

Natural Hazards

Analysis of concerns regarding the interpretation of risk and why it should not be explicitly included in legislation

Clause 5 inserts in section 6 of the Resource Management Act 1991 (RMA) a new matter of national importance. Specifically, the “*management of significant risks from natural hazards*”.

Several submitters touched on the interpretation of risk and why it should or should not be explicitly included in the legislation. Submitters who made particular comments included:

- **GNS Science**
GNS supported clause 5 but submitted there are definitional issues that need to be addressed, particularly in regard to ‘significant’ and ‘risk’. They provided useful information about risk, the processes for assessing and categorising it, and a potential framework for levels of risk. They said this could be achieved through a National Policy Statement (NPS) or supporting guidance, though it was not clear whether this referred to all these matters or to the risk framework only.
- **Institution of Professional Engineers NZ (IPENZ), Association of Consulting Engineers NZ (ACENZ), Water NZ, and Civil Contractors NZ**
These submitters jointly submitted that the Part 2 reference to natural hazards should specifically reference section 106, because they thought that section essentially outlines how to assess a risk for its significance.
- **Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd**
These submitters jointly submitted that the management of risk largely revolves around whether the risk is or is not acceptable for the type of activity proposed at a specific location. This risk varies for different activities. The submission largely focussed on the interpretation of ‘significant’ and broadly concluded that a NPS was required to provide more direction on these matters.
- **Hamilton City Council**
Hamilton City Council suggested that further clarification is needed around what a risk based approach involves, and that national direction on this would be desirable.
- **Wellington City Council**
Wellington City Council also suggested that guidance on how risk is to be assessed would be of benefit but did not state whether this should be done through the Act or national direction.

Analysis

Over time, local government has been moving to a risk-based approach to managing natural hazards and the courts have supported this approach. In effect, the legislation is catching up with current practice rather than requiring something new.

There are currently guidance documents and technical standards on assessing and managing risk. We are not currently aware of any instances where local government or the courts have interpreted risk wrongly. In addition, the New Zealand Coastal Policy Statement mandates a risk-based approach for managing coastal hazards. As such, we consider that a definition of risk in the RMA is not necessary, but would be usefully included in a national policy statement (NPS) along with further guidance on managing risks from natural hazards in land use planning.

As highlighted by some submitters, there is currently varied understanding of how to go about taking a risk-based approach for natural hazards in land use planning. A NPS on managing risks from natural hazards has been proposed for development in 2018. This proposed NPS can provide guidance on many aspects that were raised by submitters, including:

- clarifying that risk is a combination of the likelihood of a hazard occurring and the consequences if it does
- specifying a process for identifying, assessing and managing significant risks as a matter of national importance
- specifying how the effects of climate change (including sea level rise) that exacerbate natural hazards should be incorporated.

We note that submitters were generally more concerned about the interpretation of 'significant' than the inclusion of an interpretation of risk. Significance is a relative term and is used to qualify many different statements in the RMA. Providing an interpretation of 'significant' in the RMA would be very difficult and would affect the interpretation of the use of 'significant' in other areas of the RMA. Providing guidance on this through a NPS would allow the guidance to be more specific to managing natural hazard risks.

We have not identified any issues that would require a change to the proposed clause 5.

Environment Court Processes

Analysis on the requirement for all parties to be informed that a Commissioner (rather than a Judge) will hear an appeal at the Initial Conference

Officials have considered the Select Committee's question as to whether an Environment Commissioner sitting alone should be identified at the time of the initial conference.

We agree with the point raised that it can be desirable at the time of the initial conference to identify that an Environment Commissioner will be sitting alone. However, upon consideration of the issue, we do not recommend that it becomes a requirement of legislation. We consider that the Court would involve parties to the appeal in advance about the possibility of an Environment Commissioner exercising powers alone. The Court may choose to do this:

- at the initial conference
- at an alternative dispute resolution conference, or
- through a minute that invites parties to respond on the proposed quorum.

We recommend that flexibility is retained on how the Court informs the parties rather than require it to be discussed during a section 267 conference.

An initial conference is usually held shortly after all of the parties to the appeal have been identified (i.e. the point at which the section 274 notices have been received). At this point there may still be significant issues to be resolved. It is common practice that mediation (i.e. Alternative Dispute Resolution) follows after the initial conference. The mediation will often narrow the issues in contention even where it does not resolve the appeal. It may only be after the mediation that the Environment Court determines that it is appropriate for an Environment Commissioner to hear the matter alone.

