



# **Section 32 Evaluation Report: Region-wide Water Quantity - Proposed Plan Change 9 to the Regional Water and Land Plan**

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**Disclaimer**

*This report was adopted by Bay of Plenty Regional Council on 9 August 2016. Since that date, reformatting and minor editorial changes have been made to the provisions in Proposed Plan Change 9. Those editorial changes were not material and this report has also been revised to incorporate that reformatting and editorial changes. For the avoidance of doubt, this report should be read alongside the notified version of Proposed Plan Change 9.*



## Executive summary

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The Regional Water and Land Plan, Plan Change 9, marks the start of the Bay of Plenty Regional Council implementing the National Policy Statement: Freshwater Management 2014 (NPSFM). It addresses regional issues of allocating water and is a step forward in regional water management. The Plan Change sets up a metering and reporting framework, strengthens the framework for decision-making based on clearer interim limits to allocation, and improves efficiency of allocation and use. Plan Change 9 identifies the region's Water Management Areas (WMA) and sets up a policy framework for working with tāngata whenua and the community on local water quantity planning actions.

The regional water quantity issues are largely driven by water demand. Demand is broad, and includes providing for economic uses such as irrigation and hydro-generation, and also providing for the environmental, social and cultural values people hold. In the Bay of Plenty, the increasing pressure on water highlights the lack of information about water taken, the lack of a clear policy that provides Council with the means of denying a consent application in an over-allocated catchment, and the deficiency in scientific research to provide certainty around the condition of water resources – particularly groundwater. Part 2 of this report describes the regional uses and pressures on water.

Water management issues are not unique to the Bay of Plenty. The NPSFM recognises water management as a matter of national significance, and is designed to address these national issues at a regional level through WMA (a WMA will likely contain several Freshwater Management Units). The Plan Change has been assessed as moderate scale and low to moderate significance. The costs to individuals are relatively low, mostly around metering and reporting. The Plan Change looks for long term solutions, such as adhering to allocation limits. Arguably the biggest change will be how people see their rights to using water. A shift in attitude is necessary to achieve the purpose of the RMA – promoting the sustainable management of natural and physical resources – and to give effect to the NPSFM.

Reliable and timely water use data provided to Council in a secure form (e.g. telemetry) is essential to good management of the resource. Metering and reporting will provide the basis for the success of most other policies in the Plan Change. Water use data is necessary for water accounting – a requirement of the NPSFM. It will enable the transfer of consents. Water use data is necessary for managing river and stream levels in low flow periods, and is important to ensure compliance with consent conditions. Ultimately metering and reporting helps Council to ensure that the economic, environmental, social, and cultural values that people hold for water are maintained.

The policy options evaluated in the s32 include:

- Metering and reporting water use. This option contributes to efficient allocation and use of water, ensures water takes are authorised and accounted for, and is necessary for water accounting.
- Guidance for resource consent transfers. This option contributes to efficient allocation.
- Reduction of the permitted activity groundwater limit for small properties. This option assists in managing groundwater abstraction at a sustainable rate.
- Registration of permitted activity takes, and metering of takes where the permitted activity plus the s14(3)(b) take exceeds the permitted activity limit. This option contributes to efficient allocation and is needed for water accounting.

- Introduction of a controlled activity for renewal of existing municipal consents. This option recognises the social, cultural and economic benefits of municipal water, including the economic investment associated with them. The option requires a Water Management Plan to assist in achieving water use efficiency.
- Introduction of a controlled activity to bring existing unauthorised dairy shed water into the consenting regime. This option provides a time-limited opportunity for current unauthorised dairy shed takes. It ensures that water takes in the region are authorised and accounted for, and is needed for water accounting.
- Identification of actions and priorities during times of low flows and low aquifer levels. This option aims to manage abstraction at a sustainable volume and rate, avoiding adverse effects when rivers, streams and aquifers are at low flow. It safeguards the economic, environmental, social and cultural values of the region's rivers and streams and the integrity of groundwater aquifers.
- Reinforcement of existing limits for allocation of surface and groundwater to avoid further over-allocation. This approach supports the WMA process and limits the level of phasing out over-allocation that may be required (under the NPSFM). The option contributes to efficient allocation and use of water, while managing surface and groundwater abstraction at a sustainable volume and rate. The option helps to maintain the economic, environmental, social, cultural and economic values held for water.
- Clarification of the process for *renewing* consents for hydroelectric generators. This option recognises the value of hydroelectric power schemes as a renewable energy source. It recognises economic, environmental, social and cultural benefits of water for hydroelectric generation.
- Guidance for the WMA process and requirements. A framework is essential to ensure a regionally consistent approach to issues such as over-allocation.

Part 8 of this report describes the efficiency and effectiveness of these policy options.

Where information about an issue is insufficient or incomplete, Section 32 of the RMA requires Council to assess the risk of acting or not acting. Inevitably information is incomplete. In this Plan Change, incomplete information actual water use and groundwater science, but in most cases there is sufficient information to indicate that Council should act. Information gaps will be addressed through new policies in the Plan Change.

Council staff have identified the water quantity issues faced by the region, established objectives to address those issues, and considered policy options to achieve the objectives. This has been presented to the community via a Draft Plan Change, and feedback has helped to shape this Plan Change. Council has heard, through a series of workshops, the issues, objectives and options, and has directed staff to provide additional research to ensure robust consideration of options. The result is the Proposed Plan Change.



# Part 1: Introduction

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Plan Change 9 to the Regional Water and Land Plan marks the beginning of the Bay of Plenty Regional Council's implementation of the National Policy Statement: Freshwater Management 2014 (NPSFM), and addresses regional issues relating to water allocation. Plan Change 9 is an important step forward in regional water management. The Plan Change sets up a metering and reporting framework, strengthens the framework for decision-making based on clearer interim limits to allocation, and improves efficiency of allocation and use. Plan Change 9 identifies the region's Water Management Areas (WMA) and sets up a policy framework for working with tāngata whenua and the community on local water quantity planning actions

In August 2015 the Draft Plan Change was released for feedback. The feedback was reported to Regional Direction and Delivery Committee (RDD) on 16 February 2016 and Komiti Māori 12 April 2016. Updates have been provided to the Regional Water Advisory Panel, co-governance forums and the Territorial Local Authority Freshwater Collaboration Group. Subsequently two RDD workshops have provided staff with direction regarding the preparation of the Plan Change for adoption.

## 1.1 Background

Freshwater is essential to life. It is a resource and a life source. Freshwater is vital for the health of our people and communities and the life-blood of the natural environment. Freshwater is essential to support our agricultural, horticultural, commercial, industrial and recreational activities. The demands on our freshwater resources are increasing. While our water resources are renewable, they are finite.

The Bay of Plenty Regional Council is responsible for sustainably managing the water in the region. This involves managing activities that affect surface water flows and groundwater levels (for example, who takes water and how much is taken) while ensuring sufficient water remains in the river or groundwater aquifer.

Iwi and hapū have a kinship relationship with the natural environment, including freshwater, through shared whakapapa. Iwi and hapū recognise the importance of fresh water in the supporting a healthy ecosystem, including human health, and have a reciprocal obligation to protect freshwater quality. Māori also have interest in the use of freshwater resources.

Increasing demand for water for domestic, industrial, agricultural, horticultural and other uses means Council must be clear about how much water can be taken from the region's water bodies. The NPSFM and the operative Regional Policy Statement require the Council to set water allocation limits that take into account economic, cultural, social, and environmental values.

The Council is responding to a requirement to improve freshwater management and allocation in the Bay of Plenty region. This necessitates changes to the Regional Water and Land Plan.

## 1.2 Section 32 requirements<sup>1</sup>

Section 32 is an important part of ensuring clear, robust decision-making. It provides a process for critical evaluation of proposals, and a transparent way to assess the risks, costs and benefits of new policies and rules.

Council is required by Section 32 of the Resource Management Act (RMA) to evaluate the purpose of the proposal, along with the proposed policies and methods (including rules). The evaluation must:

- Assess the scale and significance of the problem or issue,
- Examine whether the objectives of the proposal (or Plan Change) are the most appropriate way to achieve the purpose of the RMA,
- Examine whether the proposed approach is the most appropriate way of achieving the objective,
- Identify and assess the benefits and costs of the new policies and rules on the community, the economy and the environment,
- Assess the effectiveness of the new policies and rules, including identifying assumptions and risks,
- Assess the risks of acting or not acting if there is uncertain or insufficient information.

In addition to the Section 32 requirements, this report documents the process undertaken to prepare the Plan Change (including engagement with the community).

This report must be made available for public inspection at the same time the Plan Change is notified.

## 1.3 Plan Change overview

The NPSFM sets out objectives for achieving the national values for freshwater and directs regional councils to manage water in an integrated and sustainable way. The Regional Policy Statement directs the council to manage water efficiently and effectively, including setting and applying allocation limits, reviewing resource consents and ensuring water availability.

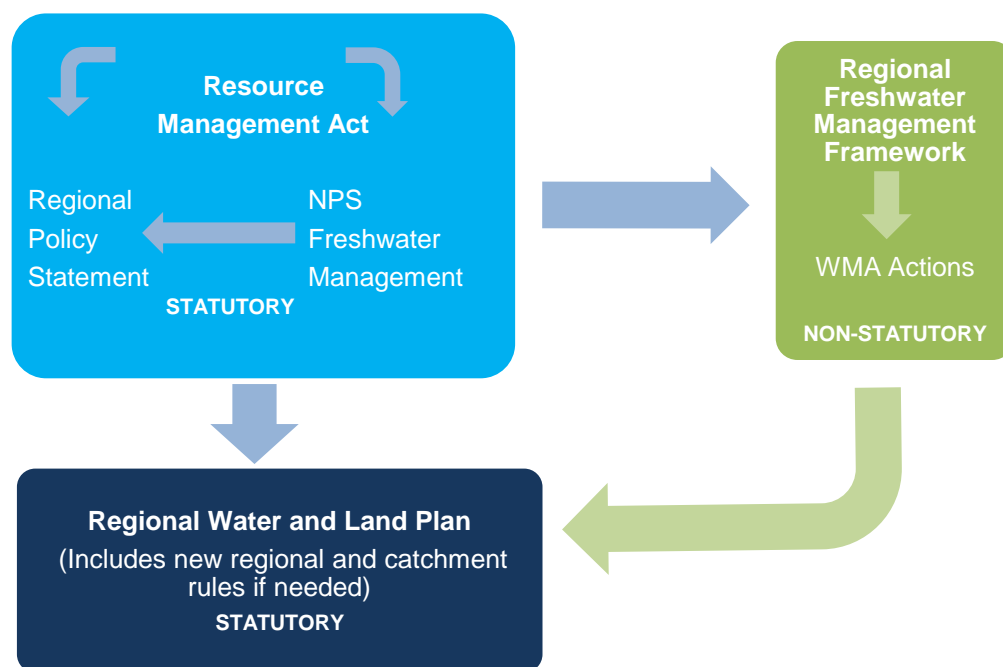
This Plan Change will improve the way water is allocated and used across the region through changes to policies and rules in the Regional Water and Land Plan (RWLP). It precedes the process to establish tāngata whenua and community values for freshwater bodies, and establish objectives and limits in relation to those values, as required under the NPSFM. This process will result in further changes to the RWLP.

