

# Water allocation



# Order of presentations

- **Paula Hammond** – planning context for water allocation
- **Brydon Hughes** – expert evidence related to the form and content of the conjunctive management framework
- **Kristina Carrick** – resource consent processing perspective
- **Mark Gyopari** – expert evidence related to the conjunctive management framework
- **Mike Thompson** – expert evidence related to minimum flows and allocation

# RMA - definitions

## Water

means water in all its physical forms whether flowing or not and whether over or under the ground

Includes fresh water, coastal water, and geothermal water

Does not include water in any form while in any pipe, tank, or cistern

# RMA Part 3 – duties and restrictions

**Section 14** – take, use, dam or divert water – restrictive

**Section 14(3)(b)** permits the taking or use of fresh water for:

- an individual's reasonable domestic needs and
- the reasonable needs of a person's animals for drinking water

and the taking or use does not, or is not likely to, have an adverse effect on the environment.

**Section 14(3)(e)** permits the taking or use of water for emergency or training purposes in accordance with section 48 of the Fire and Emergency New Zealand Act 2017.

# Regional council functions

## **Section 30(e) of RMA**

control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body, including

- the setting of any maximum or minimum levels or flows of water
- the control of the range, or rate of change, of levels or flows of water

# Regional council functions

## **Section 30(fa) of RMA**

if appropriate, the establishment of rules in a regional plan to allocate any of the following:

- the taking or use of water (other than open coastal water)
- the taking or use of heat or energy from water (other than open coastal water)

# National Policy Statement for Freshwater Management

Requires regional councils to establish objectives and limits for fresh water in their regional plans

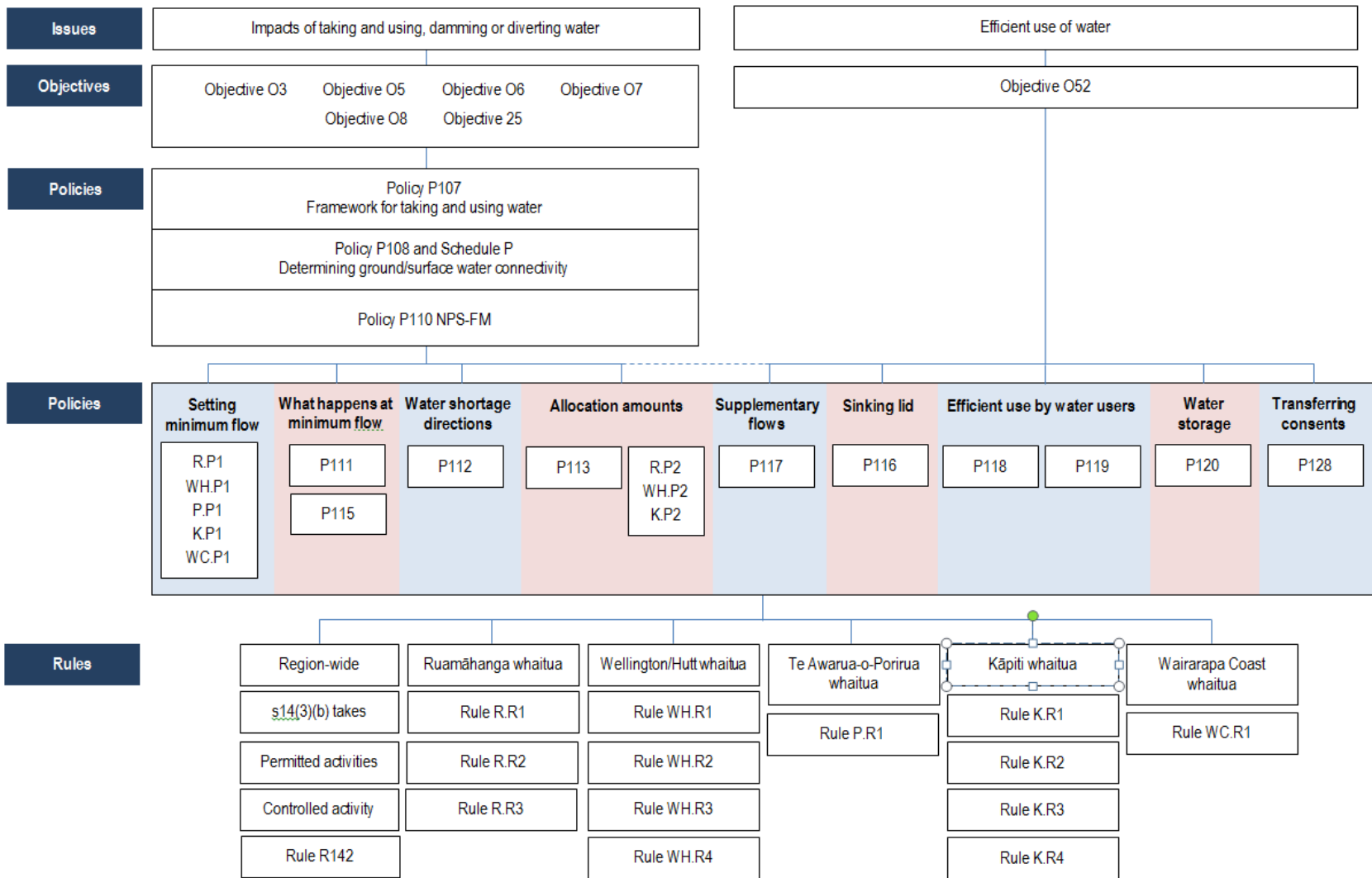
Policy B7 included in proposed Plan as Policy P110

