

## 15 Takes, Uses and Diversions of Water, and Bores\*

### 15.1A Objectives

#### Objective 15-1: Regulation of takes, uses and diversions of water<sup>^</sup>

The regulation of takes, uses and diversions of water<sup>^</sup> in a manner that has regard to:

- (a) the Values and management objectives in Schedule AB, and
- (b) the objectives and policies of Chapter 6 as they relate to surface water<sup>^</sup> and groundwater use and allocation.

### 15.1 Policies

#### Policy 15-1: Consent decision-making for takes and uses of surface water<sup>^</sup> and groundwater

When making decisions on *resource consent*<sup>^</sup> applications, and setting consent *conditions*<sup>^</sup>, for takes and uses of surface water<sup>^</sup> or groundwater the Regional Council must:

- (b) seek to avoid any adverse *effects*<sup>^</sup> on other lawful activities, particularly on other surface water<sup>^</sup> takes, including takes allowed by s14(3)(b) of the RMA, and groundwater takes from properly-constructed, efficient and fully-functioning bores (as described in Policies 15-2A and 15-2B),
- (ba) enable non-consumptive uses of water<sup>^</sup> including the use and recycling of water<sup>^</sup>, and
- (c) have regard to the objectives and policies of Chapters 3, 4, 6, 7, 10 and 11A to the extent that they are relevant to the activity.

#### Policy 15-1A: Consideration of alternative water<sup>^</sup> sources

When making decisions on consent applications to take surface water<sup>^</sup>, the opportunity to utilise alternative sources such as groundwater, water<sup>^</sup> storage, water<sup>^</sup> harvesting (including during periods of high flow in a river<sup>^</sup>) and the recycling of water<sup>^</sup> must be considered.

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

When making decisions on *resource consent*<sup>^</sup> applications, and setting consent *conditions*<sup>^</sup>, for the diversion of water<sup>^</sup>, including diversions associated with drainage, the *Regional Council*<sup>^</sup> must:

- (b) manage *effects*<sup>^</sup> on *rare habitats*\*, *threatened habitats*\* and *at-risk habitats*\* in accordance with Chapter 7 and the relevant objective and policies in Chapter 12,
- (c) manage *effects*<sup>^</sup> on the natural character of *water bodies*<sup>^</sup> in accordance with Chapter 7,
- (e) seek to avoid any adverse *effects*<sup>^</sup> on any other lawful activity, particularly on other surface *water*<sup>^</sup> takes, including those allowed by s14(3)(b) of the RMA and groundwater takes from properly-constructed, efficient and fully-functioning bores (as described in Policies 15-2A and 15-2B), and
- (f) have regard to the objectives and policies of Chapters 3, 4, 6, 10 and 11A to the extent that they are relevant to the activity.

**Policy 15-2A: Bore\* construction and management**

- (a) New *bores*\* must be sited to ensure adequate separation from existing *bores*\*, and to avoid an over-concentration of *bores*\* in a particular area, wherever practicable, to avoid adverse *effects*<sup>^</sup> on the reliability of supply from properly-constructed, efficient and fully-functioning existing *bores*\*.
- (b) New *bores*\* must generally be constructed, and *bore*\* logs and other records prepared, in accordance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock.
- (c) New *bores*\* must be designed to ensure a high degree of efficiency with respect to *bore*\* development, *bore*\* depth and diameter, and screen depth and length.
- (d) *Bores*\* must be used in a manner that prevents:
  - (i) *contaminants*<sup>^</sup> from entering the *bore*\* from the *land*<sup>^</sup> surface
  - (ii) the wastage of *water*<sup>^</sup> in artesian situations.
- (e) *Bores*\* that are no longer required must be decommissioned in general accordance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock.

**Policy 15-2B: Effects of groundwater takes on other groundwater takes**

- (a) Consent applications to take groundwater must include pumping tests and hydrogeological assessments in order to determine the likely impact on existing groundwater takes in the vicinity.
- (b) Consent *conditions*<sup>^</sup> restricting the rate and duration of pumping must be imposed on new takes of groundwater where this is necessary to avoid significant drawdown impacts on existing groundwater takes from properly-constructed, efficient and fully-functioning *bores*\* in the vicinity. A groundwater take is considered to be from a properly-constructed, efficient and fully-functioning *bore*\* in circumstances where the *bore*\* penetrates the aquifer from which *water*<sup>^</sup> is being drawn at a depth sufficient to enable *water*<sup>^</sup> to be drawn all year (ie., the *bore*\* depth is below the range of seasonal fluctuations in groundwater level), the pump and *bore*\* are adequately maintained, the

*bore\** is of sufficient diameter and is screened to reasonably minimise drawdown, and the *bore\** has a pump capable of drawing *water^* from its base to the *land^* surface.