Specifically, the Plan Change involves changes to Section 5.1 (Water Quantity Policies), Section 9.6 (Rules), Schedule 7, and the Definition of Terms in the RWLP. The Plan Change includes some new and amended issues, objectives policies, methods, and rules.

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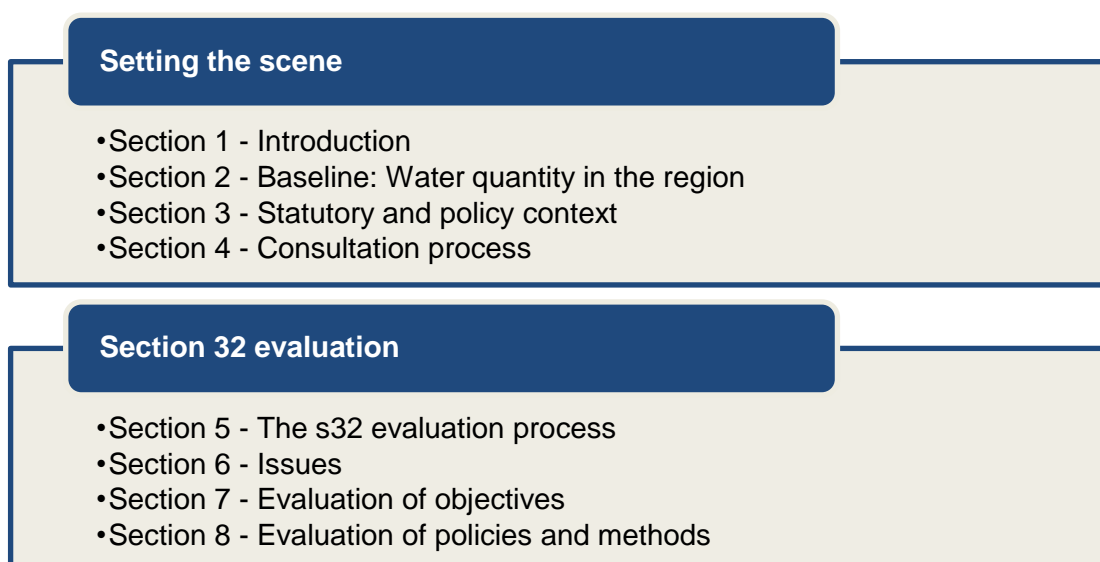
<sup>1</sup> See Appendix 1 for full wording of Section 32 of the RMA.

## The policy context<sup>2</sup>



### 1.4 Report structure

This report is structured as follows:



#### 1.4.1 Revised Numbering Protocol

Bay of Plenty Regional Council is in the process of revising the format of the Regional Water and Land Plan, to be consistent with the approach taken in the Regional Policy Statement. When Council approved Plan change 9 for notification it also requested that the plan change be notified in the revised format. To ensure that readers are able to compare the notified plan change with the draft and operative plan provisions the following table can be used:

<sup>2</sup> BOPRC (2015a).

<b>PROVISION</b>	<b>DRAFT</b>	<b>NOTIFIED IN PROPOSED PLAN CHANGE 9</b>
Issue	29	WQ I1
	30	WQ I2
	31	WQ I3
	32	WQ I4
	33	WQ I5
	34	WQ I6
	34A	WQ I7
	34B	WQ I8
	34C	WQ I9
	34D	WQ I10
	34E	WQ I11
Objective	39	WQ O1
	40	WQ O2
	41	WQ O3
	42	Deleted
	43	WQ O4
	44	WQ O5
	45	WQ O6
	46	WQ O7
	46A	WQ O8
	46B	WQ O9
	46C	WQ O10
	46D	WQ O11
Policy	64	WQ P1
	64A	WQ P2
	64B	WQ P3
	65	WQ P4
	66	WQ P5
	67	WQ P6
	67A	WQ P7
	67B	WQ P8
	68	WQ P10
	68A	WQ P18
	69	WQ P19
	69A	WQ P20
	69B	WQ P21
	70	WQ P11
	70A	WQ P22
	71	Deleted
	72	WQ P12
	73	WQ P13
	73A	WQ P23
	73B	WQ P24
	74	WQ P9
	75	WQ P14
	76	WQ P25
	76A	WQ P26
	77	WQ P27
	78	WQ P15
	78A	WQ P16
	79	WQ P17
	80	WQ P29
	80A	WQ P30
	80B	WQ P31
	80C	WQ P28
Method	152	Deleted

<b>PROVISION</b>	<b>DRAFT</b>	<b>NOTIFIED IN PROPOSED PLAN CHANGE 9</b>
	153	WQ M1
	154	Deleted
	155	Deleted
	156	WQ M2
	157	WQ M3
	158	WQ M4
	159	Deleted
	160	Deleted
	161	Deleted
	162	Deleted
	163	Deleted
	164	WQ M5
	165	WQ M6
	166	Deleted
	167	WQ M7
	168	Deleted
	169	Deleted
	170	Deleted
	171	WQ M8
	172	WQ M9
	173	Deleted
	174	Deleted
	175	Deleted
	176	Deleted
	177	Deleted
	178	Deleted
	179	Deleted
	180	Deleted
	181	Deleted
	182	Deleted
	183	Deleted
	184	Deleted
	185	Deleted
Rule	38	WQ R1
	38A	WQ R2
	41	WQ R3
	41A	WQ R4
	41B	WQ R5
	41C	WQ R6
	41D	WQ R8
	41E	WQ R7
	41F	WQ R9
	42A	WQ R10
	43	WQ R11
Note:	Rule 41E = RDA for existing irrigation deleted	



## Part 2: Baseline: Water quantity in the region

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### 2.1 Surface water and groundwater terminology

Surface water is all the water we can see, and includes rivers, streams, lakes, drains, ponds, springs and wetlands.

Groundwater is rainwater that has travelled through the soil to underground aquifers. Rainfall, along with the geology/soil type, topography and temperature influences the amount of water that percolates (recharges) into an aquifer system.<sup>3</sup>

An aquifer is a body of permeable rock, for example, unconsolidated gravel or sand stratum, that is capable of storing significant quantities of water, is underlain by impermeable material and through which groundwater moves. An unconfined aquifer is one in which the water table defines the upper water limit. A confined aquifer is sealed above and below by impermeable material. A perched aquifer is an unconfined groundwater body supported by a small impermeable or slowly permeable unit.<sup>4</sup>

### 2.2 Regional Water and Land Plan: Allocation

#### 2.2.1 RMA s14(3)(b) takes

Section 14(3)(b) of the RMA allows for the take and use of freshwater<sup>5</sup> for:

- (i) *An individual's reasonable domestic needs; or*
- (ii) *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).

#### 2.2.2 Permitted takes

*Note: This section refers to provisions in the operative Regional Water and Land Plan. The numbering protocol of the Operative Plan is used.*

People taking and using water may take a reasonable volume for the purposes of (a) and/or (b) above, plus an additional volume as permitted by Rule 38 (Groundwater) or Rule 41 (Surface Water) in the RWLP.

*Rule 38 Permitted – Take and Use of Groundwater*

*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.*

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<sup>3</sup> Barber and Harvey (2013, piii).

<sup>4</sup> BOPRC (2008, p426).

<sup>5</sup> Excludes geothermal water (greater than 30 degrees Celsius).

*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:*

- (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 L/sec or 10% of the estimated five year low flow (Q<sub>5</sub> 7-day low flow) at the point of abstraction, whichever is 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:*
  - (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 not in the tidal area of a river or stream.*
- (f) The intake velocity through the screen shall not exceed 0.3 metres per second.*

The intent of these rules for permitted takes is to allow for minor takes of surface and groundwater 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 surface or groundwater systems. The permitted take limits are likely to be sufficient for dairy shed wash down for small dairy farms, horticultural spray makeup and irrigations of garden/small glasshouse operations.

The existing daily permitted take is higher for groundwater than for surface water...*to encourage people to use groundwater, and reduce abstraction pressure on surface water bodies (particularly small streams).*<sup>6</sup> The 2014 BOPRC report on groundwater limits states:

*...at the time that the RWLP became operative, groundwater was considered to be a plentiful freshwater resource. This was based on perception rather than science.*<sup>7</sup>

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<sup>6</sup> BOPRC (2008, p243).

<sup>7</sup> BOPRC (2014a, p9).



### Permitted Activity and RMA Section 14(3)(b) water takes

The number and volume of permitted activity (under Rule 38 and Rule 41 of the RWLP) and RMA s14(3)(b) water takes in the region is unknown, due to the nature of permitted activities. Council has not been able to confidently estimate these takes.<sup>8</sup>

Research into permitted activity and s14(3)(b) water takes in the Waikato region showed a large variation in the amount of water taken per property. In sub-catchments with a high proportion of dairy farms the permitted activity and s14(3)(b) were estimated to be more than 100 percent of the allocable flow. In sub-catchments dominated by drystock, the estimated s14(3)(b) take was relatively low. Permitted activity takes dominated in the Coromandel catchments because of relatively high levels of household takes.<sup>9</sup>

For the Waikato catchments the characteristics of the takes follow a significant pattern. For the majority (60%), less than 15% of the allocable flow was taken by permitted activity and s14(3)(b) takes. In 16% (32) of the catchments, 50% of the allocable flow was taken by these takes, and in 8% (16) of catchments, more than 100 percent of the allocable flow was taken by permitted activity and s14(3)(b) takes.

