



Report 10.283
Date 20 May 2010
File ENV/5/1/24

Committee Regulatory
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Regulations on the measurement and reporting of water takes

1. Purpose

To inform the committee of proposed regulations adopted by Cabinet that will require holders of water take consents to measure and report the amount taken.

2. Significance of the decision

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

3. Background

Accurate, complete and current water information is critical in establishing a water management system in which water is effectively allocated and efficiently used. Without accurate information on water use we cannot get a true picture of the extent and availability of our water resources and how it is used. Essentially, we cannot manage what we don't measure.

Our work on the Wairarapa Groundwater Model and Instream Flows, both projects critical to providing information to the plan review, has had to rely on limited information regarding water data takes, or on information that we have collected over a short time frame then extrapolating this to a longer term.

The region's water resources are coming under increasing pressure with much of the groundwater and surface water close to or at full allocation. Demand is not decreasing and this picture is being repeated nationally.

Against this background a discussion paper was released in late 2006 to begin the process of putting in place a National Environmental Standard (NES) for water measuring devices with the objective of requiring consent holders to install water meters to record water takes. This process has culminated with

Cabinet agreeing that regulations be drafted on the metering and reporting of consented water takes. (The Cabinet paper can be found at <http://www.mfe.govt.nz/cabinet-papers/regulations-on-the-measurement-reporting-of-water-takes.html>)

The regulations will come into force 28 days after they are gazetted. A likely timeline for gazetting is not available; however, it is possible that gazetting will be as early as July 2010.

4. Why a regulation and not a standard

Regulations will be made under the RMA (section 360(1)(d)) in place of the proposed National Environmental Standard for Measurement of Water Takes.

The change of approach was in response to concerns from submitters (particularly regional councils) about the costs and delays associated with the consent review process required under the NES approach. Regulations made under section 360(1)(d) of the RMA apply directly to existing consents without the need for a review of individual consents. When compared to the NES approach, the proposed regulations incur lower implementation costs to councils and communities, achieve more consistent outcomes, and provide a simpler regulatory framework.

5. Summary of the proposed regulations

5.1 What the regulations would cover

The proposed regulations would require water permit consent holders who take five litres per second or more to collect and report records subject to the minimum requirements listed in Appendix 1 of this report. Measurement would be required at the point where water is taken from a river, lake or groundwater system.

In summary, the requirement is that continuous records of daily volumes are collected via an appropriate meter with the data transferred to the regional council on at least an annual basis. The meter must meet an accuracy standard, be properly installed and calibrated independently at least every five years.

The responsibility for recording and transferring data to the regional council rests with the consent holder, and that data is transferred to the regional council in the form of either manual or electronic records, as elected by the regional council.

Councils may apply more stringent requirements on consent holders, such as the ability to require measurement of water takes below five litres per second or further requirements for measurement over the minimum standards specified by the regulations.

The regulations would apply immediately to 'replaced' consents (renewal of existing consents), with a transition for new consented takes depending on rate of take commencing two years after the regulations take force. More information about the transitional period is in Attachment 1.

5.2 Water takes not covered by the regulations

The proposed regulations would not apply to water takes that are specifically permitted by the RMA (and hence do not require consent). These include:

- Takes for an individual's domestic purposes
- Takes for animals' drinking water
- Takes for fire-fighting
- Any takes which are permitted by regional plans

Because the regulations would require measurement at the point where water is taken, they would not apply to individual households or businesses that source water from a reticulated supply.

6. Implications for Greater Wellington

While the responsibility to measure and record water takes and transferring this information to the regional council rests on the consent holder there are nevertheless implications for councils. There is an implicit obligation to:

- Have in place a system to accept, retain and retrieve water quantity information, namely a water meter data management system
- Ensure compliance with the regulations

6.1 Data management

We anticipated some time ago Greater Wellington's need to be ready to implement water metering regulations. Additional budget was made available through the Long Term Council Plan to provide for a water meter data management system with such a system to be installed this financial year. This has been deferred to next financial year to enable competitive systems to be properly evaluated – the impending regulation has brought additional providers to the market.

Our preference is that water meter data is transferred to us electronically, ideally through a telemetered system but at least through a portal that integrates directly with our database. The default position, paper records being submitted annually in a range of formats, would be extremely resource inefficient and has the potential for delivery of poor quality data.

Even with records being submitted electronically, an implication of the proposed regulations is that resources will need to be allocated to ensure that data is quality checked and saved in a form that it is of future value.

Some councils are going further than just providing a portal and encouraging, through subsidy, the direct telemetering of data, for instance carrying the communications costs for an initial period. Communication costs are of the order of \$10 per month¹. Telemetering of data, although a cost to set up for the consent holder, eliminates the need (and cost) to read meters daily and then go through the process of transferring to the database.

¹ Assuming 600 water takes annual cost is \$72,000

6.2 Implications for processing consents and monitoring compliance

Table 1 shows the number of consents in the Wellington region which are already required to have meters and the number that will require meters to be installed, indicating that we are in a strong position to implement the proposed regulations.

Table 1: Existing and transitional requirements of the proposed regulations on consent holders

	Groundwater takes	Surface water takes
No. of consents where meters are already required to be installed as consent conditions	305	106
No. of consents where meters required for take greater than 20 litres/sec (within 2 years)	24	40
No. of consents where meters required for take between 10 and 20 litres/sec (within 4 years)	38	37
No. of consents where meters required for take between 5 and 10 litres/sec (within 6 years)	26	12

Over the past few years we have required water meters to be installed for 411 existing consents and replacement consents we have issued. This means that a relatively small number (30%) of consent holders will be fully impacted by the proposed regulations over the six year transition period.

In a number of cases, existing consents will expire and require replacing prior to the date where the regulations will apply. This means it is likely that water meters will be installed prior to the statutory timeframe specified in the regulations.

Currently recording of water use on existing water meters ranges from an annual reading of the water meter, to requiring transfer of automatic data through GW's telemetry system. Once the regulations are gazetted we will be advising consent holders who are required to have water meters installed that they:

- Have a functioning meter that complies with the regulations
- Record water usage on a daily basis - submitting records to us at the end of the compliance year
- Submit records electronically, and
- Be encouraged to install a telemetered data recording system on their meter or submit records on a more frequent than annual basis through the data entry portal

We are also looking to undertake targeted inspections of water meters in areas with high allocations to ensure the high risk catchments have operational water meters. The remaining areas will be monitored on a three yearly basis.

7. **Communication**

No specific communications are needed for this report but a targeted communications strategy involving communications with consents holder and media will be developed to be in place when the regulations are in force.

8. **Recommendations**

That the Committee:

1. ***Receives the report.***
2. ***Notes the content of the report.***

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Attachment 1: Proposed requirements under the Regulations on the Measurement and Reporting of Water Takes