- (c) Consent *conditions^* specifying short-term restrictions on the rate and duration of pumping may also be imposed on new takes of groundwater where this is necessary to avoid significant drawdown impacts on existing *bores\** that are not properly-constructed, efficient and fully-functioning, in order to allow sufficient time for such *bores\** to be *upgraded\** or replaced.
- (d) The Regional Council may encourage consent *applicants^* to consider the option of providing *water^* to neighbouring properties in circumstances where this would be more practical than meeting the requirements of (b) or (c).

**Policy 15-2C: Effects of groundwater takes on surface *water bodies^***

The effects of groundwater takes on surface *water bodies^*, including *wetlands^*, must be managed in the following manner:

- (a) An appropriate scientific method must be used to calculate the likely degree of connection between the groundwater and surface *water^* at the location of the groundwater take eg., using Targets for the Assessment of Groundwater Abstraction Effects on Stream Flow prepared by Environment Canterbury (Environment Canterbury Report R00/11, ISBN 1-86937-387-1, First Edition, June 2000).
- (ba) Subject to (a), the potential adverse *effects^* of groundwater takes on surface *water^* depletion must be managed in accordance with Table 15-1.

Table 15-1 - Surface *water^* depletion

Classification of Surface <i>Water^</i> Depletion <i>Effect^</i>	Magnitude of Surface <i>Water^</i> Depletion <i>Effect^</i>	Management Approach
Riparian	Any groundwater take screened within the geologically recent bed strata of a surface <i>water body^</i> .	The groundwater take is subject to the same restrictions as a surface <i>water^</i> take, unless there is clear hydrogeological evidence that demonstrates that the <i>effect^</i> of pumping will not impact on the surface <i>water body^</i> .
High	The surface <i>water^</i> depletion <i>effect^</i> is calculated as 90% or greater of the groundwater pumping rate after seven days of pumping, or 50% or greater of the average groundwater pumping rate after 100 days of pumping.	The groundwater take is subject to the same restrictions as a surface <i>water^</i> abstraction.
Medium	The surface <i>water^</i> depletion <i>effect^</i> is calculated as 20% or greater and less than 50% of the groundwater pumping rate after 100 days of pumping.	The calculated loss of surface <i>water^</i> is included in the surface <i>water^</i> allocation regime, but no specific minimum flow restrictions are imposed on the groundwater take.
Low	The surface <i>water^</i> depletion <i>effect^</i> is calculated as less than 20% of the groundwater pumping rate after 100 days of pumping.	The calculated loss of surface <i>water^</i> is not included in the surface <i>water^</i> allocation regime and no specific minimum flow restrictions are imposed on the groundwater take.

**Policy 15-2D: Saltwater intrusion**

Saltwater intrusion along the coastal margins of the Region arising from groundwater takes must be managed by the following measures:

- (a) Consent *applicants*<sup>^</sup> wishing to take groundwater within 5 km of the coastal mean high water springs line must be required to carry out pumping tests and hydrogeological assessments in order to determine the level of drawdown at the coast and the likelihood of inducing saltwater intrusion.
- (b) In cases where saltwater intrusion might occur, the consent application may be declined or the amount of *water*<sup>^</sup> that can be taken must be limited to an amount that restricts the likelihood of saltwater intrusion.
- (c) In addition, consents to take groundwater within 5 km of the coastal mean high water springs line must contain *conditions*<sup>^</sup> relating to the monitoring of electrical conductivity and the restriction or suspension of takes if specified electrical conductivity thresholds are reached or exceeded. These monitoring requirements and electrical conductivity thresholds will be determined on a case-by-case basis.

**Policy 15-4: Monitoring requirements of consent holders**

*Water*<sup>^</sup> takes must generally be subject to the following monitoring requirements:

- (a) the installation of a pulse-count capable *water*<sup>^</sup> meter on all *water*<sup>^</sup> takes that are allowed by way of a *resource consent*<sup>^</sup>, in order to monitor the amount of *water*<sup>^</sup> taken
- (b) the installation of a Regional Council compatible telemetry system on surface *water*<sup>^</sup> takes greater than 750 m<sup>3</sup>/d, and on groundwater takes greater than 750 m<sup>3</sup>/d where the groundwater is highly interconnected with surface *water*<sup>^</sup>
- (c) the installation of a Regional Council compatible telemetry system on other groundwater takes greater than 4000 m<sup>3</sup>/d
- (d) the installation of Regional Council compatible telemetered conductivity meters on groundwater takes located within 5 km of the coast, or on a nearby monitoring *bore*<sup>\*</sup>
- (e) the installation of a Regional Council compatible telemetry system on consented surface *water*<sup>^</sup> takes where:
  - (i) the amount of *water*<sup>^</sup> taken, when assessed in combination with all other *water*<sup>^</sup> takes upstream, exceeds 15% of the estimated one-day mean annual low flow, or
  - (ii) the amount of *water*<sup>^</sup> taken from a *Water Management Sub-zone*<sup>\*</sup> as identified in Schedule AA exceeds 15% of the one-day mean annual low flow for that *Sub-zone*<sup>\*</sup>.

