

5.6 Water allocation

Interpretation

If an activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource, rather than a more general rule. ~~This does not apply w~~Where a proposal includes a number of activities which trigger separate specific rules. ~~In that case,~~ all of the relevant¹ rules are considered when assessing the proposal. An activity needs to comply with all relevant rules in the Plan, including those in the whaitua Chapters 7 – 11.²

For the purposes of these rules, ‘water’ means both fresh water and coastal water.

RulesProvisions relevant to the coastal marine area are identified by this icon . As noted in Sections 2.1 and 2.1.3, due to the integrated nature of the Plan, provisions marked with the coastal icon are also relevant to activities related to air, land and water outside of the coastal marine area where the regional council has jurisdiction.³

Under section 86B of the Resource Management Act 1991 all rules have immediate legal effect from 31 July 2015. The associated definitions, schedules and maps applicable to those rules also have immediate legal effect.

The following table is intended as a guide only and does not form part of the Plan. Refer to specified rules for detailed requirements.

Code	Activity status
P	Permitted
C	Controlled
RD	Restricted discretionary
D	Discretionary
NC	Non-complying
Pr	Prohibited

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¹ S42A Report: Water quality, Issue 10.1

² S42A Report: Overall policy framework of the proposed Plan, Issue 1.3

³ S42A Report: Overall policy framework of the proposed Plan, Issue 1.2

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5.6.1 Water allocation other methods

The Wellington Regional Council will promote sustainable water management through Method M1, M2, M6, M7, M13, M17, M18, and M19.

5.6.2 Take and use of water

In addition to the rules in Section 5.6.2, rules in chapters 7 to 11 of the Plan on the take and use of water also apply.

The take and use of water for:

- reasonable domestic needs or reasonable needs for animal drinking is provided for by section 14(3)(b) of the RMA and the taking or use does not, or is not likely to have an adverse effect on the environment, and
- emergency or training purposes in accordance with section 48 of the Fire and Emergency New Zealand Act 2017 is provided for by section 14(3)(e) of the RMA

Rules R136, R137, R138, R139, R140, R141 and R142 provide for water to be taken and used in addition to those purposes.⁴

Rule R136: Take and use of water – permitted activity

The take and use of water from a **surface water body** (other than a **water race** that is permitted by Rule R138) or groundwater is a permitted activity, provided the following conditions are met:

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

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

- (b) the take of groundwater does not adversely affect reliability of supply from properly constructed, efficient and fully functioning nearby **bores**, and

⁴ S42A Report: Water allocation, Issue 2.6

- (c) where the take and use is from **surface water body**, a fish screen with a minimum mesh size of 3mm shall be installed to prevent fish entering the intake ~~fish are prevented from entering the water intake~~⁵, and
- (d) the water is not taken from a **natural wetland**, or from within 50m of a **natural wetland**, and
- (e) no water shall run to waste, and
- (f) at the written request of the Wellington Regional Council a water meter is installed and daily water use records are kept and provided to the Wellington Regional Council.

Note

~~Section 14(1)(b) of the Resource Management Act 1991 provides for firefighting and an individual's reasonable domestic needs and the reasonable needs of an individual's animals for drinking water. The take and use does not, or is not likely to, have an adverse effect on the environment.~~⁶

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

The take and use of water from a **surface water body** (other than a **water race** that is permitted by Rule R138) or groundwater for the purpose of farm dairy washdown and milk cooling on a dairy milking platform is a permitted activity, provided the following conditions are met:

- (a) the take shall be for a single **property**, and
- (b) the total take shall be no more than 70L per day per head stock unit⁷ based on the maximum herd size on the **property** at any time during the three years prior to the date of public notification of the Proposed Natural Resources Plan (31.07.2015), and
- (c) the take of groundwater does not adversely affect reliability of supply from properly constructed, efficient and fully functioning nearby **bores**, and
- (d) where the take and use is from **surface water body**, a fish screen with a minimum mesh size of 3mm shall be installed to prevent fish entering the intake ~~fish are prevented from entering the water intake~~⁸, and
- (e) the water is not taken from a **natural wetland**, or from within 50m of a **natural wetland**, and

⁵ S42A Report: Water allocation, Issue 2.6

⁶ S42A Report: Water allocation, Issue 2.6

⁷ S42A Report: Water allocation, Issue 2.6

⁸ S42A Report: Water allocation, Issue 2.6

- (f) all practicable measures for recycling of uncontaminated ~~washdown milk-cooling~~⁹ water are implemented, and
- (g) at the written request of the Wellington Regional Council a water meter is installed and daily water use records are kept and provided to the Wellington Regional Council.