The Waikato modelling shows that the nature of water takes is important. In the Bay of Plenty the good soil and climate, and the large and growing number of small properties suggests that permitted activity takes could be a threat to existing water users and to community values for fresh water.

#### **2.2.3 Surface water allocation limits**

The RWLP does not specify minimum flows for any streams other than the Waitahanui Stream. For all other surface water sources, allocation is reliant on Method 179 which establishes the default in stream minimum flow of 90% of  $Q_5$  7-day low flow, enabling 10% of the in stream minimum flow to be allocated to users.<sup>10</sup> The RWLP provides a methodology for setting stream specific minimum flows based on maintaining ecological, landscape, recreational and Māori customary values and traditional instream uses of a stream or river reach.<sup>11</sup>

The allocable flow, based on the default method, is measured in litres per second from each water source, and enables a comparison with water allocated through resource consents. In effect this is the total amount of water that would be abstracted from each surface water body if every consent holder simultaneously exercised their right to take water. This is unlikely and does not reflect the fact that in the case of a number of resource consents the allowable rate of take enables the total daily volume to be taken in a few hours. In addition the allocation limit of 10% of  $Q_5$  7-day low flow is considered to be a conservative limit. However, given that current allocation data does not include unauthorised, permitted, or s14(3)(b) takes,

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<sup>8</sup> Council developed a model to estimate permitted activity and s14(3)(b) takes (BOPRC, 2014c). Modelling used assumptions about household size, property size, land use type and access to water to estimate use of surface and groundwater for agriculture, dairy sheds and domestic (Aqualinc, 2015). A subsequent field study suggested the number of users may be lower than modelled, but did not investigate the volume of use (BOPRC, 2015e). Work continues in this area.

<sup>9</sup> WRC (2007)

<sup>10</sup> The  $Q_5$  7-day low flow is the lowest flow of a river, stream or water body over a seven day period that has a 20% chance of occurring in 1 year. Equally, it is the lowest flow averaged over seven days that could be expected to occur once in five years.

<sup>11</sup> BOPRC (2008)

and that more than 60% of surface water bodies are allocated above this limit (90% of Q<sub>5</sub>7-day low flow), a minimum flow can be breached especially under drought conditions when maintenance of stream flows is most critical.

The Waitahanui Stream has an instream minimum flow specified in the RWLP set as a result of a study using a habitat modelling program to identify the minimum flow on that waterway for existing aquatic ecosystems.<sup>12</sup> The study was a response to the stream's over-allocated status and the high demand for resource consent renewals. The Plan Change will replace this minimum flow with the default 10% Q<sub>5</sub> 7-day low flow due to concerns about how Māori values were taken into account, changing the allocation status from under to over allocated. New limits will be established by the Water Management Area (WMA) process.

### Surface water consents status

The Bay of Plenty has 95 surface water bodies (Figure 1), of which there are adequate flow records for two-thirds. Twenty-seven water bodies with consented water takes have insufficient flow records to calculate the 10% Q<sub>5</sub>7-day low flow and therefore no allocation assessment has been possible.

Of the 66 water bodies with flow records, two-thirds (41) have allocation levels above the default allocable flow. These are generally small streams of which 10 have a single consented take that was granted prior to the enactment of the RMA.

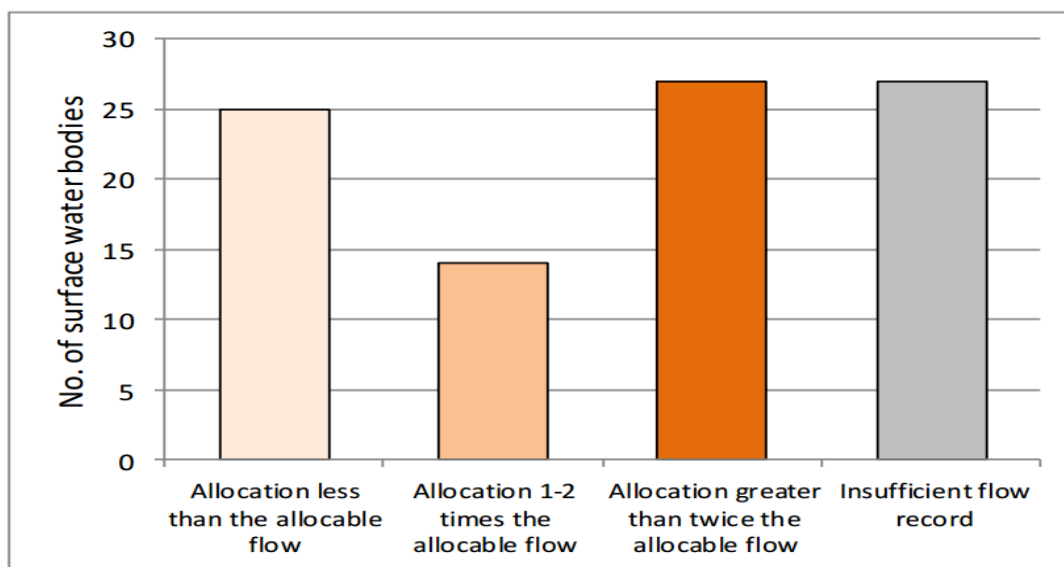


Figure 1 Allocation status for surface water bodies.<sup>13</sup>

Under the status quo, the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010<sup>14</sup> (national water metering regulations) apply to water users of more than 5 L/s. Under these regulations all consented water users taking 5 L/second or more will be required to meter takes (continuous measurements), keep daily records in cubic metres and provide annual records to Council.

<sup>12</sup> Wilding (2000).

<sup>13</sup> Water Allocation Status report (BOPRC, 2013e) provides greater detail about the water bodies.

<sup>14</sup> Ministry for the Environment (2010). Also refer to Section 3.2.3 and Appendix 2 of this report for more information about the national metering and reporting regulations.

While the national water metering regulations automatically apply to consent holders, Council has little ability to require additional reporting of resource consents issued prior to the RMA. Two-thirds (210) of the surface water consents in the Bay of Plenty are for more than 5 L/s, but one-third of those (72) are pre-1991 (Table 1). Council cannot impose conditions on pre-RMA consents to make them more restrictive than the national regulations until they are renewed in 2026, or prior to that if the user applies for a change in conditions.

Table 1 Surface water consents, age and metering.

	Resource consents	Pre-1991	Metered
<5 L/sec	96	70 (Y)	4 (Y)
			66 (N)
		26 (N)	18 (Y)
			8 (N)
5 L/sec +	210	72 (Y)	36 (Y)
			36 (N)
		138 (N)	123 (Y)
			15 (N)

### Monitoring surface water

Many of the water bodies in the region are fully or over-allocated based on the 10% Q<sub>5</sub> 7-day low flow default limit. For example, of the 20 water bodies in the Northern/Central Tauranga catchment, 15 have the Q<sub>5</sub> level established, and of those, 14 (93%) are fully- or over-allocated (Table 2).

Table 2 Summary of the allocation status of water bodies by area.

River/Stream/Lake/ Catchment	Total water bodies in area	Number of water bodies where Q <sub>5</sub> established	Percentage of water bodies where Q <sub>5</sub> established that are fully or over-allocated
Northern/Central Tauranga	20	15	93%
Southern Tauranga Harbour	11	7	57%
Te Puke/Kaituna	13	11	45%
Lake Rotorua	10	6	50%
Lake Rotoiti	1	0	-
Waitahanui/Tarawera	7	6	33%
Lower Rangitāiki/ Whakatāne	10	4	50%
Upper Rangitāiki	9	8	88%
Ōpōtiki	6	3	67%
East Cape – Whanarua Bay	6	3	67%
East Cape – Mangatoetoe	1	-	-

River/Stream/Lake/ Catchment	Total water bodies in area	Number of water bodies where Q <sub>5</sub> established	Percentage of water bodies where Q <sub>5</sub> established that are fully or over-allocated
Motiti Island	1	-	-

Information about quantity and quality of surface water sources is based on flow recording and gauging as well as estimations based on catchment size and characteristics. The regional monitoring network comprises:

- 43 river level monitoring stations (continuously monitored).
- 25 river flow monitoring stations (continuously monitored).
- 22 sites monitored monthly by gauging which coincides with water quality sampling.

In addition to this site information, Council has access to data gathered by NIWA across 14 additional sites (mostly river level and flow).

#### 2.2.4 Groundwater allocation limits

In the absence of allocation limits in the RWLP, the groundwater allocation in the Bay of Plenty is provisionally set at no more than 35% of average annual recharge. This figure is taken from the Proposed National Environmental Standard on Ecological Flows and Water Level (NES). Groundwater available for allocation has been calculated in accordance with figures in the NES and resource investigations carried out by GNS science to set the allocation volume for each groundwater catchment.<sup>15</sup>

The NES also sets an allocation level for coastal aquifers (predominately sand) of 15% of the average annual recharge for shallow coastal aquifers. This is not used in the Bay of Plenty region. The term 'coastal aquifer' was not defined in the NES and it is not clear what characteristics warranted a different limit. It is assumed that the intent of the NES in specifying *coastal aquifers* is to manage the perceived risk of salt water intrusion. However, the limit the NES suggests does not relate to the depth, extent, type, pressure-head, or any saltwater-freshwater interface of the aquifer. Therefore, this matter will be dealt with in the future for each of the relevant WMAs.

#### Groundwater resource consents status

The Bay of Plenty Water Allocation Status Report<sup>16</sup> records that of the 92 groundwater catchments and zones that are currently assessed, 59 (64%) have 0-70% of allocable flow consented as water takes (Figure 2). Nineteen (21%) have allocation levels above the allocable flow. Most of these (15) are in recharge areas where groundwater was allocated to resource consent holders before the importance of these areas was recognised. The GNS Science report recommended against any allocation in the recharge areas. The Water Allocation Status Report (2013) lists these as having no water available for allocation.

<sup>15</sup> Barber and Harvey (2013, p5).

<sup>16</sup> BOPRC (2013e).