**Policy 15-6: Transfer of *water permits*<sup>^</sup>**

On the application of any consent holder, the transfer of a permit to take *water*<sup>^</sup> will generally be approved in terms of s136(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*<sup>^</sup> taken are consistent with the provisions of Chapter 6 regarding the need for *water*<sup>^</sup> and efficient use of *water*<sup>^</sup>,
- (c) the transferred take complies with all relevant *water*<sup>^</sup> allocation requirements of Chapter 6 at the site of transfer, and
- (d) there are no more than minor adverse *effects*<sup>^</sup> on any other take or use of *water*<sup>^</sup>.

## 15.2 Rules - Takes and Uses of Water

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<b>15-1</b> Minor takes and uses of surface <i>water</i> <sup>^</sup>	The take or use of surface <i>water</i> <sup>^</sup> pursuant to s14(2) and s14(3)(b) RMA.	<b>Permitted</b>	<ul style="list-style-type: none"> <li>(a) The rate of take must not exceed:                             <ul style="list-style-type: none"> <li>(ia) 400 l/ha per day for animal farming up to a maximum of 30 m<sup>3</sup>/day per <i>property</i>*</li> <li>(ii) 15 m<sup>3</sup>/day per <i>property</i>* where the water is for any other use.</li> </ul>                             The rates of take allowed under (ia) and (ii) cannot be added: the maximum allowable rate of take under this rule is 30 m<sup>3</sup>/day per <i>property</i>*.                         </li> <li>(b) The rate of take must not exceed 2.0 l/s.</li> <li>(c) An intake screen with a mesh aperture size not exceeding 3 mm in diameter must be used and the intake velocity must not exceed 0.3 m/s.</li> <li>(d) The take must not be from a <i>rare habitat</i>*, <i>threatened habitat</i>* or <i>at-risk habitat</i>*.</li> <li>(e) The <i>water</i><sup>^</sup> must be used on the <i>property</i>*.</li> <li>(f) The Regional Council must be notified in writing of the location of the take, the maximum instantaneous rate of take and the intended use of <i>water</i><sup>^</sup>.</li> </ul>	
<b>15-2</b> Minor takes and uses of groundwater	The take or use of groundwater pursuant to s14(2) and s14(3)(b) RMA.	<b>Permitted</b>	<ul style="list-style-type: none"> <li>(a) The rate of take must not exceed:                             <ul style="list-style-type: none"> <li>(i) 400 l/ha per day for animal farming up to a maximum of 50 m<sup>3</sup>/day per <i>property</i>*</li> <li>(ii) 50 m<sup>3</sup>/day per <i>property</i>* where the water is for any other use.</li> </ul> </li> </ul>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
			<p>The rates of take allowed under (i) and (ii) cannot be added: the maximum allowable rate of take under this <i>rule</i><sup>^</sup> is 50 m<sup>3</sup>/day per <i>property</i><sup>*</sup>.</p> <p>(b) The take must not be located within 50 m of any other <i>bore</i><sup>*</sup> on any other <i>property</i><sup>*</sup>.</p> <p>(c) The take must not be located within 100 m of any <i>river</i><sup>^</sup> or <i>lake</i><sup>^</sup>, or within 200 m of any <i>wetland</i><sup>^</sup> that is a <i>rare habitat</i><sup>*</sup> or <i>threatened habitat</i><sup>*</sup>.</p> <p>(ca) The take must not be from any <i>rare habitat</i><sup>*</sup>, <i>threatened habitat</i><sup>*</sup> or <i>at-risk habitat</i><sup>*</sup>.</p> <p>(d) The take must not lower the <i>water</i><sup>^</sup> level in any <i>wetland</i><sup>^</sup> that is a <i>rare habitat</i><sup>*</sup> or <i>threatened habitat</i><sup>*</sup>.</p> <p>(e) There must be a means of controlling the rate of flow where a <i>bore</i><sup>*</sup> would otherwise be free-flowing, and <i>water</i><sup>^</sup> must not be allowed to run to waste.</p> <p>(f) The <i>water</i><sup>^</sup> must be used on the <i>property</i><sup>*</sup>.</p> <p>(g) The Regional Council must be notified in writing of the location of the take, the maximum instantaneous rate of take and the intended use of <i>water</i><sup>^</sup>.</p>	
<p><b>15-3</b> <b>Use of heat or energy from surface water<sup>^</sup></b></p>	<p>The use of heat or energy from surface <i>water</i><sup>^</sup> pursuant to s14(2) RMA.</p>	<p><b>Permitted</b></p>		