We consider that the need to identify an Environment Commissioner sitting alone in the initial conference goes against the policy intent of supporting the Environment Court to better utilise the resources it has available. As noted above, sometimes the Environment Court does not determine until after mediation (and the resolution of some appeal points) that an Environment Commissioner can hear the outstanding matters alone. We therefore consider that a requirement to hold another conference (for the sole purpose of acknowledging that the outstanding matters will be heard by an Environment Commissioner alone) places an unnecessary burden on court resources.

Section 280 of the RMA already allows any party to apply for a fully constituted Environment Court to review decisions made by an Environment Commissioner sitting alone. We consider that the review option, and expertise of the Environment Court around case management practices, are sufficient safeguards.

We therefore recommend continuing with the Departmental Report no. 1 recommendation to proceed with clauses 89, 94 and 95 without amendment.

Financial Contributions:

Use of financial contributions by regional councils

At the Select Committee meeting on 11 August, officials agreed to provide our research on the financial contributions collected by regional councils. This research is summarised below.

Officials have reviewed three years of regional council annual reports for the 2011-2012, 2012-2013 and 2013-2014 financial periods. We note that, in the case of Wellington Regional Council, only the latest report was available online.

Of the 11 regional councils, Hawkes Bay Regional Council was the only regional council to have identified that it collected financial contributions. In 2013-14, it collected \$1,966,000 in financial contributions. We were also able to determine that in the previous five years it collected \$1,423,000 in financial contributions.

The Hawkes Bay Regional Council collects financial contributions under the provisions of the Hawkes Bay Regional Resource Plan and the Hawkes Bay Regional Coastal Plan. Both these documents specify that:

“The HBRC will only use financial contributions as a resource management tool in relation to resource consents granted for river bed gravel extraction. The purposes for which financial contributions will be sought from river bed gravel extractors are as follows:

- Construction of, or maintenance of, roads, fences and gates that are used or will be used to access the gravel extraction site*
- Stop bank restoration or enhancement to offset the effects of gravel extraction on flooding*
- Strengthening or restoration of affected flood control or river stabilisation works*
- Replanting of vegetation removed, destroyed or damaged by gravel extractors accessing gravel extraction sites, or by the gravel extraction process*
- Downstream planting of riparian margins to offset erosion caused or exacerbated by gravel extraction.”*

Following the interest in this issue at the meeting and the content of the Canterbury Regional Council submission, officials also checked the 2014-2015 Environment Canterbury Annual Report. The report specified that the council does not receive an income from development and financial contributions (pg. 60).

Stock water takes

Regional plans and how water takes are dealt with

You have asked officials to provide further information on rules in regional plans that relate to water takes. A summary is provided below. More detailed information is set out in table 3.

All plans address permitted water takes (including when they are no longer permitted and where a resource consent would be required). Regional plans include an advice note or reference to section 14(3)(b) that either:

- paraphrases the language of section 14(3)(b) in a way that may be interpreted as permitting stock drinking water generally (i.e. Auckland, Taranaki, Tasman, Otago), or
- refers directly to the language of section 14(3)(b), including the wording of an “individual” (i.e. Northland, Waikato, Bay of Plenty, Hawke’s Bay, Horizons, Greater Wellington, Marlborough, Canterbury, West Coast, Southland).

None of the councils that refer to “individuals” go on to define in their plan how they will interpret the term. However, we received information from Environment Canterbury (ECan) on their interpretation of section 14(3)(b). As of 1 October 2014, ECan clarified that they will strictly interpret the term “individual” to exclude any company, body corporate, partnership or trust. Companies, partnerships, and trusts in Canterbury that currently take water under section 14(3)(b) would (as of this date) need to comply with the relevant permitted activity rules in the plan or apply for a consent. However, ECan are taking a pragmatic approach to enforcement as non-individuals transition to compliance with this interpretation.

Primary sector representatives have informed us that Horizons are also taking a narrow approach to the interpretation of an “individual” under section 14(3)(b).

Where the permitted activity rules are breached then a resource consent is required.