Note

Water taken for farm dairy washdown and cooling water may be taken in addition to water taken under Rule R136.

In respect of condition (b) the Wellington Regional Council holds a record of the maximum herd size on the **property** using information obtained from the property owner in compliance with a resource consent obtained under Rule R83.

Rule R138: Water races – permitted activity

The take and use of water from a **water race** by a single property (that is not already permitted by Rule R136 or Rule R137) shown on Map 28¹⁰ is a permitted activity, provided the take and use is authorised within the ~~by a~~ resource consent held by the territorial authority controlling the **water race**.

Note

Water races shown on Map 28 are under territorial authority control and the approval of the relevant territorial authority is required to take water from a **water race**.

Rule R139: Pumping test – permitted activity

The take and use of water from groundwater and the associated diversion and discharge of groundwater or contaminants for the purpose of carrying out a **pumping test** is a permitted activity, provided the following conditions are met:

- (a) the take continues only for the time required to carry out the **pumping test** and does not exceed 120 hours and totals no more than 10 days in any consecutive 12 month period per **bore**, and
- (b) any **pumping test** is carried out in accordance with Schedule T (pump test), and
- (c) records (including electronic copies) of the **pumping test** are provided to the Wellington Regional Council within one month of completion of the **pumping test**, and
- (d) there is no flooding beyond the boundary of the **property**, and
- (e) a discharge to water, or onto or into land where it may enter water meets the conditions of Rule R42.

⁹ S42A Report: Water allocation, Issue 2.6

¹⁰ S42A Report: Water allocation, Issue 2.6

Rule R140: Dewatering – permitted activity

The ~~use of land, the~~ take of groundwater and the associated diversion and discharge of that water for the purpose of **dewatering** a site (including the use of land associated with well pointing)¹¹, ~~including but not limited to, maintenance, excavation, construction or geotechnical testing~~¹², is a permitted activity, provided the following conditions are met:

- (a) the take continues only for the time required to carry out the work but does not exceed one month, and
- (b) the take and diversion and discharge is not from, onto or into **contaminated land** or potentially contaminated land, and
- (c) the take does not cause ground subsidence, and
- (d) the take does not deplete water in a **surface water body**, and
- (e) there is no flooding beyond the boundary of the **property, and**
- (f) a discharge to water, or onto or into land where it may enter water meets the conditions of Rule R42¹³, and
- (g) where the dewatering is located within a **community drinking water supply protection area** shown on Map 27a, Map 27b or Map 27c, or the Hutt Valley aquifer system shown on Map XX, any construction or removal of building foundations or earth retention structures or excavation (permanent or temporary) associated with the dewatering does not exceed a depth of 5m below the natural ground level.¹⁴

Note

~~Discharges to water, or onto or into land where it may enter water related to dewatering are provided for by Rule R42.~~

Rule R140A: Take and use of water from a water storage facility

The take and use of water from a water storage facility located outside a river bed, is a permitted activity provided the take and use of water to fill the storage facility is authorised by a resource consent or Rule R136.¹⁵

Rule R140B: Dewatering – restricted discretionary activity

The take of groundwater and the associated diversion and discharge of that water (including the use of land associated with well pointing) for the purpose of **dewatering** a site that is not permitted by Rule R140 is a restricted discretionary activity, provided the following condition is met:

¹¹ RoR Report: Water allocation, Section 9.6

¹² S42A Report: Water allocation, Issue 4.2

¹³ S42A Report: Water allocation, Issue 4.2

¹⁴ RoR Report: Water allocation, Section 9.6

¹⁵ S42A Report: Water allocation, Issue 2.5

- (a) where the dewatering is located within a **community drinking water supply protection area** shown on Map 27a, Map 27b or Map 27c, or the Hutt Valley aquifer system shown on Map XX, any construction or removal of building foundations or earth retention structures or excavation (permanent or temporary) associated with the dewatering does not exceed a depth of 5m below the natural ground level.