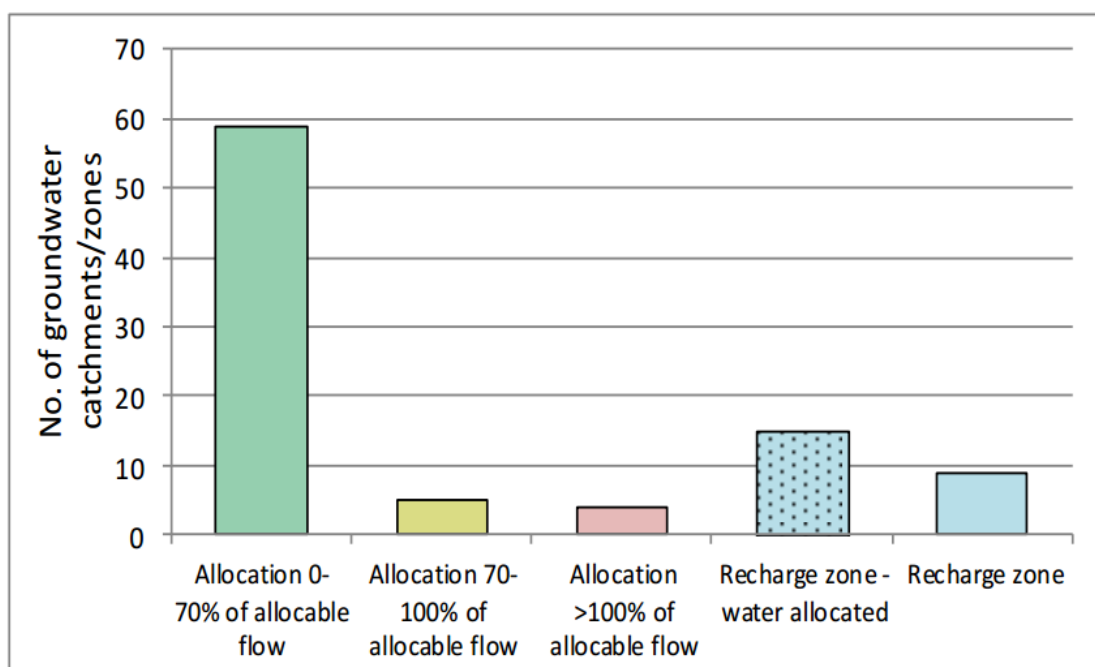


Figure 2 Allocation status for groundwater assessed against allocable flow (35% of average annual recharge).<sup>17</sup>

The national water metering regulations apply to groundwater, and require all consented water users of 5 L/s or greater to take continuous measurements of their takes, to keep (auditable) daily records in cubic metres taken, and to report to Council annually. As with surface water, these regulations apply to resource consents issued prior to 1991 and Council has no ability under the regulations to require metering of consent holders using less than 5l/s. This is close to half the total groundwater resource consents (Table 3).

Table 3: Groundwater resource consents, age and metering.<sup>18</sup>

	Resource consents	Pre-1991	Metered
<b>&lt;5 L/sec</b>	342	256 (Y)	18 (Y)
			238 (N)
		86 (N)	67 (Y)
			19 (N)
<b>5 L/sec +</b>	323	80 (Y)	33 (Y)
			47 (N)
		243 (N)	225 (Y)
			17 (N)

<sup>17</sup> BOPRC (2013e).

<sup>18</sup> Two of the post-1991 resource consents do not have a rate listed in the database. An assumption was made that these are greater than 5 L/s.

## Monitoring groundwater systems

The Bay of Plenty Council monitors eight of the nine groundwater systems. Some of the aquifer systems have only limited monitoring (Table 4).

Table 4 Groundwater systems monitored.<sup>19</sup>

Groundwater system	Groundwater level only	Groundwater quality only	Water level and groundwater quality
Tauranga group sediments	16	2	8
Waiteariki Ignimbrite	6	4	1
Aongatete Ignimbrite	5	0	1
Waiteariki/Aongatete Ignimbrite	6	0	0
Mamaku Plateau Formation	1	0	1
Whitianga Group	0	1	0
Pokai and older volcanics	0	0	1
Matahina Ignimbrite	0	0	1
Minden Rhyolite/other volcanics	0	0	2
<b>Total</b>	<b>34</b>	<b>7</b>	<b>15</b>

The NERMN (Natural Environmental Regional Monitoring Network) Groundwater Monitoring Report (2013) reported that of 54 water level monitoring bores assessed, 12 (22%) showed localised decline in the aquifer, 32 (59%) were stable, and 10 (19%) had increasing water levels. The declines may indicate that the use of groundwater in those areas exceeds the ability for the aquifer to recharge before intensive pumping recommences. An alternative explanation is structural conditions within the aquifer. Without water use data or targeted hydraulic testing the reason for the decline in water level cannot be determined with certainty. Stable levels indicate that the groundwater use is probably sustainable. Increasing volumes could be due to several things, such as reduced groundwater use (e.g. reduced irrigation of kiwifruit due to less land in kiwifruit as a result of *Pseudomonas syringae pv. actinidiae* (Psa)), better rainfall discharge in the area, land use change or efficiency of resource use.<sup>20</sup>

The groundwater systems with declining water levels tend to be in localised areas and do not extend over the entire aquifer. However the Tauranga Harbour deep aquifer is showing decline, particularly to the north and near Tauranga. Abstraction of groundwater exceeds the ability for the groundwater to recharge (flow) into these areas. It is also of concern due to the proximity to the coast, and that two bores have water levels that are below sea level (risk of salt water intrusion).

<sup>19</sup> Barber and Harvey (2013, p11).

<sup>20</sup> Barber and Harvey (2013).

*Historically Council has relied on the good will of bore owners for the use of their bores for monitoring purposes. This does not always coincide with even coverage of the groundwater systems in use. Over the past twenty year monitoring period several bores have been removed from the monitoring program for various reasons (bore collapse, access to bore denied).<sup>21</sup>*

Investigations by the Council have identified the following areas where the level of groundwater allocation is of concern:<sup>22</sup>

- Lower Kaituna.
- Otumoetai area.
- Welcome Bay.
- Nursery Drain (Rangitāiki Plains).

For Kaituna and Rangitāiki the allocation concerns are for the cold groundwater resource, while for Otumoetai and Welcome Bay the concerns are for the geothermal groundwater resource.

The lack of data on current and allocated use of the resource creates a substantial gap in Council's information to understand and manage the groundwater resource.

*Support and resourcing is needed for Consents, Compliance and Data Services staff to allow information to be efficiently collected, stored and retrieved.<sup>23</sup>*

### **Groundwater quality**

Groundwater quality can be compromised by land use (e.g. nutrients) and over-abstraction. Groundwater quality is important to users and in some areas the volume of groundwater may be available, but the quality can mean it is not used.<sup>24</sup>

Water quality data has been collected at varying intervals from 59 monitoring bores over the past 20 years. Presently water quality data is collected from 22 monitoring bores (Table 4). Twenty variables are assessed to determine any trend in water quality over time. Four bores in the region are part of the National Groundwater Monitoring Program managed by GNS Science.<sup>25</sup>

There is little evidence of deteriorating groundwater quality in the region; however this may be due to limited frequency of sampling and/or insufficient sampling across the aquifer system, thus creating data gaps that mean that trends cannot be identified.<sup>26</sup> The quality concerns for the Bay of Plenty groundwater sources are contamination by:

- nutrients (nitrate, phosphate).
- microbial pathogens.
- saltwater intrusion.
- naturally elevated concentrations of iron, manganese and arsenic.

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<sup>21</sup> Barber and Harvey (2013, p3).

<sup>22</sup> Barber (2014).

<sup>23</sup> Barber and Harvey (2013, p47).

<sup>24</sup> Barber and Harvey (2013, p18).

<sup>25</sup> Barber and Harvey (2013).

<sup>26</sup> Barber and Harvey (2013).

The base flow in streams derives from groundwater. Reductions in groundwater flow can lead to reductions in surface water flows, particularly in shallow aquifers.

### 2.2.5 Managing compliance in the Bay of Plenty

Consented water users are monitored by the Bay of Plenty Regional Council. Consent holders taking more than 5 L/s are visited every five years on average; for less than 5 L/s, consent holders are visited every three years on average.<sup>27</sup> Lower rate takes have a higher frequency of visit because they are not required to report under the national water metering regulations. About two-thirds of all agricultural/horticultural water abstraction resource consents were inspected in the 2014/2015 year. Of these, 88% were graded A for compliance. Issues identified were manual submission and late submission of water use records. Council staff must enter records from manual submission; this can be very time consuming. Late submission of records threatens the efficient management of water.

In 2013 Council investigated non-consented takes in the region. Initial results suggested that up to 475 water takes (200 horticultural and 275 dairy shed takes) were in excess of permitted activity levels, and not consented.<sup>28</sup> Further investigation concluded that approximately 60 dairy farmers are taking unauthorised dairy shed water, based on dairy shed use of 55 L/cow/day.<sup>29</sup> This figure is considered to be reliable based on Council knowledge of dairy shed discharge consents. Unauthorised dairy shed water takes are addressed by WQ P14 and WQ R4 in this Plan Change.

Zespri has estimated that there are more than 2,000 orchards in the region.<sup>30</sup> Of these, Council estimates that 50% may have irrigation or frost protection. Currently 800 horticultural water users hold consents, leaving a possible 200 unauthorised horticultural water users. Uncertainty around this figures related to orchards taking water through municipal supply, current resource consents covering more than one orchard, changes in land use, and differences in the geographic boundaries for the region and for Zespri.

In December 2015, Council agreed to work with industry to actively promote registration of existing unauthorised takes, providing a time-limited opportunity for unconsented growers to become compliant. Under this approach, consents will be processed according to existing RWLP requirements (discretionary activity) and the RMA. The approach enables growers and Council to work together to achieve efficiencies, such as where growers taking water from the same source undertake a single assessment of environmental effects. Applications may be declined, granted with restrictions or granted with standard conditions, depending on the allocation status of the resource.<sup>31</sup>

As at April 2016, more than 200 horticultural growers had engaged in the process, and more than 130 growers registered that they were likely to be exceeding permitted activity levels. The opportunity to register closed on 30 April 2016, and those growers who registered are now lodging consent applications. Unregistered growers who are non-compliant will be dealt with through enforcement action.<sup>32</sup>

<sup>27</sup> BOPRC (2015d).

<sup>28</sup> BOPRC (2013a).

<sup>29</sup> DairyNZ (2015).

<sup>30</sup> This figure based on Kpin numbers (a unique identifier for each orchard) (BOPRC, 2013a).

<sup>31</sup> BOPRC (2015f).

<sup>32</sup> BOPRC (2016f).