TABLE 3: RULES IN REGIONAL PLANS RELATING TO WATER TAKES

Publication	Reference	Provisions
Northland Regional Council		
Regional Water and Soil Plan	Section 24- Rules for the Taking Use, Damming and Diverting of Surface Water Takes	<p>24.1 PERMITTED ACTIVITIES</p> <p>The following activities relating to the taking, use, damming and diverting of surface water are permitted activities:</p> <p>Small surface water takes, excluding those from artificial water courses</p> <p>The taking or use of surface water (excluding from artificial water courses) is a permitted activity, provided that:</p> <ul style="list-style-type: none"> • The take is not from a river, or section of river, or lake deemed to have outstanding values as shown in Appendix 18. • The take is not from any significant indigenous wetland or from a dune lake listed in Schedule E. • The total take does not exceed the following volumes: <ul style="list-style-type: none"> ○ 30 cubic metres per day for the period 1 June to 30 November, ○ 10 cubic metres per day for the period 1 December to 31 May. • The velocity across the intake screen does not exceed 0.3 metres per second. The screen shall have no holes or slots with a diameter or width greater than 5mm. • The take does not limit or prevent the ability of an existing lawful user to take water to meet their needs; • The water user provides the Council on request the following information: <ul style="list-style-type: none"> ○ Name, address and phone number of the water user. ○ Location of the water take, including river or lake name. ○ Volume of water taken. ○ Purpose for which the water is taken. • The take or use does not result in a reduction in the water level below the design minimum flow. • The water take shall not cause any change in the seasonal or annual range in water level of any indigenous wetland to an extent and manner that may adversely affect the wetland's natural ecosystem. • The reticulation system and components are maintained in good working order to minimise leakage and wastage. <p>Explanation</p> <p>This rule allows the taking of water from rivers and streams, including any dams on those streams, springs, lakes and indigenous wetlands. The conditions on this rule are considered to address the main environmental effects that may occur.</p> <p>Outstanding value rivers, lakes, significant indigenous wetlands and dune lakes are protected from these additional surface water takes. The volume of the take is dependent upon the time of year, which reflects the availability of surface water. Stricter controls apply during the drier months.</p> <p>While most domestic or farm water supply pumps are unlikely to pump at fast rates, condition (d) is a safeguard to prevent fish and invertebrates entering the pump system.</p>

		<p>Condition (e) is based on a ‘first in first served’ principle. Existing lawful animal drinking water and domestic users are safeguarded from any users who start taking water after them. This may occur when land upstream of an existing user is subdivided, increasing the number of dwellings, and therefore the number of takes from the river. Should a new user start taking water downstream of an existing user, and there is insufficient water for the new user at any time, the existing user will not be required to cut back in order to comply with condition (e). However, the existing user must only be taking his or her reasonable needs.</p> <p>For guidance on what design minimum flow requirements in condition (g) refer to Section 9 of this Plan.</p> <p>Where there are cumulative adverse effects in a catchment as a result of additional takes, the Council will seek to ensure that users are only taking their reasonable requirements and that no water is being wasted through poorly maintained equipment. Where necessary, the Council will require users to reduce their takes or seek alternative sources of water.</p>
	25. Rules for the taking, use and diverting of groundwater	<p>ADVICE NOTE: GROUND WATER TAKES FOR REASONABLE DOMESTIC NEEDS AND ANIMAL DRINKING WATER NEEDS</p> <p>(A) Reasonable use</p> <ul style="list-style-type: none"> • Under Section 14(3)(b) of the Act, the taking and use of fresh water for an individual's reasonable domestic needs or the reasonable needs of an individual's animals for drinking water is allowed without a resource consent, provided the taking or use does not, or is not likely to, have an adverse effect on the environment. • Domestic needs include the taking of water for consumption and household activities such as kitchens, bathrooms, laundries, gardens and toilets. Animal drinking water is for the drinking water requirements of an individual's animals only, and does not include other water requirements, for example, washing down water. <p>(B) General adverse effects</p> <p>A take will be considered likely to cause an adverse effect on the environment in terms of Section 14(3)(b) of the Act where it:</p> <ul style="list-style-type: none"> • Limits or prevents the ability of an existing lawful user to take water; • Is being taken for reasonable animal drinking water purposes and is from the same hydrologic system, and the bore is located less than 50 metres away from any other bore, dune lake, indigenous wetland or spring; • Changes the seasonal or annual range in water level of any indigenous wetland to an extent and manner that may adversely affect the wetland's natural ecosystem; • Results in significant ground settlement; • Affects the springflows to any associated water body, or the water level in any lake or indigenous wetland, to an extent and manner that adversely affects the water body's natural ecosystem. <p>(C) Aquifer specific adverse effects</p> <p>The aquifers listed in Schedule B are considered to be at risk from saltwater intrusion, particularly if large amounts of water are taken without the consideration of environmental effects. Aquifers listed in Schedule A are high demand aquifers where the</p>