<p><b>15-4</b> <b>Bore<sup>*</sup> and groundwater testing</b></p>	<p>The take and use of groundwater for <i>bore</i><sup>*</sup> or groundwater testing purposes pursuant to s14(2) RMA, and any ancillary <i>discharge</i><sup>^</sup> of groundwater or <i>contaminants</i><sup>^</sup> into <i>water</i><sup>^</sup> or onto or into <i>land</i><sup>^</sup> pursuant to ss15(1) or 15(2A) RMA.</p>	<p><b>Permitted</b></p>	<p>(a) The Regional Council must be notified in writing at least 5 <i>working days</i><sup>^</sup> prior to commencement of the test.</p> <p>(b) The rate of take must not exceed 60 l/s.</p> <p>(c) The duration of any single test must not exceed 7 days.</p> <p>(d) The activity must be carried out in accordance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock.</p> <p>(da) The take must not be from any <i>rare habitat</i><sup>*</sup>, <i>threatened habitat</i><sup>*</sup> or <i>at-risk habitat</i><sup>*</sup>.</p> <p>(e) The take must not lower the <i>water</i><sup>^</sup> level in any <i>wetland</i><sup>^</sup> that is a <i>rare habitat</i><sup>*</sup> or <i>threatened habitat</i><sup>*</sup>.</p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
			<p>(f) Where the <i>discharge</i><sup>^</sup> is into <i>water</i><sup>^</sup> the <i>discharge</i><sup>^</sup> must not:</p> <ul style="list-style-type: none"> <li>(i) change the receiving <i>water</i><sup>^</sup> temperature by more than 3°C after <i>reasonable mixing</i><sup>*</sup></li> <li>(ii) cause erosion of the <i>bed</i><sup>^</sup> of the receiving <i>water body</i><sup>^</sup></li> <li>(iii) alter the natural course of the receiving <i>water body</i><sup>^</sup></li> <li>(iv) cause visibly noticeable iron flocculation in the receiving <i>water body</i><sup>^</sup>.</li> </ul> <p>(g) Where the <i>discharge</i><sup>^</sup> is onto <i>land</i><sup>^</sup> the <i>discharge</i><sup>^</sup> must not increase <i>land</i><sup>^</sup> instability or the risk of erosion.</p> <p>(h) The <i>discharge</i><sup>^</sup> must not cause or contribute to flooding on any other <i>property</i><sup>*</sup>.</p> <p>(i) Following completion of the test, the <i>bore</i><sup>*</sup> must be covered and secured as soon as practicable.</p> <p>(j) Records of all pumping and recovery tests must be kept by the <i>owner</i><sup>^</sup>, including the location of the pumped <i>bore</i><sup>*</sup> and any monitoring <i>bores</i><sup>*</sup>, the flow rate during pumping, the <i>water</i><sup>^</sup> level at the pumped <i>bore</i><sup>*</sup> and any monitoring <i>bores</i><sup>*</sup>, and the time at which all measurements are taken. These records must be forwarded to the Regional Council within 1 month of completion of the tests.</p>	
<p><b>15-5</b> <b>Takes and uses of surface <i>water</i><sup>^</sup> complying with core allocations</b></p>	<p>Except as permitted by Rule 15-1, the take or use of surface <i>water</i><sup>^</sup> from a <i>river</i><sup>^</sup> pursuant to s14(2) RMA.</p> <p><b>Advice Note:</b> Information regarding the volume of core allocation that is still available may be found on the Regional Council’s website.</p>	<p><b>Controlled</b></p>	<ul style="list-style-type: none"> <li>(b) <i>Water</i><sup>^</sup> must only be taken when the <i>river</i><sup>^</sup> is above its minimum flow, as assessed in accordance with Schedule B, except for permitted or essential takes complying with Policy 6-19(a) or (b).</li> <li>(c) The amount of <i>water</i><sup>^</sup> taken, when assessed in combination with all other <i>water</i><sup>^</sup> takes must not exceed the relevant cumulative core allocation limits set out in Schedule B.</li> <li>(da) The amount of water taken from a <i>river</i><sup>^</sup> must not lower the <i>water</i><sup>^</sup> level in any <i>wetland</i><sup>^</sup> that is a <i>rare habitat</i><sup>*</sup> or <i>threatened habitat</i><sup>*</sup>.</li> <li>(e) The take must not be from any <i>rare habitat</i><sup>*</sup>, <i>threatened habitat</i><sup>*</sup> or <i>at-risk habitat</i><sup>*</sup>.</li> </ul>	<p>Control is reserved over:</p> <ul style="list-style-type: none"> <li>(a) the volume and rate of <i>water</i><sup>^</sup> taken, and the timing of the take</li> <li>(b) the location of take</li> <li>(c) intake velocity and screening requirements</li> <li>(d) measures to avoid, remedy or mitigate any adverse <i>effects</i><sup>^</sup> on the Values of the <i>water body</i><sup>^</sup> at the point of take</li> <li>(da) <i>effects</i><sup>^</sup> on the natural flow</li> </ul>