## 2.2.6 Allocation vs use<sup>33</sup>

The difference between allocation and actual use is an indicator of efficiency of allocation. Large gaps indicate inefficiency because water is reserved and not available to other users. However, there will always be a gap because of daily and seasonal variations in weather, reluctance of water consent holders to forgo rights that may be restricted in future, and a tendency to overestimate needs.

Gathering reliable information on actual water use is difficult because:<sup>34</sup>

- Nearly half of all consented takes are not metered.
- Section 14(3)(b) of the RMA allows for fresh water to be taken and used for an individual's reasonable domestic needs and the reasonable needs of an individual's animals for drinking water. These takes are not metered.
- Permitted activity takes under the RWLP are not metered.
- Information from metered takes is often reported in a manual format that does not interface with Council systems.

While it is dated information, in 2010 it was estimated that across New Zealand regions, 25-75% of the consented allocation was used. For the Bay of Plenty the average water use was estimated to be 50%.<sup>35</sup>

## 2.3 Fresh water use in the region

*Access to water underpins growth opportunities across most of the key industries in the region. The quantity and quality of available water is a key issue for the region's economic development.*<sup>36</sup>

Typically fresh water is taken seasonally; irrigation in summer and frost protection in spring. The exceptions are municipal and commercial/industrial use, which are taken year round. Table 5 summarises the number of Bay of Plenty water take resource consents by use, and shows that the majority of these are for horticultural use (irrigation and frost protection). Agricultural use includes pasture and cropping irrigation, while potable/commercial use includes resource consents for municipal and domestic water supply, industry, quarries and other uses.

Table 5: Freshwater use across the Bay of Plenty region.

Use of water	Surface water	Groundwater	Total	Percentage of resource consents by use
Agriculture	72	75	147	11%
Horticulture	221	571	792	61%
Potable/commercial	72	283	355	28%
Total	365	929	1,294	100%

Source: BOPRC (2013e).

<sup>33</sup> BOPRC (2013e).

<sup>34</sup> BOPRC (2013e).

<sup>35</sup> Aqualinc (2010).

<sup>36</sup> Martin Jenkins and Infometrics (2015, p16).

### 2.3.1 Agriculture and horticulture

*Demand for freshwater is projected to increase strongly in the Bay of Plenty due to an increase in irrigated primary sector land, population growth, conversions from forestry to dairy, and efforts to improve the productivity of Māori-owned land.<sup>37</sup>*

Of the more than 900 resource consents granted for water abstraction associated with agriculture and horticulture in the Bay of Plenty region, 17% are for pastoral farming, primarily for pasture irrigation (Figure 3). The remaining 83% of resource consents are for irrigation and frost protection of kiwifruit, avocados and other horticultural crops. Irrigation water is likely to be taken in the summer months, and water for frost protection is generally taken from April-May to August-November when streams and rivers are usually at higher flows.<sup>38</sup>

Dairy farming and horticulture make up 3.9% and 3.2% respectively of the Bay of Plenty regional GDP, and 3.6% and 6.0% of jobs in the region (MPI, 2015).<sup>39</sup> A continuing shift in land use change from dairy to horticulture is occurring in the Western Bay of Plenty, Te Puke, Ōpōtiki and the East Coast, driven by high export prices and grower returns, control of the kiwifruit disease PSA, and new cultivars of kiwifruit that are performing well.<sup>40</sup>

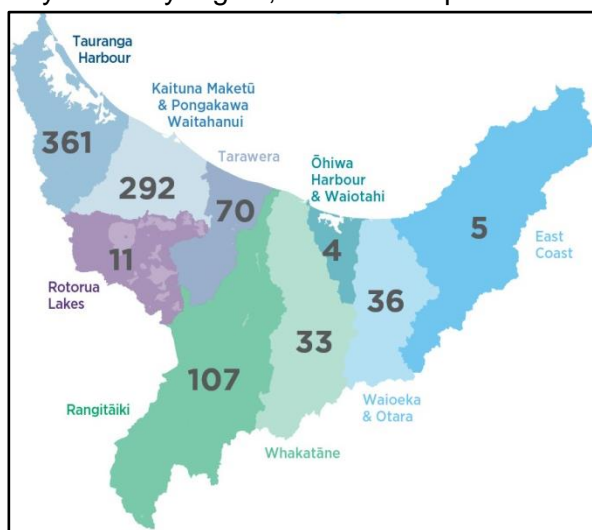


Figure 3 Number of consents by Water Management Area.

Dairy farming has intensified across New Zealand over the past 10 years, in terms of cows per hectare, which has increased by 2% on average, and milk solids production, which has increased by 14% on average.<sup>41</sup> In the Bay of Plenty as in other regions, the average herd size has increased and the amount of water required for dairy shed use has increased to a stage where many farms may now require resource consent for the water used in the dairy shed (milk cooling, vat and yard wash).

Small rural properties are a feature of the Bay of Plenty region. One-third of farm properties are less than 5 hectares, and half are less than 10 hectares (Figure 4).<sup>42</sup> By comparison, in the Waikato region only one-fifth of farms are less than 10 hectares, while Gisborne has a relatively high proportion of very large farms.

<sup>37</sup> Martin Jenkins and Infometrics (2015, p16).

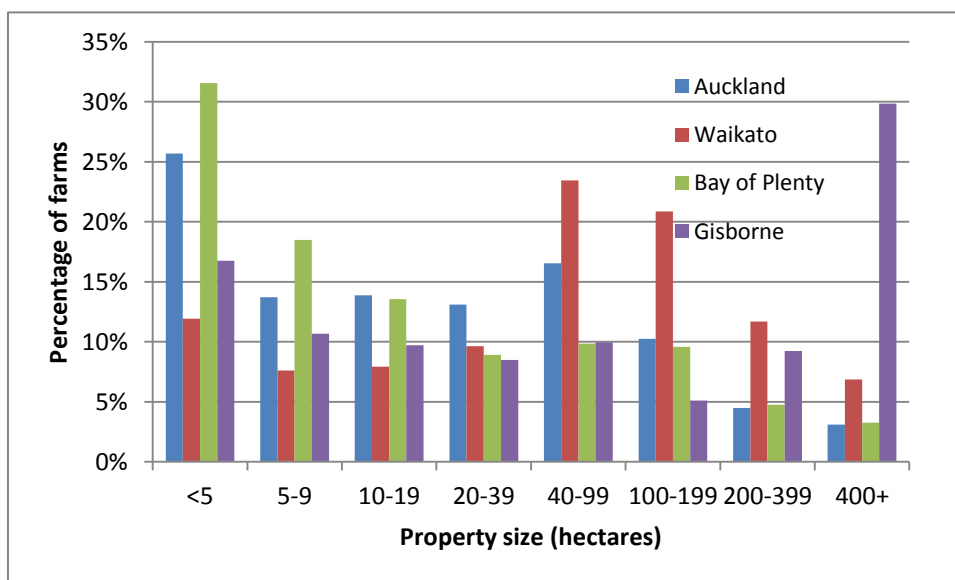
<sup>38</sup> BOPRC (2013e).

<sup>39</sup> Based on the 2014 year.

<sup>40</sup> Van Rossen R (2015).

<sup>41</sup> From the 2006-07 to 2014-15 cows per ha has increased from 2.81 to 2.87. Over the same period milk solids per cow has increased from 330kg to 377kg (LIC, 2007; DairyNZ 2015).

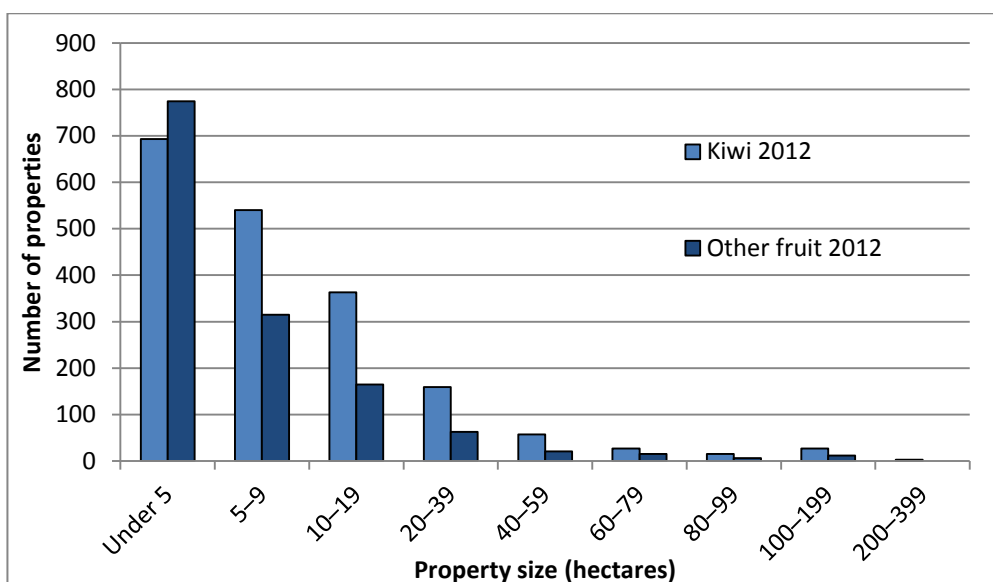
<sup>42</sup> Statistics NZ Agricultural Production Census 2012. The Census includes all agricultural properties that are GST registered. GST-registration is not compulsory for businesses with a turnover of less than \$60,000/year, but these businesses can register voluntarily.



Source: Statistics NZ 2012 Agricultural Census.

Figure 4 Property size for agricultural and horticultural properties, by region.

The soils and climate in the Bay of Plenty favour horticulture. Nearly 80% of NZ's kiwifruit are in the region, and most fruit growing is on small properties (Figure 5).<sup>43</sup>



Source: Statistics New Zealand, 2012 Agricultural Census.

Figure 5 Outdoor fruit growing in the Bay of Plenty region, by property size.

Rural land use in the Bay of Plenty has intensified over the past 10 years. This includes fragmentation of dairy farms with conversion to orchards in the Tauranga, Kaituna, Maketū and Pongakawa WMAs.<sup>44</sup> Land use change and intensification is expected to continue through:<sup>45</sup>

- Further intensification of land already in dairy.
- Continued conversion of drystock to dairy or dairy support.

<sup>43</sup> Statistics New Zealand (2013). In: Martin Jenkins and Infometrics (2015).

<sup>44</sup> Van Rossen (2015).