		<p>cumulative effects of new users need to be considered when allocating the water. Therefore in addition to the criteria set out above, a take will be considered likely to cause an adverse effect on the environment in terms of Section 14(3)(b) of the Act where the take:</p> <ul style="list-style-type: none"> • Is from an aquifer listed in Schedule B and is a take for animal drinking water purposes; • Is from an aquifer listed in Schedule B and is a take for domestic needs where the take is greater than 1 m³ per day; • Is not an existing lawful take for animal drinking water purposes from an aquifer listed in Schedule A; • Is not an existing lawful take for domestic needs from an aquifer listed in Schedule A where the take is greater than 1 m³ per day. • Is fitted with an appropriate backflow preventer as close as practicable to the bore head. • Results in or contributes towards cumulative adverse effects on water bodies and/or water quality. • The reticulation system and components are not maintained in good working order to minimise leakage and wastage. • The water user must provide the Council on request the following information: <ul style="list-style-type: none"> ○ Name. ○ Postal address and phone number. ○ Property address. ○ Location of the groundwater take. ○ Volume of water taken. ○ Purpose for which the water is taken. ○ For animal drinking water takes – the number of stock units and the area served. <p>Note: Where necessary the Council may require the use or take to be monitored (metered).</p>
Auckland Council		
Auckland: Air Land and Water Plan	Chpt 6 Water Allocation	<p>Taking and Using Water in Accordance with Section 14 (3) (b) and (c) of the RMA</p> <ul style="list-style-type: none"> • 6.5.1 The taking and using of <i>surface water</i> under section 14(3)(b) of the RMA is likely to have an adverse effect on the environment unless it complies with the following condition: (a) The location and/or rate of the taking does not adversely affect any lawfully established taking of water. • 6.5.2 If the taking and use of <i>surface water</i> in accordance with section 14(3)(b) of the RMA does not comply with the conditions of Rule 6.5.1, then the taking and use shall cease until a resource consent for the taking and use under Rule 6.5.18 has been applied for and granted by the ARC. • 6.5.3 The taking and use of fresh <i>groundwater</i> in accordance with section 14(3)(b) of the RMA is likely to have an adverse effect on the environment unless it complies with the following condition: (a) The location and/or rate of the taking does not adversely affect any lawfully established taking of water. • 6.5.4 If the taking and use of fresh <i>groundwater</i> in accordance with section 14(3)(b) of the RMA does not comply with the condition of Rule 6.5.3, then the taking and use shall cease until a resource consent for the taking and use under Rule 6.5.48 has been applied for and granted by the ARC. <p>Permitted Activities</p> <ul style="list-style-type: none"> • 6.5.8 The taking and use of no more than 20m³/day of water from a <i>lake</i> is a Permitted Activity, subject to the

		<p>following conditions:</p> <ul style="list-style-type: none"> ○ The water intake structure shall be designed and constructed so that: <ul style="list-style-type: none"> ▪ the maximum water velocity into the entry point of the intake structure is no greater than 0.3 metres per second; ▪ the intake screen mesh spacings are no greater in one dimension than 1.5 millimetres; and ▪ the intake screen is located no less than 0.5 metres instream from the water's edge; and ○ Notice on the prescribed form shall be received by the Auckland Regional Council at least 15 working days before exercising this permitted activity. <ul style="list-style-type: none"> • 6.5.9 The taking and use of no more than 5 m³/day of water from a river, stream or spring at times when any relevant flow regime requirement specified in this Plan is met is a Permitted Activity, subject to the following conditions: <ul style="list-style-type: none"> ○ The <i>water intake structure</i> shall be designed and constructed so that <ul style="list-style-type: none"> ▪ the maximum water velocity into the entry point of the intake structure is no greater than 0.3 metres per second; ▪ the intake screen mesh spacings are no greater in one dimension than 1.5 millimetres; and ▪ the intake screen is located no less than 0.5 metres instream from the water's edge, or, in streams of less than 1 m width, as far as practicable from the water's edge; and ○ Notice on the prescribed form shall be received by the Auckland Regional Council at least 15 working days before exercising this permitted activity. <p>Explanation</p> <p>The following section refers to the rights of individuals to take and use water for their reasonable domestic needs and for drinking water for their animals, and the taking of geothermal water, heat or energy for tangata whenua in accordance with section 14(3)(b) and (c) of the RMA. In most instances the taking and using of water under this provision will not result in adverse effects. However, because of the high level of demand for water resources in the Auckland Region there will be times when taking and using water even for these purposes may cause adverse effects either on others who take water or on freshwater ecosystems. For that reason the Plan sets out provisions in case those circumstances arise. The most likely circumstances are:</p> <ul style="list-style-type: none"> • the taking of water from small streams at a rate or quantity which does or is likely to effect downstream water users; or • the taking of groundwater from a bore at a rate or quantity which does, or is likely to interfere with the operation of other bores in close proximity. <p>Section 14 of the RMA provides that:</p> <p>“(3) A person is not prohibited ... from taking, using, damming, or diverting any water, heat, or energy if ...</p> <p>(b) In the case of fresh water, the water, heat, or energy is required to be taken or used for –</p> <p>(i) An individual's reasonable domestic needs; or</p> <p>(ii) The reasonable needs of an individual's animals for drinking water, and the taking or use does not, or is not likely to, have an adverse effect on the environment; or</p> <p>(c) In the case of geothermal water, the water, heat or energy is taken or used in accordance with tikanga Maori for the</p>
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		<p>communal benefit of the tangata whenua of the area and does not have an adverse effect on the environment;...”</p> <p>Note that resource users may also take water where provided for under the following rules in addition to the taking and using of water in accordance with Section 14(3)(b) of the RMA.</p>
Waikato Regional Council		
Waikato Regional Plan	3. Water module	<p>3.3.4.4 Estimating Permitted Takes and s14(3)(b) Takes (Method to implement Section 3.3.3 Policies 8 and 9)</p> <p>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.</p> <p>3.3.4.5 Investigations (Method to implement Section 3.3.3 Policy 4)</p> <p>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.</p> <p>Advisory Note</p> <p>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.</p> <p>Policy 10: How Groundwater Takes will be Classified (Implements Objective 3.1.2 m))</p> <p>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:</p> <ul style="list-style-type: none"> • a) Classifying takes as being authorised without the need for resource consent if such takes: <ul style="list-style-type: none"> ○ 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