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				<p>regime, the magnitude of the median flow and the frequency of flushing flows</p> <p>(e) the efficiency of <i>water</i><sup>^</sup> use</p> <p>(f) <i>effects</i><sup>^</sup> on other <i>water</i><sup>^</sup> takes</p> <p>(g) <i>effects</i><sup>^</sup> on rare <i>habitats</i><sup>*</sup>, <i>threatened habitats</i><sup>*</sup>, <i>at-risk habitats</i><sup>*</sup> and Sites of Significance - Aquatic</p> <p>(h) compliance with minimum flow requirements</p> <p>(i) duration of consent</p> <p>(j) review of consent <i>conditions</i><sup>^</sup></p> <p>(k) compliance monitoring.</p> <p><i>Resource consent</i><sup>^</sup> applications under this <i>rule</i><sup>^</sup> will not be notified and written approval of affected persons will not be required (notice of applications need not be <i>served</i><sup>^</sup> on affected persons).</p>
<p><b>15-5A</b> <b>Replacement consents for takes and uses of surface <i>water</i><sup>^</sup> by existing hydroelectricity schemes</b></p>	<p>The take, use or diversion of surface <i>water</i><sup>^</sup> pursuant to s14(2) RMA by existing consented hydroelectricity generation schemes for which replacement consents are sought.</p>	<p><b>Controlled</b></p>	<p>(a) The consent application is to replace existing consents that are expiring and there is no increase to the existing volume or rate of take or diversion.</p> <p>(b) The take must not be from any <i>rare habitat</i><sup>*</sup>, <i>threatened habitat</i><sup>*</sup> or <i>at-risk habitat</i><sup>*</sup>.</p>	<p>Control is reserved over:</p> <p>(a) the volume and rate of <i>water</i><sup>^</sup> taken and the timing of the take</p> <p>(b) the location of take</p> <p>(c) intake velocity and screening requirements</p> <p>(d) measures to avoid, remedy</p>



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				or mitigate any adverse <i>effects</i> <sup>^</sup> on the Values of the <i>water body</i> <sup>^</sup> at the point of take (e) <i>effects</i> <sup>^</sup> on <i>rare habitats</i> <sup>*</sup> , <i>threatened habitats</i> <sup>*</sup> and <i>at-risk habitats</i> <sup>*</sup> and Sites of Significance - Aquatic (f) compliance with minimum flow requirements (g) measures to avoid, remedy or mitigate adverse <i>effects</i> <sup>^</sup> on <i>tangata whenua</i> <sup>^</sup> matters (h) duration of consent (i) review of consent <i>conditions</i> <sup>^</sup> (j) compliance monitoring.
<b>15-5B</b> <b>Takes and uses of surface water<sup>^</sup> from reservoirs and storage lakes<sup>^</sup></b>	Except as permitted by Rule 15-1, the take or use of surface <i>water</i> <sup>^</sup> pursuant to s14(2) RMA from a storage <i>lake</i> <sup>^</sup> or reservoir situated on a <i>river</i> <sup>^</sup> for the purposes of <i>public water supply</i> <sup>*</sup> or hydroelectricity generation.	<b>Controlled</b>	(a) A residual flow must be maintained in the <i>river</i> <sup>^</sup> below the storage <i>lake</i> <sup>^</sup> or reservoir.	Control is reserved over: (a) the volume and rate of <i>water</i> <sup>^</sup> taken (b) the location of take (c) intake velocity and screening requirements (d) the efficiency of <i>water</i> <sup>^</sup> use (e) adequacy of the residual flow below the storage <i>lake</i> <sup>^</sup> or reservoir to avoid, remedy or mitigate any adverse <i>effects</i> <sup>^</sup> on the Values of the <i>river</i> <sup>^</sup> below the storage <i>lake</i> <sup>^</sup> or reservoir (f) duration of consent