Matters for discretion

1. Duration, location, volume and rate of take, diversion or discharge
2. Quality of the discharge
3. Effects of land subsidence
4. Interference effects on lawfully existing water takes
5. Effects on **surface water bodies**
6. Effects of contamination on land, soil and water
7. Measuring, monitoring and reporting¹⁶

Rule R141: Take and use of water – controlled activity

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

- (a) the take and use was in existence on a **property** less than 20ha in size at the date of public notification of the Proposed Natural Resources Plan (31.07.2015), and
- (b) the total take and use per **property**, in combination with permitted activity Rule R136, shall not exceed 20m³ per day¹⁷ at a rate of no more than 2.5L/s, and
- (c) the take of groundwater does not adversely affect reliability of supply from properly constructed, efficient and fully functioning nearby **bores**, and
- (d) where the take and use is from **surface water body**, a fish screen with a minimum mesh size of 3mm shall be installed to prevent fish entering the intake~~fish are prevented from entering the water intake~~¹⁸, and
- (e) the water is not taken from a **natural wetland** or within 50m of a **natural wetland**, and
- (f) no water shall run to waste.

Matters of control

1. Supply and contents of water use records

¹⁶ RoR Report: Water allocation, Section 9.6

¹⁷ S42A Report: Water allocation, Issue 2.6

¹⁸ S42A Report: Water allocation, Issue 2.6

Rule R142: All other take and use – discretionary activity

The take and use of water that would otherwise contravene sections 14(2) or 14(3) of the Resource Management Act 1991 and is not a permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activity is a discretionary activity.

5.6.3 Transferring water permits

Rule R143: Temporary water permit transfers – controlled activity

The transfer of the whole or part of a water permit for the take and use of water to another location for a period of no more than one year is a controlled activity, provided the following conditions are met:

- (a) the transfer is:
 - (i) within the same **catchment management sub-unit** for takes within the Ruamāhanga Whaitua (chapter 7), or
 - (ii) within the same **catchment management unit** for takes within any other **whaitua** (chapters 8-11), and
- (b) does not transfer the water take from groundwater to a river, and
- (c) all parties to the transfer shall have the same or equivalent metering and reporting requirements as in the parent/original permit, and
- (d) the reliability of supply for existing lawfully established water takes is not reduced, and
- (e) the take shall not occur when flows or water levels fall below the **minimum flows or water levels** in chapters 7-11 of the Plan, and
- (f) there is no increase in saline intrusion into the **aquifer**, or landward movement of the salt water/fresh water interface.

Matters of control

1. The timing, amount and rate of water transferred
2. The duration of the transfer permit
3. Measures to ensure the reasonable and efficient use of water
4. Matters relating to any conditions of the parent/original water permit
5. Reduction in the rate of take at times of low flow

Rule R144: Transferring water permits – restricted discretionary activity

The transfer of the whole or part of a water permit for the take and use of water that does not meet the conditions of Rule R143 or that is for a period of more than one year is a restricted discretionary activity, provided the following conditions are met:

- (a) the transfer is:
 - (i) within the same **catchment management sub-unit** for takes within the Ruamāhanga Whaitua (chapter 7), or
 - (ii) within the same **catchment management unit** for takes within any other **whaitua** (chapters 8-11), and
- (b) the reliability of supply for existing lawfully established water takes is not reduced, and
- (c) the take shall not occur when flows or water levels fall below the minimum flows or water levels in chapters 7-11 of the Plan, and
- (d) there is no increase in saline intrusion into the **aquifer**, or landward movement of the salt water/fresh water interface.

Matters for discretion

1. The reasonable and efficient use of water, including the criteria identified in Schedule Q (efficient use)
2. The timing, amount (volume) allocated, rate of taking and using water including instantaneously (L/s) and daily (m³/day), daily and seasonal requirements, and the duration and timing of peak daily take rate
3. Reduction in the rate of take from surface water ~~and directly connected groundwater~~ Category A groundwater and Category B groundwater¹⁹ at times of low flow, and restrictions when rivers approach or fall below **minimum flows or water levels**²⁰, including the guideline for **stepdown allocation** and flows in Schedule R (stepdown guidelines)
4. Effects due to local flow or water level depletion on wetlands, springs or the immediate downstream river reaches in the management unit
5. Interference effects on existing lawful water takes
6. For **surface water bodies**, preventing fish from entering the water intake
7. For groundwater, preventing saline intrusion into the **aquifer**, or landward movement of the salt water/fresh water interface
8. The duration of the permit
9. Measuring and reporting, including the guideline in Schedule S (measuring takes).

¹⁹ Response to Minute #21, Final Joint Witness Statement -Table 4.1, Reclassification Schedule and Allocation amounts, Hearing 3, 30 November 2017

²⁰ S42A Report: Water allocation, Issue 2.3

Rule R145: Transferring water permits – discretionary activity

The transfer of the whole or part of a water permit for the taking and use of water that does not meet the conditions of Rule R144 is a discretionary activity.