		<p>dairy shed wash down provided the effects of the take are avoided, remedied or mitigated.</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ 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. <p>3.3.4.12 Permitted Activity Rule – Supplementary Groundwater Takes (Implements Section 3.3.3 Policy 10 a)ii)</p> <p>In addition to the taking of groundwater as allowed by s14(3)(b) of the RMA</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ 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. <p>See also:</p> <p>3.3.4.13 Permitted Activity Rule - Supplementary Surface Water Takes (Implements Section 3.3.3 Policy 8 a)ii)</p>
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		3.3.4.14 Permitted Activity Rule – Temporary Takes (Implements Section 3.3.3 Policies 8 a)iii), 10 a)iii))
Bay of Plenty Regional Council		
Bay of Plenty Regional Water and Land Plan	<p>Advisory Note</p> <p>Rule 38 Permitted – Take and Use of Groundwater</p> <p>Rule 41 Permitted – Take and Use of Surface Water</p>	<p>Section 14(3)(e) of the Act allows the take and use of water for fire-fighting purposes. This applies to surface water, groundwater, geothermal and coastal water.</p> <p>Section 14(3)(b) of the Act allows the take and use of freshwater (this excludes geothermal water [greater than 30° Celsius] and coastal water) for:</p> <ul style="list-style-type: none"> • (a) An individual's reasonable domestic needs, • (b) The reasonable needs of an individual's animals for drinking water, providing the take or use does not, or is not likely to, have an adverse effect on the environment. Adverse effects include, but are not limited to, effects on other persons, abstraction (either singularly or cumulative takes within the stream) at a rate or volume that cause the water flow to fall below the instream minimum flow requirement (including the default instream minimum flow requirement). <p>The take and use of groundwater with a temperature of less than 30° Celsius, where the quantity of water taken does not exceed 35 cubic metres per day per property, is a permitted activity.</p> <p>Explanation/Intent of Rule To allow minor takes of groundwater for any purpose that are unlikely to have adverse effects on the environment, and to prevent a proliferation of small takes on a single property that may have significant cumulative effects on a groundwater system. This rule allows the take of water for the supply of the persons for their reasonable domestic needs and the needs of their animals. A greater volume is permitted for groundwater takes than for surface water takes (refer to Rule 41) to encourage people to use groundwater, and reduce abstraction pressure on surface water bodies (particularly small streams).</p> <p>Rule 41 Permitted – Take and Use of Surface Water The take and use of water from any surface water body for any purpose, where the water has a temperature of less than 30° Celsius, is a permitted activity subject to the following conditions:</p> <ul style="list-style-type: none"> • (a) The take of water shall not be from a wetland. • (b) The quantity of water taken shall not exceed 15 cubic metres per day per property. • (c) Where the take is from a river or stream, the rate of abstraction shall not exceed 2.5 litres per second or 10% of the estimated five year low flow (Q5 7 day low flow) at the point of abstraction whichever is the lesser. • (d) Where the take is from a river or stream, the total abstraction (all users) of surface water takes shall not exceed the instream minimum flow requirement (including the default instream minimum flow requirement) for the river or stream at any point. • (e) The intake structure shall be screened with a mesh aperture size: <ul style="list-style-type: none"> ○ (i) Not exceeding three (3) millimetres by 30 millimetres in the tidal areas of rivers and streams. ○ (ii) Not exceeding five (5) millimetres by 30 millimetres or five (5) mm diameter holes in any other area that is