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				<p>(g) review of consent conditions<sup>^</sup></p> <p>(h) compliance monitoring.</p> <p><i>Resource consent<sup>^</sup> applications under this rule<sup>^</sup> will not be notified and written approval of affected persons will not be required (notice of applications need not be served<sup>^</sup> on affected persons).</i></p>
<p><b>15-6</b> Takes and uses of surface water<sup>^</sup> not complying with core allocations or takes and uses of water<sup>^</sup> taken at or below minimum flow</p>	<p>Except as regulated by Rules 15-1, 15-5A, 15-5B or 15-8, the take or use of surface water<sup>^</sup> from a river<sup>^</sup> pursuant to s14(2) RMA:</p> <p>(aa) which, when assessed in combination with all other water<sup>^</sup> takes, exceeds the relevant cumulative core allocation limits set out in Schedule B, or</p> <p>(ab) which is taken at or below the minimum flow (unless the take is a permitted or essential take complying with Policy 6-19(a) or (b)).</p> <p>This rule does not include 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).</p> <p><b>Advice Note:</b> Information regarding the volume of cumulative core allocation that is still available may be found on the Regional</p>	<p><b>Non-complying</b></p>		

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	Council's website.			
<b>15-8</b> <b>Other takes and uses of water<sup>^</sup></b>	The take or use of surface <i>water<sup>^</sup></i> or groundwater pursuant to s14(2) RMA, which is not regulated by any other <i>rules<sup>^</sup></i> in this chapter or which does not comply with the <i>permitted activity<sup>^</sup></i> or <i>controlled activity<sup>^</sup></i> <i>rules<sup>^</sup></i> in this chapter, or the take or use of groundwater at a rate exceeding 50 m <sup>3</sup> /day per <i>property<sup>*</sup></i> , except takes for <i>bore<sup>*</sup></i> or groundwater testing permitted under Rule 15-4.	<b>Discretionary</b>		

**Rule guide:**

Takes or uses of water from *rare habitats<sup>\*</sup>*, *threatened habitats<sup>\*</sup>* or *at-risk habitats<sup>\*</sup>* are regulated by Rule 12-6.

### 15.3 Rules - Diversions of Water including Drainage

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<b>15-9</b> <b>Lawfully established diversions, including existing drainage</b>	The take, diversion or <i>discharge<sup>^</sup></i> of surface <i>water<sup>^</sup></i> and any ancillary damming of <i>water<sup>^</sup></i> , or <i>discharge<sup>^</sup></i> of sediment or other <i>contaminants<sup>^</sup></i> in the <i>water<sup>^</sup></i> into <i>water<sup>^</sup></i> or onto or into <i>land<sup>^</sup></i> pursuant to s14(2) and ss15(1) or 15(2A) RMA arising from:  (a) a diversion that was lawfully established as at the date of this <i>rule<sup>^</sup></i> becoming <i>operative<sup>^</sup></i> , or  (b) a diversion that has been lawfully established by way of <i>resource consent<sup>^</sup></i> after the <i>operative<sup>^</sup></i> date of	<b>Permitted</b>	(a) The diversion or <i>discharge<sup>^</sup></i> must be to the same <i>Water Management Sub-zone<sup>*</sup></i> to which the <i>water<sup>^</sup></i> would naturally flow, except diversions associated with existing <i>land<sup>^</sup></i> drainage.  (b) <i>Effects<sup>^</sup></i> on <i>land<sup>^</sup></i> instability, erosion risk, flooding and soil resources (including drained peat soils) must remain the same as or similar in character, intensity and scale to those which existed before this <i>rule<sup>^</sup></i> became <i>operative<sup>^</sup></i> .  (c) The diversion must not prevent the passage of fish in <i>water bodies<sup>^</sup></i> containing fish.  (d) For diversions lawfully established by way of a <i>resource consent<sup>^</sup></i> , the diversion must continue to comply with all <i>conditions<sup>^</sup></i> of the consent.	

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	<p>this rule<sup>^</sup> including diversions ancillary to the operation* of existing drainage networks.</p> <p><b>Advice Note:</b> This rule<sup>^</sup> means that, once diversions have been lawfully established, including diversions for land<sup>^</sup> drainage purposes, their continued operation* is permitted under this rule<sup>^</sup>. No ongoing consent is required for the operation* of existing diversions provided the conditions<sup>^</sup> of this rule<sup>^</sup> are met.</p>			
<p><b>15-10</b> <b>New drainage</b></p>	<p>The take, diversion or discharge<sup>^</sup> of drainage water<sup>^</sup>, and any ancillary damming of water<sup>^</sup>, or discharge<sup>^</sup> of sediment or other contaminants<sup>^</sup> in the drainage water<sup>^</sup> into water<sup>^</sup> or onto or into land<sup>^</sup> pursuant to s14(2) and ss15(1) or 15(2A) RMA arising from the establishment and operation* of new land<sup>^</sup> drainage.</p>	<p><b>Permitted</b></p>	<ul style="list-style-type: none"> <li>(b) The diversion or discharge<sup>^</sup> must not cause or exacerbate the flooding of any property*, unless the flooding is in accordance with an approved Regional Council drainage scheme design.</li> <li>(c) The diversion or discharge<sup>^</sup> must not cause any scouring or erosion of any land<sup>^</sup> or water body<sup>^</sup> beyond the point of discharge<sup>^</sup>.</li> <li>(d) The diversion or discharge<sup>^</sup> must not alter the natural course of any natural water body<sup>^</sup>.</li> <li>(e) There must be no diversion or discharge<sup>^</sup> to or from any natural lake<sup>^</sup>, rare habitat*, threatened habitat* or at-risk habitat*, or reach of river<sup>^</sup> or its bed<sup>^</sup> with a Schedule AB Value of Natural State.</li> <li>(f) The activity must not result in the lowering of water<sup>^</sup> levels in any wetland<sup>^</sup> that is a rare habitat* or threatened habitat*.</li> <li>(g) The diversion or discharge<sup>^</sup> must be to the same Water Management Zone* to which the drainage water<sup>^</sup> would naturally flow.</li> <li>(h) The diversion or discharge<sup>^</sup> must not cause, after reasonable mixing*, any of the following effects<sup>^</sup> in the receiving water body<sup>^</sup>:             <ul style="list-style-type: none"> <li>(i) the production of conspicuous oil* or grease films, scums or foams, or floatable or suspended materials</li> <li>(ii) any conspicuous change in the colour or visual clarity of the</li> </ul> </li> </ul>	