<sup>45</sup> Van Rossen (2015).

- Conversion of dairy to kiwifruit.
- Conversion of forestry to dairy.<sup>46</sup>

Fresh water is essential to the region's economy. Water demand in the Western Bay of Plenty was predicted to increase by nearly 80% for horticulture and 200% for pastoral farming from 2005 to 2050 (Table 6). A warming climate over that period will benefit sub-tropical fruits such as avocado and citrus, and may change the crops grown in some areas. Predicted drier spring weather will create a longer irrigation season.<sup>47</sup>

*Table 6 Horticultural and agricultural water demand in the Western Bay of Plenty.*

Water use	Annual water demand (million m <sup>3</sup> /yr)		% change	Where
	2005	2055		
Horticulture (irrigation and frost protection)	7.7	13.6	77%	Pongakawa, Paengaroa, Te Puke, Oropi, Whakamarama
Pastoral Irrigation (dairy farming)	3.6	10.7	197%	Pongakawa, Paengaroa, Te Puke
Livestock (drinking water)	5.91	5.83	-1.4%	Waihi, Papamoa, Oropi, Tauranga South

### 2.3.2 Commercial and industrial takes

The Tarawera, Whakatāne, Rangitāiki and Kaituna Rivers have large industrial water takes where a significant proportion of the water is returned to the river as wastewater.<sup>48</sup> Council accounts for the abstraction of this water, but not the return. This water may provide an opportunity for future allocation.

#### **Hydroelectric Power Schemes**

Thirty-one resource consents for non-consumptive takes are for hydroelectric power schemes. The majority of the schemes are owned by Trustpower. The Bay of Plenty region has installed hydro-generation capacity of 174 megawatts – this is about 8% of the North Island hydro capacity.

Trustpower's Kaimai, Matahina and Wheao hydro power schemes collectively generate 565GWh per annum, which is sufficient to meet the energy demand of 74,000 average households (total households in the Bay of Plenty are 102,300<sup>49</sup>).<sup>50</sup>

<sup>46</sup> Forestry- to-dairy conversions have not occurred in the Bay of Plenty region on the large scale they have in the Waikato (vanRossen, 2015).

<sup>47</sup> Ministry for the Environment. Climate change projections.

<sup>48</sup> BOPRC (2013e).

<sup>49</sup> Statistics New Zealand (2013).

<sup>50</sup> Bay of Connections (2011).

The Kaimai and Wheao schemes are embedded into the local distribution network, supplying households and businesses in the Tauranga and Rotorua areas. The Matahina scheme is connected to the national grid, but contributes approximately 10% of the Bay of Plenty's electricity consumption.<sup>51</sup>

Table 7: Bay of Plenty hydroelectric power schemes.<sup>52</sup>

River	Power scheme	Capacity	Description	Owner
Wairoa River Catchment	Lloyd Mandeno (1972)	16 MW	Damming of nine streams; take of water from these streams; discharge of water into Lake Mangaonui; take and use of water from Lake Mangaonui; discharge into Mangapapa River.	Trustpower
	Lower Mangapapa (1979)	5.6 MW	Damming of Mangapapa River to form Lake Matariki/Mangapapa; take and use of water; discharge to Lake McLaren.	Trustpower
	Ruahihi (1981)	20 MW	Take of water from Mangakarengorengo River; discharge of water to Lake McLaren; take of water from Lake McLaren via canal to Ruahihi Power Station; discharge to Wairoa River; release of water from McLaren Falls Power Station for recreational purposes.	Trustpower
	Kaimai 5 (1994)	0.3 MW	Sits beside a diversion tunnel feeding into Lake Mangaonui.	Trustpower
Rangitāiki River	Matahina (1967)	80 MW	Damming of water in the Rangitāiki River; take and use of water for power generation; discharges to the Rangitāiki River.	Trustpower
	Aniwhenua (1980)	25 MW	Damming of water in the Rangitāiki River, Pokairoa Stream and Pahekeheke Stream; take and use of water for power generation; discharge to the Rangitāiki River.	Southern Generation
	Wheao/Flaxy (1982)	26 MW	Damming of water in Wheao River, Rangitāiki River and Flaxy Creek; take and use of water for power generation; discharge of water from Wheao Dam.	Trustpower
Karaponga Stream	Karaponga	0.6 MW	Damming of water in the Karaponga Stream; take and use of water; discharge to the Karaponga Stream.	Karaponga Hydro Ltd

The National Policy Statement for Renewable Generation 2011 recognises the importance of renewable generation, requiring regional councils (decision makers) to recognise and provide for the national significance of electricity generation activities.

<sup>51</sup> Bay of Connections (2011).

<sup>52</sup> BOPRC (2008). Schedule 7.

The vision of the Bay of Plenty Energy Strategy (2011) is:

*Wealth and wellbeing via energy.*

Hydro-generation, biofuel, with solar, wind, and geothermal energy are all expected to play a part in a future where the region is recognised internationally as the sustainable energy region of New Zealand. The strategy includes creating opportunities for hydro-generation, including for small to medium hydro-generation.

### 2.3.3 Municipal and community water

The population of the Bay of Plenty region is about 268,000, or about 6.3% of New Zealand’s total population.<sup>53</sup> Tauranga is the most populous area in the region – nearly half the population lives in the Tauranga City area (Figure 6). Rotorua is home to quarter of the region’s population, followed by the Western Bay district, with 16%.

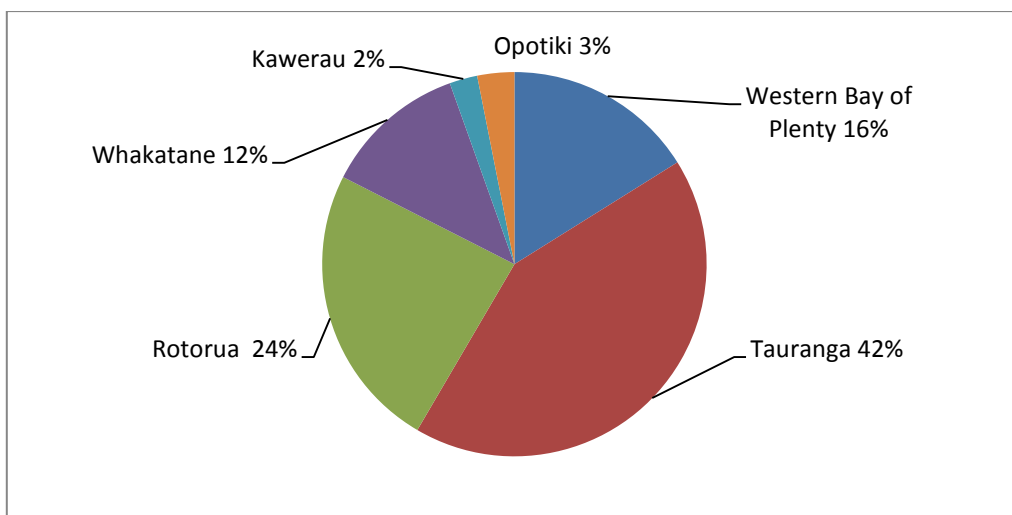


Figure 6 Percentage of regional population, by district.

Sixty-seven municipal resource consents have been issued in the Bay of Plenty (Figure 7). Two-thirds (42) of these are held by territorial authorities, and the remaining are independent community schemes operating in rural parts of the region.<sup>54</sup> Twenty-eight of the resource consents held by territorial authorities will expire within the next 10 years.

The population of the Bay of Plenty region increased by 11% from 2001-2013, which was about 2,400 people annually. Population growth was concentrated predominantly in Tauranga City and the Western Bay of Plenty District.

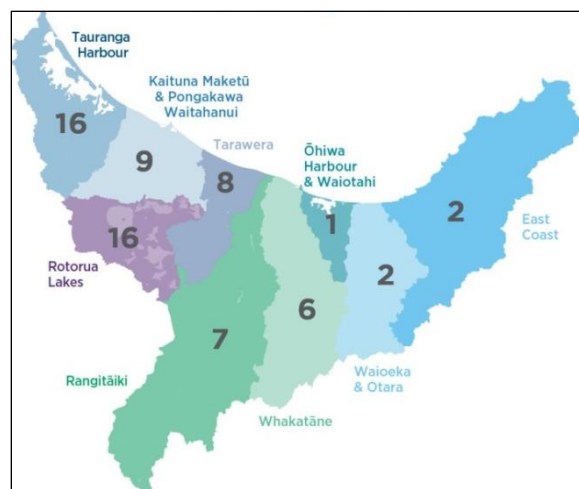


Figure 7 Municipal consents by WMA.

<sup>53</sup> Statistics New Zealand (2013).

<sup>54</sup> BOPRC (2015d).

The Whakatane, Opotiki and Kawerau districts experienced population decline over the 2001-2013 period. The population of the region is expected to increase from 279,600 in 2011 to 323,400 by 2031 (Figure 8). Most of this growth is projected to occur in the Tauranga and the Western Bay of Plenty, with a small amount of growth in Rotorua. The region's projected annual population growth rate out to 2031 is 0.8%. This rate is only exceeded by Auckland, which is projected to grow at 1.4% annually.<sup>55</sup>

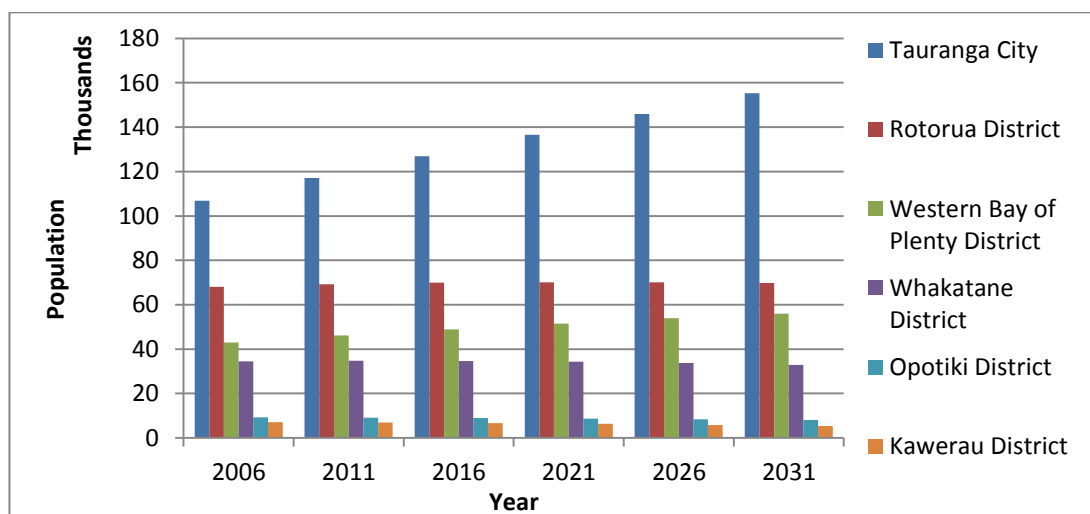


Figure 8 Bay of Plenty population projections, by district, 2006 – 2031.<sup>56</sup>

A growing population generally means increasing water demand for domestic water supply, commercial water supply, recreational use (e.g. public swimming pools) and some industrial water supply.