		<p>not in the tidal area of a river or stream.</p> <ul style="list-style-type: none"> (f) The intake velocity through the screen shall not exceed 0.3 metres per second. <p>Advisory Note Potential water abstractors are encouraged to seek the advice of Environment Bay of Plenty to ensure that there is sufficient flow in a water body to accommodate their water take and comply with condition (d). This is particularly relevant for small streams. Environment Bay of Plenty will take appropriate action when flows fall below the instream minimum flow requirement. Surface water intake structures for the take and use of water under this rule must also be authorised (refer to Rule 52).</p>
Hawkes' Bay Regional Council		
Hawke's Bay Regional Resource Management Plan Republished as at 1 October 2015	6. Regional Rules	<p>Rule Activity Classification Conditions/Standards/Terms Matters for Control/Discretion Non-notification</p> <p>53 Minor takes & uses of ground water</p> <p><i>Refer POL 24, 33, 77</i> The take and use of groundwater, excluding the take and use of groundwater from the water management zones shown in Schedule VI.</p> <p>Permitted</p> <p>a. The total volume taken shall not exceed 20 m³/d per property¹²⁹ (other than for aquifer testing, for which the volume of take is not restricted).</p> <p>Note that:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The take and use of water for reasonable domestic needs stock drinking purposes and fire fighting, including from locations within the groundwater management zones in Schedule VI is not required to be included in this measurement. <input type="checkbox"/> When the permitted activity limit of 20 m³ per day is exceeded a consent is required for the total take. <p>b. The rate of take shall not exceed 10 l/s (other than aquifer testing, for which the rate of take is not restricted).</p> <p>c. The take shall not adversely affect any lawfully established efficient groundwater take¹³¹, or any lawfully established surface water take, which existed prior to commencement of the take unless written approval is obtained from the affected person.</p> <p>d. The take shall not adversely affect any wetland¹³².</p> <p>e. A backflow prevention device shall be installed in circumstances where there is the risk of contaminants flowing down a bore used for taking groundwater, into a groundwater aquifer.</p> <p>129 For the purposes of this Plan the term 'property' refers to one or more allotments as contained on a single certificate of title, and also includes all adjacent land that is in the same ownership.</p> <p>130 Refer to Glossary for definition of "reasonable domestic needs".</p>

		<p>131 For the purposes of this Plan, “efficient taking” of groundwater means abstraction by a bore which penetrates an aquifer from which water is being drawn at a depth sufficient to enable water to be drawn all year (i.e. the bore depth is below the range of seasonal fluctuations in groundwater level), with the bore being adequately maintained, of sufficient diameter and screened to minimise drawdown, with a pump capable of drawing water to the land surface.</p> <p>132 For the purpose of this Plan the term “wetland” does NOT include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> wet pasture land <input type="checkbox"/> artificial wetlands used for wastewater or stormwater treatment <input type="checkbox"/> farm dams and detention dams <input type="checkbox"/> land drainage canals and drains <input type="checkbox"/> reservoirs for firefighting, domestic or municipal water supply <input type="checkbox"/> temporary ponded rainfall <input type="checkbox"/> artificial wetlands. <p>The take and use of surface water, except from the following catchments, as shown in Schedule Via: (Lists catchments ie Tukituki)</p> <p>a. Except for takes occurring for a period of less than 4 weeks, the total volume taken shall not exceed 20 m³/d¹³⁴ per property; (or per work site where the activity relates to the take and use of water for the maintenance of road reserves) nor shall the total volume exceed the reasonable needs of the user, whichever is the lesser.</p> <p>b. For takes occurring for a period of less than 4 weeks within any 90 day period, the total volume taken by any person shall not exceed 200 m³ per 7 day period.</p> <p>c. The rate of take shall not exceed 10% of the instantaneous flow¹³⁵ at the point of take.</p> <p>d. The intake velocity shall not exceed 0.3 m/s.</p> <p>e. The activity shall not adversely affect any wetland.</p> <p>f. The take shall not adversely affect any lawfully established efficient groundwater take, or any lawfully established surface water take, which existed prior to commencement of the take unless written approval is obtained from the affected person.</p>
Taranaki Regional Council		
Freshwater Plan	<p><i>Note: Water taken through this Rule is in addition to that which may be taken for an individual's domestic and stock watering needs as</i></p>	<p>Other minor surface water takes</p> <p>Take and use of <i>surface water</i> for the purpose of farm dairy wash down and milk cooling, road works and other minor takes pursuant to section 14(2) of the RMA.</p> <p>Permitted</p> <p>(a) The rate of <i>water take</i> does not exceed:</p> <ul style="list-style-type: none"> • 1.5 litres per second, up to a maximum of 50 m³ per day/ per property, for any <i>permanent take</i>; OR • 5 litres per second for any <i>temporary takes</i>; AND • no more than 25% of the instantaneous flow measured at the point of take.