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			<p>receiving water<sup>^</sup></p> <ul style="list-style-type: none"> <li>(iii) any emission of objectionable odour</li> <li>(iv) the rendering of <i>fresh water</i><sup>^</sup> unsuitable for consumption by farm animals</li> <li>(v) the natural temperature of the receiving water<sup>^</sup> to change by more than 3°C</li> <li>(vi) toxicity to aquatic ecosystems.</li> <li>(i) The diversion or <i>discharge</i><sup>^</sup> must not, after <i>reasonable mixing</i><sup>*</sup>, cause the dissolved oxygen of the receiving water body<sup>^</sup> to fall below 80% saturation concentration, unless the dissolved oxygen is already below this limit in which case the <i>discharge</i><sup>^</sup> must not lower it further.</li> <li>(j) The activity must not be to any <i>historic heritage</i><sup>^</sup> identified in any <i>district plan</i><sup>^</sup> or <i>regional plan</i><sup>^</sup>.</li> </ul>	
<p><b>15-11</b> <b>New diversions</b></p>	<p>The following activities where they are associated with the establishment and <i>operation</i><sup>*</sup> of a new diversion, except as expressly provided for by other <i>rules</i><sup>^</sup> within this Plan:</p> <ul style="list-style-type: none"> <li>(a) the take, diversion or <i>discharge</i><sup>^</sup> of water<sup>^</sup> and any ancillary damming of water<sup>^</sup> pursuant to s14(2) and ss15(1) or 15(2A) RMA</li> <li>(b) any ancillary <i>discharge</i><sup>^</sup> of sediment or other <i>contaminants</i><sup>^</sup> in the water<sup>^</sup> into water<sup>^</sup> or onto or into <i>land</i><sup>^</sup> pursuant to ss15(1) or 15(2A) RMA</li> <li>(c) any ancillary excavation or disturbance of the <i>bed</i><sup>^</sup> of a <i>river</i><sup>^</sup> pursuant to ss13(1) and 13(2) RMA.</li> </ul>	<p><b>Permitted</b></p>	<ul style="list-style-type: none"> <li>(a) The activity must involve: <ul style="list-style-type: none"> <li>(i) a diversion of groundwater,</li> <li>(ii) a diversion from or within an <i>artificial watercourse</i><sup>*</sup>,</li> <li>(iii) a diversion from or within an existing drain that is within the RMA definition of “<i>river</i><sup>^</sup>”, or</li> <li>(iv) a diversion wholly contained within the <i>bed</i><sup>^</sup> of a <i>river</i><sup>^</sup> provided the diversion is no more than two times the <i>bed</i><sup>^</sup> width of the <i>river</i><sup>^</sup> in any 2 km length of <i>river</i><sup>^</sup> in any 12 month period.</li> </ul> </li> <li>(b) The activity must not involve the diversion of water<sup>^</sup> associated with new drainage which is regulated under Rule 15-10.</li> <li>(c) The diversion must not be located within 200 m of any <i>wetland</i><sup>^</sup> that is a <i>rare habitat</i><sup>**</sup> or <i>threatened habitat</i><sup>*</sup> and must not lower the water<sup>^</sup> level in any <i>wetland</i><sup>^</sup> that is a <i>rare habitat</i><sup>**</sup> or threatened habitat<sup>*</sup>.</li> <li>(ca) The diversion must not be to or from any <i>rare habitat</i><sup>*</sup>, <i>threatened habitat</i><sup>*</sup> or <i>at-risk habitat</i><sup>*</sup>.</li> <li>(d) The diversion must not increase <i>land</i><sup>^</sup> instability or the risk of erosion.</li> </ul>	

