Lawfully established diversions, including existing drainage	<p>The take, diversion and discharge of surface water and any associated damming of water, or discharge of sediment or other contaminants in the water into water or onto or into land pursuant to s 14(1) and s 15(1) RMA arising from:</p> <p>(a) a diversion that was lawfully established prior to this rule becoming operative, or</p> <p>(b) a diversion that has been lawfully established by way of resource consent after the operative date of this rule</p> <p>including diversions associated with the operation of existing drainage networks.</p> <p>Rule Guide: This rule means that, once diversions have been lawfully established, including diversions for land drainage purposes, their continued operation is permitted under this rule. No ongoing consent is required for the operation of existing diversions provided the conditions of this rule are met.</p>	Permitted	<p>(a) The diversion or discharge shall be to the same water management sub-zone to which the water would naturally flow, except diversions associated with existing land drainage.</p> <p>(b) Effects on land instability, erosion risk, flooding and soil resources (including drained peat soils) shall remain the same as or similar in character, intensity and scale to those which existed before this rule became operative.</p> <p>(c) The diversion shall not prevent the passage of fish in waterbodies containing fish.</p> <p>(d) For diversions lawfully established by way of a resource consent, the diversion shall continue to comply with all conditions of the consent.</p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p>15-10 New drainage</p>	<p>The take, diversion and discharge of drainage water, and any associated damming of water, or discharge of contaminants in the drainage water into water or onto or into land pursuant s 14(1) and s 15(1) RMA arising from the establishment and operation of new land drainage.</p>	<p>Permitted</p>	<ul style="list-style-type: none"> (a) The drainage water shall not be diverted or discharged into any drain or other watercourse that forms part of a flood control or drainage scheme. (b) The diversion or discharge shall not cause or exacerbate the flooding of any property, unless written approval is obtained from the affected property owner or the flooding is in accordance with an approved Regional Council drainage scheme design. (c) The diversion or discharge shall not cause any scouring or erosion of any land or waterbody beyond the point of discharge. (d) The diversion or discharge shall not alter the natural course of any natural waterbody. (e) There shall be no diversion or discharge to any natural lake, rare or threatened habitat*, at-risk habitat*, or natural state water management zone*. (f) The activity shall not result in the lowering of water levels in any wetland classified as a rare or threatened habitat*. (g) The diversion or discharge shall be to the same water management sub-zone to which the drainage water would naturally flow. (h) The diversion or discharge shall not cause, after reasonable mixing*, any of the following effects in the receiving waterbody: <ul style="list-style-type: none"> (i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials (ii) any conspicuous change in the colour or visual clarity of the receiving water (iii) any emission of objectionable odour (iv) the rendering of freshwater unsuitable for consumption by farm animals (v) the natural temperature of the receiving water to change by more than 3°C (vi) toxicity to aquatic ecosystems. (i) The diversion or discharge shall not, after reasonable mixing*, cause the dissolved oxygen of the receiving waterbody to fall below 80% saturation concentration, unless the dissolved oxygen 	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
			<p>is already below this limit in which case the discharge shall not lower it further.</p> <p>(j) The diversion or discharge shall not be to any archaeological site, waahi tapu or koiwi remains as identified in any district plan, in the New Zealand Archaeological Association's Site Recording Scheme or by the Historic Places Trust, except where Historic Places Trust approval has been obtained.</p>	
<p>15-11 New diversions</p>	<p>The following activities where they are associated with the establishment and operation of a new diversion, except as expressly provided for by other rules within this Plan:</p> <p>(a) the take, diversion and discharge of water and any associated damming of water pursuant to s 14(1) and s 15(1) RMA</p> <p>(b) any associated discharge of sediment or other contaminants in the water into water or onto or into water pursuant to s 15(1) RMA</p> <p>(c) any associated excavation or disturbance of a riverbed pursuant to s 13(1) RMA.</p>	<p>Permitted</p>	<p>(a) The activity shall involve:</p> <p>(i) a diversion of groundwater</p> <p>(ii) a diversion from or within an artificial watercourse</p> <p>(iii) a diversion from or within an existing drain that is considered to fall under the RMA definition of "river", or</p> <p>(iv) a diversion wholly contained within the bed of a river provided the diversion is no more than two times the bed width of the river in any 2-km length of river in any 12-month period.</p> <p>(b) The activity shall not involve the diversion of water associated with new drainage.</p> <p>(c) The diversion shall not be located within 200 m of any wetland that is a rare or threatened habitat* and shall not lower the water level in any wetland that is a rare or threatened habitat*.</p> <p>(d) The diversion shall not increase land instability or the risk of erosion.</p> <p>(e) The diversion shall not cause or contribute to flooding on any other property*.</p> <p>(f) The diversion shall not adversely affect any lawfully established take which existed at the time that the diversion commenced.</p> <p>(g) The diversion shall not prevent the passage of fish in waterbodies containing fish.</p> <p>(h) The diversion shall not be undertaken without the prior written approval of authorities responsible for any infrastructure located in, on, under or over the bed within 1 km upstream or downstream of the diversion.</p> <p>(i) Any realigned bed shall have at least the same capacity as the original bed to carry the diverted flow.</p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
			(j) For diversions of surface water from an artificial watercourse or drain, the diverted water shall not cause a reduction in the water quality of any downstream natural waterbody. (k) Any discharge of sediment associated with the activity shall not, after reasonable mixing*, cause a conspicuous change in the colour or visual clarity of the receiving water. (l) The construction of a new diversion located within a river shall comply with the standard conditions listed in Section 16.2.	
15-12 Diversions that do not comply with permitted and controlled activity rules	Any diversion pursuant to s 14(1) RMA that does not comply with one or more conditions, standards or terms of a permitted or controlled activity rule in this Plan, but which is not expressly classified as a discretionary, non-complying or prohibited activity.	Discretionary		

Rule Guide:

Diversions, including drainage, in rare and threatened habitats* and at-risk habitats* are regulated by Rules 15-5 and 15-6.

15.4 Rules – Bore Drilling and Bore Sealing

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
15-13 Drilling and bore construction	The drilling, construction or alteration of any bore or hole that extends below the seasonally highest groundwater level, and any associated discharge of water or contaminants.	Restricted discretionary		Discretion is restricted to: (a) compliance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock (b) bore location, size and depth (c) bore screening (d) backflow prevention

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
				(e) information requirements including bore logs, piezometric levels, groundwater tests, and bore construction details (f) duration of consent (g) review of consent conditions (h) compliance monitoring. Resource consent applications under this rule will not be notified and written approval of affected persons will not be required (notice of applications need not be served on affected persons).
15-14 Unsealed bores	Any bore that: (a) is no longer used and is unsealed, or (b) is in use and is constructed in a manner that allows contaminants to enter the bore from the land surface, or the wastage of water in artesian conditions.	Prohibited		