	allowed by section 14(3)(b) of the RMA (Rule 43).	<p>(b) The total volume of water taken and used per <i>property</i> does not exceed:</p> <ul style="list-style-type: none"> • 500 litres per hectare per day for farm dairy wash down and milk cooling and other rural-property related uses; OR • 50 m³ per day for other minor takes. <p>(c) The <i>water take</i> does not lower the water level in a <i>regionally significant wetland</i></p>
Horizons Regional Council		
One Plan	Chpt 15 Rule 16-1 Minor takes and uses of surface water [^]	<p>The take or use of surface water[^] pursuant to s14(2) and s14(3)(b) RMA.</p> <p>Permitted</p> <ul style="list-style-type: none"> • The rate of take must not exceed: <ul style="list-style-type: none"> ○ 400 l/ha per day for animal farming up to a maximum of 30 m³/day per property* ○ 15 m³/day per property* where the water is for any other use. The rates of take allowed under (i) and (ii) cannot be added: the maximum allowable rate of take under this rule is 30 m³/day per property*. • The rate of take must not exceed 2.0 l/s. • 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. • The take must not be from a rare habitat*, threatened habitat* or at-risk habitat* • The water[^] must be used on the property*. • The Regional Council must be notified in writing of the location of the take
	Minor takes and uses of groundwater	<p>The take or use of groundwater pursuant to s14(2) and s14(3)(b) RMA.</p> <p>Permitted</p> <ul style="list-style-type: none"> • The rate of take must not exceed: <ul style="list-style-type: none"> ○ 400 l/ha per day for animal farming up to a maximum of 50 m³/day per property* ○ 50 m³/day per property* where the water is for any other use. • The rates of take allowed under (i) and (ii) cannot be added: the maximum allowable rate of take under this rule[^] is 50 m³/day per property*. • The take must not be located within 50 m of any other bore* on any other property*. • The take must not be located within 100 m of any river[^] or lake[^], or within 200 m of any wetland[^] that is a rare habitat* or threatened habitat* • The take must not be from any rare habitat*, threatened habitat* or at-risk habitat* • The take must not lower the water[^] level in any wetland[^] that is a rare habitat* or threatened habitat* • There must be a means of controlling the rate of flow where a bore* would otherwise be free-flowing, and water[^] must not be allowed to run to waste. • The water[^] must be used on the property*. • The Regional Council must be notified in writing of the location of the take, the maximum instantaneous rate of take

		and the intended use of water [^] .
Greater Wellington		
Regional Freshwater Plan	Regional Rules	<p>9.6.2 Methods (including Regional Rules)</p> <p>If this Plan did not contain any rules, all abstractions of fresh water (except those taken for an individual's reasonable domestic needs, the reasonable needs of an individual's animals for drinking water, and for fire fighting purposes) would require a resource consent. Thus, a rule is included to facilitate minor takes and uses of fresh water which have few, if any, environmental effects. The rule allows minor takes as permitted activities.</p> <p>Permitted Activities</p> <p>Rule 7 Minor abstractions</p> <p>The taking or use of less than 20,000 litres per day of fresh water (including fresh water from any aquifer), other than the taking of water from the Lower Hutt Groundwater Zone, is a Permitted Activity, provided that it complies with the conditions specified below.</p> <p>Conditions</p> <ul style="list-style-type: none"> • The water shall be taken at a rate of no more than 2.5 litres per second. • In the case of groundwater, there are no adverse effects on the take from adjacent bores. • There shall be no more than one abstraction point serving the land described in a particular certificate of title. • Fish, including small fish, are prevented from entering the reticulation system.
Tasman District Council		
TRMP	Chpt 31	<p>31.1.2.1 Permitted Activities (Take, Diversion or Use from Fresh or Inshore Coastal Water)</p> <p>The taking, diversion or use of water, including freshwater, coastal water or water stored in a dam, for any purpose, including for domestic water supply, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions: (a) Except as provided for in condition (n), the amount taken and used for stock drinking water is not limited.</p> <p>The taking and use of water from a dam impoundment or a pond or reservoir is not limited, provided:</p> <ul style="list-style-type: none"> • the take is from a constructed dam impoundment, pond or reservoir, but not including a take from an impoundment created by a weir; • fish and eels are prevented from entering the reticulation system; • water to a depth of 1 metre is retained over 5 percent of the impoundment area to provide for eel survival. • the dam impoundment, pond or reservoir was existing as at 31 March 2012. • the take and use of the water is for irrigation, and information is provided to Council on request to show the area irrigated, and that the application rate is appropriate for the soil type being irrigated including as specified in Figure 31.1D in rule 31.1.2.2.