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			<ul style="list-style-type: none"> <li>(e) The diversion must not cause or contribute to flooding on any other <i>property</i><sup>*</sup>.</li> <li>(f) The diversion must not adversely affect any lawfully established <i>water</i><sup>^</sup> take or use which existed at the time that the diversion commenced.</li> <li>(g) The diversion must not prevent the passage of fish in <i>water bodies</i><sup>^</sup> containing fish.</li> <li>(h) The diversion must not be undertaken where any <i>infrastructure</i><sup>^</sup> is located in, on, under or over the <i>bed</i><sup>^</sup> within 1 km upstream or downstream of the diversion.</li> <li>(i) Any realigned <i>bed</i><sup>^</sup> must have at least the same capacity as the original <i>bed</i><sup>^</sup> to carry the diverted flow.</li> <li>(j) For diversions of surface <i>water</i><sup>^</sup> from an <i>artificial watercourse</i><sup>*</sup> or drain, the diverted <i>water</i><sup>^</sup> must not cause a reduction in the <i>water</i><sup>^</sup> quality of any downstream <i>water body</i><sup>^</sup>.</li> <li>(k) Any <i>discharge</i><sup>^</sup> of sediment ancillary to the activity must not, after <i>reasonable mixing</i><sup>*</sup>, cause a conspicuous change in the colour or visual clarity of the receiving <i>water</i><sup>^</sup>.</li> <li>(l) The construction of a new diversion located within a <i>river</i><sup>^</sup> must comply with the general <i>conditions</i><sup>^</sup> listed in Section 16.2 Table 16.1.</li> </ul>	
<p><b>15-12</b> Diversions that do not comply with <i>permitted activity</i><sup>^</sup> and <i>controlled activity</i><sup>^</sup> rules<sup>^</sup></p>	<p>Any diversion pursuant to s14(2) RMA that does not comply with one or more <i>conditions</i><sup>^</sup>, standards or terms of a <i>permitted activity</i><sup>^</sup> or <i>controlled activity</i><sup>^</sup> rule<sup>^</sup> in this chapter, but which is not expressly classified as a discretionary <i>activity</i><sup>^</sup>, or <i>prohibited activity</i><sup>^</sup>.</p>	<p><b>Discretionary</b></p>	<ul style="list-style-type: none"> <li>(a) The diversion must not be to or from any <i>rare habitat</i><sup>*</sup>, <i>threatened habitat</i><sup>*</sup> or <i>at-risk habitat</i><sup>*</sup>.</li> </ul>	

**Rule Guide:**

Diversions in *rare habitats*<sup>\*</sup>, *threatened habitats*<sup>\*</sup> and *at-risk habitats*<sup>\*</sup> are regulated by Rule 12-6.

Diversions of surface water allocated to existing consented hydroelectricity generation schemes are dealt with in Rule 15-5A.

## 15.4 Rules - Bore\* Drilling and Bore\* Sealing

Rule <sup>^</sup>	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p><b>15-13</b>  <b>The drilling, construction or alteration of any bore* and any ancillary discharge<sup>^</sup> of water<sup>^</sup> or contaminants<sup>^</sup></b></p>	<p>The drilling, construction or alteration of any bore* pursuant to s9(2) RMA that extends below the seasonally highest groundwater level and any ancillary discharge<sup>^</sup> of water<sup>^</sup> or contaminants<sup>^</sup> into water<sup>^</sup> or onto land<sup>^</sup> pursuant to ss15(1) or 15(2A) RMA.</p>	<p><b>Controlled</b></p>	<p>(a) The activity must not be within any rare habitat*, threatened habitat* or at-risk habitat*.</p>	<p>Control is reserved over:</p> <ul style="list-style-type: none"> <li>(a) compliance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock and any other relevant standard</li> <li>(b) bore* location, size (including diameter of the bore* casing) and depth</li> <li>(c) bore* screening depth and type</li> <li>(d) backflow prevention</li> <li>(e) information requirements including bore* logs, piezometric levels, groundwater tests, and bore* construction details</li> <li>(f) duration of consent</li> <li>(g) review of consent conditions<sup>^</sup></li> <li>(h) compliance monitoring.</li> </ul> <p>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<sup>^</sup> on affected persons).</p>

Rule^	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<b>15-14</b> <b>Unsealed bores*</b>	Pursuant to ss9(2), 14(2), 15(1) or 15(2A) RMA 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 allows the wastage of water^ in artesian situations.	<b>Prohibited</b>		

**Rule Guide:**

The drilling, construction or alteration of any bore\* and any ancillary discharge^ of water^ or contaminants^ in rare habitats\*, threatened habitats\* and at-risk habitats\* is regulated by Rule 12-6.