5.6.4 Bore construction or alteration

Rule R146: ~~Geotechnical~~ investigation and monitoring²¹ bores – permitted activity



The use of land and the associated diversion and discharge of water or contaminants for the drilling, construction or alteration of a **geotechnical investigation bore** for the purpose of investigation or monitoring the conditions below the ground surface is a permitted activity, provided the following conditions are met:

- (a) Where the bore is not located within a community drinking water supply protection area shown on ~~Map 26~~, Map 27a, Map 27b, or Map 27c, the depth below ground level will not exceed 5m, and
- (b) there is compliance with the *NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock*, and
- (c) a Wellington Regional Council bore/well log form is submitted to the Wellington Regional Council within one month of the bore being constructed, and
- (d) there is no flooding beyond the boundary of the **property, and**
- (e) Where the bore is located within the Hutt Valley aquifer zone shown on Map XX the depth below ground level will not exceed 5m on land or 5m below the seabed in the coastal marine area, and
- (f) a discharge to water, or onto or into land where it may enter water meets the conditions of Rule R42, and
- (g) Where the bore is located within the coastal marine area, the activity shall comply with the coastal management general conditions specified in Section 5.7.2, excluding conditions (b) and (c), and
- (h) The bore shall be decommissioned in accordance with NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock as soon as practical after the investigation and monitoring is completed, and
- (i) the bore is not associated with hydrocarbon exploration or production.

Note

For contaminated land site investigation bores Rule R54 also applies.

²¹ S42A Report: Water allocation, Issue 4.1

Rule R146A: Construction and excavation activities greater deeper than 5m below ground level in community drinking water supply protection areas and²² the Hutt Valley aquifer system – discretionary activity

The use of land within a community drinking water supply protection area shown on Map 27a, Map 27b or Map 27c, and²³ the Hutt Valley aquifer system shown on Figure XX for the construction or removal of building foundations and earth retention structures or excavation (permanent or temporary) where the depth below the natural ground level exceeds 5m including any associated:

- (a) diversion of water, or
- (b) dewatering, or
- (c) discharge of water and contaminants

is a discretionary activity.²⁴

Rule R147: Drilling, construction or alteration of any bore – controlled activity



The use of land and the associated diversion and discharge of water or contaminants for drilling, construction or alteration of a **bore** (other than a ~~geotechnical investigation²⁵ bore~~ ~~(other than a geotechnical investigation bore that is not permitted by Rules R146, or R148A)²⁶~~) is a controlled activity, provided the following conditions are met:

- (a) the **bore** is not associated with hydrocarbon exploration or production, and
- (b) the bore is constructed and operated in accordance with the *NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock*

Matters of control

1. Compliance with the *NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock*
2. **Bore** location, size (including diameter of the **bore** casing), casing type²⁷ and depth
3. **Bore** screening depth and type
4. Backflow prevention methods
5. Information requirements including **bore** logs, piezometric levels, groundwater tests, and **bore** construction details

²² RoR Report: Water allocation, Section 9.6

²³ RoR Report: Water allocation, Section 9.6

²⁴ S42A Report: Water allocation, Issue 4.1

²⁵ S42A Report: Water allocation, Issue 4.1

²⁶ RoR Report: Water allocation, Section 9.1

²⁷ S42A Report: Water allocation, Issue 4.1

6. Management of the effects of any discharge of contaminants

Rule R148: Drilling, construction or alteration of any bore – discretionary activity



The use of land and the associated diversion and discharge of water or contaminants for drilling, construction or alteration of a **bore** that is not permitted by Rule R146 or controlled by Rule R147 is a discretionary activity.

Rule R148A: Decommissioning or sealing of bores – permitted activity



The decommissioning or sealing of a bore is a permitted activity, provided the following conditions are met:

- (a) The bore is decommissioned in accordance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock, and
- (b) Bores shall be backfilled and sealed at the surface to prevent contamination of groundwater, and
- (c) Bores intersecting groundwater shall be sealed to prevent the vertical movement of groundwater and to permanently confine the groundwater to the specific zone (or zones) in which it originally occurred, and
- (d) Backfill materials, where used between permanent seals, shall consist of clean sand, coarse stone, clay or drill cuttings. The material shall be non-toxic, and
- (e) Decommissioning shall be undertaken by a suitably qualified person, and
- (f) The Wellington Regional Council shall be advised of any bores that are decommissioned and if requested, be supplied with details of how the bore was decommissioned.