		<ul style="list-style-type: none"> the person taking and using the water is the legal owner of the dam impoundment, pond or reservoir or has a legal access easement. where a take from the dam exceeds the quantities specified in Figure 31.1A, there is an applicable permit either to take and use, or to dam the water.
Marlborough District Council		
M- Sounds Resource Management Plan	Chpt 3	<p>26.1.1.1 Permitted Activities</p> <p>The taking or use by any person of up to 15m³ per day of freshwater from a groundwater body not directly hydraulically linked to a surface waterbody in respect of any activity provided for in the Plan is a Permitted Activity.</p> <p>The taking or use of water for an individual's reasonable domestic needs, or the reasonable needs of an individual's animals for drinking, from any naturally occurring surface waterbody, is a Permitted Activity.</p>
Nelson District Council		
Nelson Plan		<p>DO18.ii</p> <p>The Maitai and Roding Rivers are used for public water supply, while many of the smaller streams are used for irrigation and private water supplies. Most rivers are also used directly or indirectly for stock drinking water. Keeping enough water in Nelson's rivers to maintain their healthy state is the reason for setting limits on how much water can be taken out of them for other uses.</p> <p>DO18.3.10 Permitted abstractions</p> <p>Abstractions from surface water and groundwater will be permitted for:</p> <ul style="list-style-type: none"> reasonable domestic water needs in the Rural Zone, and reasonable stock water needs for drinking water fire fighting <p>but domestic takes should not occur in areas where reticulated supply is supplied to the site.</p>
Environment Canterbury		
Canterbury Land and Water Regional Plan	Rules 5.111-5.115	<p>5.111 The take and use of water from a river, lake or an artificial watercourse is a permitted activity, provided the following conditions are met:</p> <p>1. The total take and use per site: (a) is less than the following rates and volumes:</p> <ul style="list-style-type: none"> Water body -7DMALF - Rate - Volume per day <ul style="list-style-type: none"> River - < 100 L/s - 0.5 L/s - 2 m³ River 100 – 500 L/s 2 L/s 10 m³ River 500 L/s – 10 m³/s 5 L/s 20 m³ River 10 – 20 m³/s 5 L/s 50 m³

		<ul style="list-style-type: none"> ○ River >20 m³/s 5 L/s 100 m³ ○ Artificial watercourse N/A 5 L/s 10 m³ ○ Lakes N/A 5 L/s 50 m³ <p>(b) for rivers where the 7DMALF is unable to be calculated, is at a rate of less than</p> <ul style="list-style-type: none"> • 5 L/s and a maximum volume of 10 m³ per day; and • Fish are prevented from entering the water intake as set out in Schedule 2; and • Where the take is from a waterbody with a minimum flow that is set in Sections 6 to 15, the take of water for other than an individual's reasonable domestic and stock-water use ceases when the flow is at or below the minimum flow for that waterbody, as measured by the Canterbury Regional Council; and • The take is not from any river or part of a river that is subject to a Water Conservation Order; and • Where the take is from a water race, irrigation or hydro-electricity canal or storage facility, the abstractor holds a current written agreement with the holder of the resource consents for the taking of water into the water race, canal or storage facility; and • The take is not from the Avon River/Ōtākaro or Heathcote River or a wetland or ahāpua. <p>5.112 The take and use of water from any river or part of a river, or lake, that is subject to a Water Conservation Order is a restricted discretionary activity, provided the following conditions are met:</p> <ul style="list-style-type: none"> • The take is at a rate of less than 5 L/s and a maximum volume of 100 m³ per day; and • Fish are prevented from entering the water intake as set out in Schedule 2; and • The take of water for other than an individual's reasonable domestic and stockwater use ceases when the flow is at or below the minimum flow for that waterbody as set out in the relevant Water Conservation Order; and • The take and use of water complies with, in combination with all other takes, the environmental flow and allocation limits as set out in the relevant Water Conservation Order. <p>5.113 The taking and using of less than 5 L/s and 10 m³ per day of groundwater is a permitted activity, provided the following condition is complied with:</p> <ul style="list-style-type: none"> • The bore, other than a sampling or monitoring bore, is located more than 20 m from the site boundary where that adjoining site is in different ownership, or any surface waterbody. <p>5.114 The taking and using of less than 5 L/s and more than 10 m³ but less than 100 m³ per day of groundwater is a permitted activity, provided the following conditions are complied with:</p> <ul style="list-style-type: none"> • The site is more than 20 ha in area; and • The bore is located more than 20 m from the site boundary where that adjoining site is in different ownership or any surface waterbody. <p>5.115 The taking and using of water for a community water supply from groundwater or surface water is a restricted discretionary activity, provided the following conditions are complied with:</p>
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