Amendments to NPS-FM include a requirement for regional councils to consider how to enable communities to provide for their economic well-being, including productive opportunities, while managing within limits

# Plan framework







# Plan objectives – relevant to water allocation

**Objective O3** - **Mauri** is sustained and enhanced, particularly the **mauri** of fresh and coastal waters.

**Objective O5** - Fresh water bodies and the coastal marine area, as a minimum, are managed to:

- safeguard **aquatic ecosystem health** and **mahinga kai**, and
- provide for contact recreation and **Māori customary use**, and
- in the case of fresh water, provide for the **health needs of people**.

**Objective O6** - Sufficient water of a suitable quality is available for the **health needs of people**.

**Objective O7** - Fresh water is available in quantities and is of a suitable quality for the reasonable needs of **livestock**.

# Plan objectives – relevant to water allocation

**Objective O8** - The social, economic, cultural and environmental benefits of taking and using water are recognised and provided for within the Plan's allocation framework.

**Objective O25** - To safeguard **aquatic ecosystem health** and **mahinga kai** in fresh water bodies and coastal marine area:

- water quality, flows, water levels and aquatic and coastal habitats are managed to maintain **aquatic ecosystem health** and **mahinga kai**, and
- **restoration** of **aquatic ecosystem health** and **mahinga kai** is encouraged, and
- where an objective in Tables 3.4, 3.5, 3.6, 3.7 or 3.8 is not met, a fresh water body or coastal marine area is improved over time to meet that objective

# Plan objectives – relevant to water allocation

## Objective O52

The efficiency of allocation and use of water is improved and maximised through time, including by means of:

- efficient infrastructure, and
- **good management practice**, including irrigation, domestic municipal and industry practices, and
- maximising reuse, recovery and recycling of water and contaminants, and
- enabling water to be transferred between users, and
- enabling water storage outside river beds.

# Policies

**Policy P107** sets the overall structure for water allocation in the proposed Plan and recognises:

- groundwater and surface water connectivity
- the take and use of water does not exceed allocation amounts
- minimum flow provisions provided for in the proposed Plan

# Schedule P

Classifying and managing groundwater and surface water connectivity

- Category A – directly connected to surface water
- Category B – directly or not directly connected to surface water
- Category C – not directly connected to surface water

Related to maps and tables in Ruamahanga,  
Wellington Harbour and Hutt Valley and Kapiti Coast  
Whaitua chapters

# Policies

## **Policy P108**

provides for groundwater that has direct connection to surface water to be managed within the same allocation as for surface water and groundwater not directly connected to surface water to be managed within the groundwater allocations.

## **Policy P110**

required by the NPS-FM to be included in regional plan.

# Minimum flow or water level - interpretation

The flow or water level at which abstraction from a river or **groundwater directly connected to surface water** is restricted by Wellington Regional Council (or required to cease). The flow in a river or water level in a lake may naturally drop below the interim **minimum flow or water level** following the restriction/suspension of abstractions.



# Policies – Minimum flow

**Policies R.P1, WH.P1, P.P1, K.P1 and WC.P1** set minimum flow and water levels

**Policies P111 and P115** provide for certain takes below minimum flows

**Policy P112** provides direction on the priorities of water in times of drought and serious water shortage

# Interpretation

## Core allocation

The maximum amount of water that can be taken by all resource consents within a **catchment management unit** or **catchment management sub-unit**, other than the amount allowed by **supplementary allocation**.

## Supplementary allocation

In addition to **core allocation**, an amount of water available for taking and use by resource consents at times when the river is above the median flow.

# Interpretation

## **Median flow**

If the full flow record for a river is ranked from lowest to highest flows, the median flow is the middle of those ranked values. That is the median is the flow rate that is exceeded 50% of the time.

