

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. Where a proposal includes a number of activities which trigger separate specific rules, all of the relevant 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.

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

As noted in Section 2.1 provisions relevant to the coastal marine area are identified by this icon .

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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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.

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
- (c) where the take and use is from a **surface water body**:
 - (i) a fish screen with a ~~minimum~~-maximum mesh size of 3mm shall be installed to prevent fish entering the intake, and
 - (ii) the fish screen shall be constructed of smooth material to prevent damage to any fish coming into contact with the screen, and
 - (iii) the fish screen shall be placed parallel to river flow and located to minimise the length of river bed affected by its placement, 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.

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 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 a **surface water body**:
 - (i) a fish screen with a ~~minimum~~-maximum mesh size of 3mm shall be installed to prevent fish entering the intake, and

- (ii) the fish screen shall be constructed of smooth material to prevent damage to any fish coming into contact with the screen, and
- (iii) the fish screen shall be placed parallel to river flow and located to minimise the length of river bed affected by its placement, and
- (e) the water is not taken from a **natural wetland**, or from within 50m of a **natural wetland**, and
- (f) all practicable measures for recycling of uncontaminated milk-cooling 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) is a permitted activity, provided the take and use is authorised within the 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.

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

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.

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 day 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 a **surface water body**:
 - (i) a fish screen with a ~~minimum~~ maximum mesh size of 3mm shall be installed to prevent fish entering the intake, and
 - (ii) the fish screen shall be constructed of smooth material to prevent damage to any fish coming into contact with the screen, and
 - (iii) the fish screen shall be placed parallel to river flow and located to minimise the length of river bed affected by its placement, 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

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.

Rule R140: Dewatering – permitted activity

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), 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 discharge point is not located within 20m of a bore used for water abstraction for potable supply or stock water;
- (c) the take and diversion and discharge is not from, onto or into ~~contaminated land~~ or partially contaminated land:
 - (i) SLUR Category III land, or
 - (ii) within a community drinking water supply protection area shown on Maps 27a, 27b or 27c, or
 - (iii) land where an activity or industry described in the Ministry for the Environment *Hazardous Activities and Industries List 2011* is, or has been undertaken, and
- (d) the take does not cause ground subsidence, and
- (e) the take does not deplete water in a **surface water body**, and
- (f) there is no flooding beyond the boundary of the **property**, and
- (g) where a discharge is to water, or ~~onto or into~~ to land where it may enter a **surface water body**; ~~water meets the conditions of Rule R42,~~
 - (i) at the point of discharge the quality of the discharge shall not exceed:
 1. 50g/m³ of total suspended solids where the discharge is to a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified significant wetlands), Schedule F4 (coastal sites) or Schedule H1 (contact recreation); or
 2. 100g/m³ of total suspended solids where the discharge is to any site or habitat not referred to in condition (i); or

3. the maximum acceptable value (MAV) for any determinand in the Drinking-Water Standards New Zealand 2005 (Revised 2008) in a community drinking water supply protection area shown on Map 26, and
 - (ii) after the zone of reasonable mixing, the discharge shall not cause:
 1. a value in Schedule W for the protection of 99% of species to be exceeded in a river identified in Schedule F1(rivers/lakes) having high macroinvertebrate community health; or
 2. a value in Schedule W for the protection of 95% of species to be exceeded in any other river or lake; and
- (h) where a discharge is onto or into land where it may enter groundwater within a **community drinking water supply protection area** shown on Maps 27a, 27b or 27c, the quality of the discharge at the discharge point shall not exceed the maximum acceptable value (MAV) for any determinand in the Drinking-Water Standards New Zealand 2005 (Revised 2008), and
- (i) 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~~ Aquifer Protection Zone shown on Map 30aA, 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.

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:

- (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~~ Aquifer Protection Zone shown on Map 30aA, 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 reporting

Note

Dewatering activity that does not comply with Rule R140B is managed under Rule R146A.

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 minimum 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 minimum 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 **Category A groundwater** and **Category B groundwater** at times of low flow, and restrictions when rivers approach or fall below **minimum flows or minimum water levels**, including the guideline for **stepdown allocation** and flows in Schedule R (stepdown guidelines)
4. Effects due to local flow or water level depletion on **natural 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)-

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, alteration or decommissioning

Rule R148A: Decommissioning or sealing of bores – permitted activity



The use of land for 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.

Rule R146: Investigation and monitoring 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 **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 located within a **community drinking water supply protection area** shown on 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 Protection Zone shown on Map 30a 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.

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** that is not permitted by Rules R146, or R148A 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, operated and/or decommissioned 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 type 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
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 and/or decommissioning of a **bore** that is not permitted by Rule R146 or controlled by Rule R147 is a discretionary activity.

Rule R146A: Construction and excavation activities deeper than 5m below ground level in community drinking water supply protection areas and the Hutt Valley Aquifer Protection Zone – discretionary activity

The use of land within a **community drinking water supply protection area** shown on Map 27a, Map 27b or Map 27c, and the Hutt Valley aquifer system shown on Map 30B 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.