Across the Bay of Plenty, territorial authorities hold resource consents for municipal supply of water. Research of resource consents for municipal supplies shows that:<sup>57</sup>

- **Tauranga City:** Growth projections show that by 2022 the capacity of the two existing water treatment plants will be exceeded. Tauranga City Council (TCC) and the Western Bay of Plenty District Council (WBOPDC) share a resource consent to take up to 60,000 m<sup>3</sup>/day from the Waiari Stream. At this time, no water is being abstracted. TCC will be starting on the Waiari Water Supply Project<sup>58</sup> in 2018, which is designed will help to meet the future water supply needs of Tauranga City and the Western Bay of Plenty District.
- The **Western Bay of Plenty** Long Term Plan (2015-2025) states that 'water supply, treatment facilities and reticulation systems have capacity designed to cater for [population] growth.'<sup>59</sup> The WBOPDC also share the resource consent for water from the Waiari Stream with TCC, and to ensure that future water demand can be met, anticipate abstracting up to 15,000 m<sup>3</sup>/day from the stream in the future.<sup>60</sup>

<sup>55</sup> Statistics NZ (2015).

<sup>56</sup> Statistics NZ (2015).

<sup>57</sup> BOPRC (2016b).

<sup>58</sup> Tauranga City Council (2016).

<sup>59</sup> WBOPDC [website](#).

<sup>60</sup> WBOPDC hold a number of surface water consents that are no longer used because they have been replaced by groundwater sources.

- **Rotorua Lakes:** The Rotorua Lakes Infrastructure Strategy 2015-2045<sup>61</sup> states that the Council doesn't foresee any issues in meeting future water demand at a city level, although there may be increased demand in localised areas within the district which may necessitate extra local storage. The issue for Rotorua Lakes Council regarding water is that the majority of the district's municipal water is sourced from springs, which may be a particular concern when re-consenting due to pressure from landowners, iwi and regional pressures on shared water resources.<sup>62</sup> This is expected to require 'significant pro-active engagement' by the Rotorua Lakes Council.
- **Kawerau:** The Kawerau District Council has a single resource consent for municipal supply which expires in October 2026. The Long Term Plan<sup>63</sup> and Industrial Symbiosis Kawerau – Infrastructure and Transport Background Study<sup>64</sup> indicate that there is sufficient water supply to provide all necessary potable water to residential, commercial and industrial<sup>65</sup> sites, and sufficient capacity for twice the 2013 population. Like The Rotorua Lakes Council, the Kawerau District Council has had issues with access to a municipal water supply through Māori owned land where consultation with landowners has been inadequate. Reductions in the available water from this source represent a risk to the Kawerau municipal supply.<sup>66</sup>
- **Ōpōtiki:** The Opotiki District Council has three resource consents for water supplies to communities within the district. While the overall population is not expected to grow, localised growth may alter the amount of water needed in particular areas.
- **Whakatāne:** The district population is fairly stable, although some localities expect significant population growth.<sup>67</sup> These include Whakatāne itself, Piripai and Ōhope. The Whakatāne urban area water supply is expected to accommodate the expected future growth.
- The Plains Water Supply Scheme is an important part of the Whakatane District water supply. The scheme was designed to supply Edgecumbe and the rural area between the Tarawera and Whakatane rivers, extending from State Highway 30 in the south to the coast in the north.
- Water quality is more of an issue for the Whakatane district: Salinity in the Whakatane and Ohope water supply occurs in dry weather when the low river level coincides with high tides, allowing the saline water to reach the water treatment plant. The supply is also vulnerable to contamination with cyanobacteria and high turbidity during extreme rainfall events.<sup>68</sup> For Council, the long-term solution is to establish an alternative water source and this will be reconsidered through the Long Term Plan 2018-2028.

<sup>61</sup> Rotorua Lakes Council (2015).

<sup>62</sup> For example, Rotorua Lakes Council holds a consent to take water from Hamurana Springs until 2026. The land surrounding Hamurana Springs has been returned to Ngāti Rangiwewehi as part of their Treaty settlement with the Crown, but retained the 0.2 hectares water take area and a perpetual easement for the Council, managed for water take only (not public access). The iwi has a special relationship with Hamurana and Taniwha Springs (which has also been returned). The springs were home to two taniwha, Henerua (Hamurana) and Pekehaua (Taniwha). See [www.rdc.govt.nz/our-council/news/](http://www.rdc.govt.nz/our-council/news/).

<sup>63</sup> Kawerau District Council (2015).

<sup>64</sup> Teat (2012).

<sup>65</sup> For general amenities only, not as the source of water for manufacturing.

<sup>66</sup> Pers. Comm (email) Bev Hughes, Māori Policy, BOPRC.

<sup>67</sup> Beca Carter Hollings and Ferner Ltd (2009).

<sup>68</sup> Whakatane District Council (2015).



- Another issue for the district is naturally occurring high levels of arsenic<sup>69</sup> in groundwater supplying the Te Teko and Edgecumbe communities. Currently the Whakatane District Council is applying for a resource consent to take groundwater from a site at Paul Road Te Teko to supply residents of these towns.

During 2014/2015, 22 of 67 municipal/community suppliers were inspected by the Council compliance team.<sup>70</sup> Of the 22 inspected, half were fully compliant, while the other half achieved a Grade B or C. Non-compliance issues were failure to submit water abstraction records and meter verification, which is a requirement for all municipal abstraction resource consents. No formal enforcement action was taken in these cases. Suppliers were verbally advised on requirements, with requirements reinforced in a fieldsheet.

In conclusion, most territorial authorities hold resource consents for the necessary volume of water to meet expected population growth demands. While Tauranga and WBOPDC may not have to apply for additional resource consents, in the next 5-6 years they will be using water that is consented but not currently abstracted. The territorial authorities that are expecting little or no growth, or even population decline, do expect areas of localised growth. This may lead to new resource consent applications in some areas.

#### 2.3.4 Māori land productivity

Māori Freehold Land is private land held in multiple ownership by Māori people (shareholders). The 'multiple ownership' involves the expanded family in shares and connections to the same parcel of land they have inherited from a common ancestor or set of ancestors. Many shareholding families therefore connect through the same hapū and with other hapū affiliated to their iwi. Shareholders own the land as 'tenants in common' and must make decisions together for its development, use, occupation and alienation, among many other things. Many take the step of establishing Trusts by nominating Trustees that must be appointed by the Māori Land Court. The Court vests in Trustees various rights and responsibilities including decision-making for alienation by lease for the use of the land that may be subject to the scrutiny of the Māori Land Court if referred. All activities affecting Māori land are subject to Te Ture Whenua Māori Act 1993 administered by the Māori Land Court.

Some Māori land is leased and some is managed by its shareholders or more commonly by a Trust. Decisions about initiating development, use and occupation of the land are taken by the Māori Land Trust with shareholder support and demonstrated involvement.

Understanding the characteristics of Māori land tenure and the roles and responsibilities of its shareholders, trustees and lessees as well as the roles of their associates in hapū and iwi, the Māori Land Court and Te Tumu Paeroa will assist the achievement of RPS Objective 16 and Policy IW 1B:

Objective 16: *Multiple-owned Māori land is developed and used in a manner that enables Māori to provide for their social, economic and cultural wellbeing and their health and safety, while maintaining and safeguarding its mauri.*

Policy 1W 1B: *Enabling development of multiple-owned Māori land.*

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<sup>69</sup> Levels exceeding the Drinking Water Standards New Zealand 2005 (Revised 2008)  
<sup>70</sup> BOPRC (2015d).

Māori land can be used for purposes that may not be considered as necessarily optimising the land's capability.<sup>71</sup> Māori land in the Bay of Plenty may be managed by:

- A lessee.
- Māori land owners.
- Māori Land Trust.
- Multiple Māori Land Trusts and their partners.
- Tribal authorities.
- Te Tumu Paeroa.

Understanding these ownership and management arrangements, along with the use and capability of land, and the availability of water will contribute to identifying the implications of decisions in the Plan Change, and how they impact on achieving RPS Objective 16 and Policy IW 1B.

Nationally, over 1.5 million hectares of land is Māori land. Within the Bay of Plenty Region, 218,700 hectares, or 17.8% of the region, is Māori land.<sup>72</sup> In the Bay of Plenty, the extent to which Māori land is underdeveloped and the proportion leased is unclear. A 2015 report on land use intensification risks in the Bay of Plenty highlighted the lack and inconsistency of information on Māori land.<sup>73</sup>

*GIS overlay information for Māori land available for analysis in this report was poor with no area values and information from a number of sources being inconsistent. There was not access to a breakdown of Māori owned land by Land-Use Capability class but it is known that there is significant area of Māori owned land within LUC classes 1-4, including land that is dairy farmed and land that is planted in exotic forest.*

A report commissioned by MPI<sup>74</sup> to develop a framework for analysing the potential economic impact of increasing productivity of Māori land also required assumptions in the absence of key information:

*Critical assumptions around current land uses still had to be made, as the Māori Land Court does not collect data on current [land] uses. This is important as these assumptions influence the potential economic impact of a programme of improving the productivity of Māori freehold land...A critical assumption is that land that is currently underperforming has a productivity equal to 70% of the regional(or national) average farm productivity. It is assumed that this land has the potential to improve to 100% of average farm productivity while remaining in current use.*

Nevertheless, there are specific impediments to the development of Māori owned land, but whether Māori land in the Bay of Plenty is on average more or less developed (in relation to LUC class) than land in other ownership is unknown.