## **Flushing flow**

High river flows, usually associated with rainfall, which flush out the river system..... References in provisions to 'frequency of flushing flows' is to the average annual frequency of flows that exceed three times the median flow

# Policies - Allocation

**Policy P113** sets the default allocation amounts for rivers and their tributaries that are not list in Rules R.R1, WH.R1 and K.R1 in the whaitua chapters of the plan

**Policies R.P2, WH.P2 and K.P2** state the maximum amount of water available for allocation in the whaitua areas shall not exceed whichever is the greater of:

- The total amount allocated by resource consents at the time the resource consent application is lodged, or
- The allocation amounts provided for in Tables 7.3 – 7.5, Tables 8.2 and 8.3 and Tables 10.2 and 10.3.

# Policies - Allocation

## Policy P114

sets priority for allocation when the total take and use of water exceeds the **core allocation**

## Policy P117

provides for water to be taken when a river is above median flow provided flushing flows and a portion of flow above median flow remains in river to meet Objective O25

## Policy P122

requires the take and use of water to provide for variable river flows

# Unused water – Interpretation

Where more than 25% of the maximum daily amount of water allocated to a person for use on a property they own or have an interest in, but not including water that is transferred for use at another location by means of a transfer permit, is demonstrated to not be used over a period of two consecutive years



# Policies – Efficient allocation

## Policy P116

water that becomes available from resource consents that are surrendered, lapsed, cancelled or not replaced, is not reallocated if the **core allocation** is exceeded

## Policy P118

water taken through resource consents shall be reasonable and used efficiently

## Policy P119

**unused water** to be reallocated to the same user, provided the consent holder can demonstrate how the unused water will be used within four years

# Policies – Water storage

## **Policy P120**

considers that taking water for storage outside a river bed, at flows above median flow, is appropriate, provided Policy P117 is satisfied



# Policies – Transfer of permit

## **Policy P128**

provides for the transfer of the whole or part of the total amount allocated by a resource consent to take and use water provided certain conditions are met

# Rules – Chapter 5.6

Permitted and controlled activities apply across the region (i.e. in the whaitua areas)

The permitted and controlled activities are in addition to the 14(3)(b) and 14(3)(e) takes permitted by the RMA

The transfer rules also apply across the region

# Rules – Permitted activities

Rule R136: Take and use of water

Rule R137: Farm dairy washdown  
and milk-cooling water

Rule R138: Water races

# Rules – Controlled activity

Rule R141: Take and use of water

# Rules – Discretionary activity

Rule R142: All other take and use

# Rules – Transfer of permit

Rule R143: Temporary water permit transfers – controlled activity

Rule R144: Transferring water permits - restricted discretionary activity

Rule R145: Transferring water permits - discretionary activity

# Ruamāhanga Whaitua chapter

Policy R.P1 – Minimum flow

Policy R.P2 – Allocation

Policy P.R3 – Cumulative effects on river reaches

Rule R.R1 – restricted discretionary activity

Rule R.R2 – discretionary activity

Rule R.R3 – prohibited activity

# Wellington Harbour and Hutt Valley Whaitua and Kāpiti Coast Whaitua

Policies WH.P1 and K.P1- Minimum flow

Policies WH.P2 and K.P2 – Allocation

Rules WH.R1 and K.R1 – restricted discretionary activity

Rules WH.R2 and K.R2 – discretionary activity

Rules WH.R3 and K.R3 – non-complying activity

Rules WH.R4 and K.R4 – prohibited activity

# Porirua and Wairarapa Coast Whaitua

Policies P.P1 and WC.P1 – Minimum flows

Policy P113 – Allocation

Rules P.R1 and WC.R1 – discretionary activity



# Matters in contention or requiring clarification

- Definition of MALF and how it has been used in the proposed Plan
- The inclusion of reliability in Objective O52; the use of the word maximised in Objective O52; and deletion of Objective O52 to be replaced by a framework for the take and use of freshwater

# Matters in contention or requiring clarification

The framework for taking and using water including:

- setting of values, allocation limits and minimum flows
- how the allocation limits apply to existing consents
- which takes and uses are subject to minimum flows
- The application and appropriateness of the efficiency criteria including the matters described in Schedule Q

# Matters in contention or requiring clarification

- The implications of the prohibited activity rules for the take and use of water in the Ruamāhanga Whaitua, Wellington Harbour and Hutt Valley Whaitua and the Kāpiti Coast Whaitua.
- Categorisation of groundwater and its connectivity to surface water, particularly in the Lower Ruamāhanga Zone and the evidence required to show a particular take does not have the expected stream depletion effects.