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<sup>71</sup> This can also be the case for land under any ownership, but it tends to be a particular problem for communally owned land

<sup>72</sup> Price Waterhouse Coopers (2013)

<sup>73</sup> Van Rossen (2015, p21)

<sup>74</sup> Price Waterhouse Coopers (2014)

## Issues for Māori land

Māori people are tāngata whenua with a duty of kaitiakitanga often involving their engagement as champions of sustainability in consenting and planning processes. The kaitiakitanga role is exercised according to their kaitiaki ethics and values. Kaitiakitanga is often undertaken by hapū and iwi.

Maori people are shareholders and developers of their land, undertaking or enabling activities such as pastoral farming, forestry and other land use activities that depend on the freshwater resource. Kaitiakitanga also features here when Māori developers may mitigate adverse environmental effects of their activities, and when they reserve and set aside land for specific environmental or mauri enhancement purposes.

The roles of kaitiaki, land users and land developers bring challenges as Māori land shareholders seek to make wise decisions about how they use their ancestral lands. This tension is also present when considering regulation relating to natural resources such as water quality, alongside the need to develop land in the best interests of iwi.

The development of Maori land is identified as Issue 2.6.8 in the Regional Policy Statement, which refers to the role of local authorities in helping hapū, Māori land holding trusts and incorporations and iwi plan for the strategic development of their land. Management decisions for Māori land require communication with all shareholders to comply with the Te Ture Whenua Māori Act 1993.

Challenges to development of Maori land include but are not limited to:

- The large number of shareholders in a single parcel of land, with fragmentation of shares with each new generation.
- Absentee shareholders or shareholders who have not yet succeeded the deceased shareholder.
- Difficulties in communicating with all shareholders to make decisions on land use, development and occupation.
- High administration costs because of the requirement to communicate with all shareholders.
- Non-attendance by shareholders at meetings.
- Challenges to using mechanisms like title amalgamation where parcels are joined together under one title and managed as a single large parcel, or title aggregation where parcels remain under separate titles but are managed as a single large parcel.
- Prevention of change in land use, development or occupation by a minority of shareholders (including those who have not participated in meetings with other shareholders).
- Multiple values held by Māori shareholders, including economic, cultural, heritage, legacy, connectivity, identity and opportunity.
- Unwillingness or inability of shareholders to risk using the land as collateral in raising a mortgage.
- Low capability land. Historical confiscation of Māori land took much of the high capability land.

- Lack of infrastructure, particularly in remote and/or land-locked areas.
- Limited resources from statutory organisations to support services for Maori for decision-making in the development, use and occupation of their lands.

The Toi Moana Bay of Plenty Growth Strategy<sup>75</sup> focuses on opportunities for growing the regional economy, and identifies the development of Māori land as key to the region achieving its economic potential. Opportunities identified include promoting kiwifruit on suitable land. In particular the strategy refers to opportunities for Ōmaio and Te Kaha kiwifruit expansion. Both of these expansions require ‘a strategic water resource assessment’ to ensure that the opportunity can be realised in that locality.

Maori have interests in forestry, dairy, sheep and cattle farming, horticulture and aquaculture.<sup>76</sup> In the Bay of Plenty, iwi have direct and growing participation in some large dairy farming operations. Iwi with settlement funds are investing directly in dairying through the purchase of properties or conversion on existing farms from other uses. ‘Orchards owned by Māori Trusts are estimated to represent 10% of the industry sector.’<sup>77</sup>

Exploring the gains from developing Māori land, the Ministry of Primary Industries commissioned a study to analyse the potential economic gains from improving Māori freehold land at a regional and national level.<sup>78</sup> Māori land in the Bay of Plenty was included in the analysis, which concluded that the regional GDP contribution of dairy and drystock on Māori land could increase by \$43.7m/year and contribute an additional 250 jobs. This would be brought about by:

- Improvements in productivity on existing dairy and drystock land.
- Increase of 4,000 ha dairy farming.
- Increase of 7,800 ha in drystock farming.

The increases in land area for dairy and drystock farming came from conversion from land uses with lower economic returns, including plantation forestry, natural forest, including regenerating manuka and kanuka. In addition to this, Māori land with capacity to develop into forestry would contribute around \$33.6 m/year and 55 jobs through the conversion of 8,200 ha to forestry.

Gains from development were limited by the land use classification. Much of the Māori land in the region is in classes 6, 7 and 8 (Figure 9).

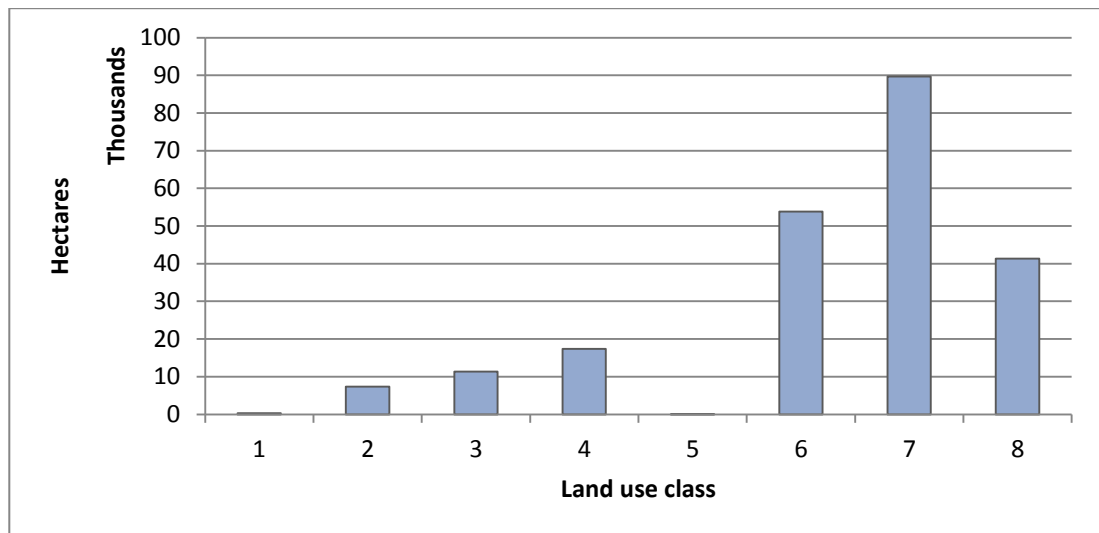
*Bay of Plenty and Hawke’s Bay have the least potential for change, with 51% and 54%, respectively, of land staying in current uses. This is due to the relatively large area of natural and planted forest, land uses which offer few potential for change, in these regions (MPI doc).*

<sup>75</sup> Martin Jenkins and Infometrics (2015).

<sup>76</sup> Martin Jenkins and Infometrics (2015).

<sup>77</sup> Kiwifruit Industry Strategy Project (2014, p7) In Martin Jenkins and Infometrics (2015).

<sup>78</sup> PriceWaterhouseCoopers (2014).



Source: PWC (2014).

*Figure 9 Māori land in the Bay of Plenty, by land class.*

There is no doubt that some areas of Māori land in New Zealand and in the Bay of Plenty region have capacity for further development. Access to water will be a factor in whether land is further developed. On top of that the reasons that have held up development in the past are still likely to have a role. These include:<sup>79</sup>

- The role of kaitiaki over-riding the views on economic potential of land.
- Insufficient size, difficult shape, lack of contiguous blocks.
- Multiple ownership; absentee ownership.
- Lack of communication and/or agreement between owners.
- Lack of access to finance due to an inability to mortgage property.

## 2.4 Environmental, social and cultural value of freshwater

While the economic uses for freshwater (described above) are important the environmental, social and cultural values must also be acknowledged. The MfE Cabinet Paper, *New Start for Freshwater* explains that freshwater management is about getting the ‘best value’ for society, and that this value should be determined by looking across economic, environmental, social and cultural dimensions, and weighing up individual, local and national interests.<sup>80</sup> In fact, the values are strongly linked, and often the economic value depends on the environmental quality.

For example, the operative Regional Water and Land Plan made more groundwater available as a permitted activity because it was considered a plentiful resource. In most places this is still the case, but we now recognise the need to more efficiently manage this resource. Environmental quality affects economic uses – for example, dairy farmers favour groundwater because it is usually of higher quality than surface water, while too much abstraction of surface water can impact on the natural habitat and species.

<sup>79</sup> Van Rossen (2015, p21).

<sup>80</sup> Ministry for the Environment (2010a).

The social and cultural values are often heavily dependent on environmental quality. People tend to want water quality in rivers and streams to be at a level where swimming and wading won't lead to infections, and where food can be gathered and eaten. The amenity value of water can be lowered by poor water quality, or low levels of water.

The NPSFM recognises that people hold these values, and identifies compulsory values in the National Objectives Framework:

- Te Hauora o te Wai/the health and mauri of water.
  - Ecosystem health: Supporting a healthy ecosystem appropriate to the freshwater body type (river, lake, wetland, or aquifer). Matters to take into account include adverse effects on flora and fauna of contaminants, changes in freshwater chemistry, excessive nutrients, algal blooms, high sediment levels, high temperatures, low oxygen, invasive species and changes in the flow regime.
- Te Hauora o te Tāngata/the health and mauri of the water.
  - Human health for recreation: The minimum level for quality is no more than a moderate risk of infection to people when they are wading or boating or involved in similar activities that involve only occasional immersion in water, however communities may value higher standards and this should be recognised.

The National Objectives Framework includes other national values which may be appropriate such as:

- Te Hauora o te Taiao/the health and mauri of the environment.
  - Natural form and character such as visual and physical characteristics valued by the community.
- Mahinga kai/food gathering, places of food.
  - Mahinga kai – kai are safe to harvest and eat.
  - Mahinga kai – the mauri of the place is intact.
  - Fishing – the place supports fisheries of species allowed to be caught and eaten.
- Wai Tapu/Sacred Waters.
  - Wai tapu represent the places where rituals and ceremonies are performed, including tohi (baptism), karakia (prayer), waerea (protective incantation), whakatapu (placing of raahui), whakanoa (removal of raahui), and tuku iho (gifting of knowledge and resources for future generations).

Other additional national values are Mahi mara/cultivation (irrigation), Wai Māori/municipal and domestic supply, Au Putea/economic or commercial development, and He ara haere/navigation.

## 2.4.1 Cultural value of fresh water

*He koha te wai mai nā Ranginui rāua ko Papatūānuku ki a tātou katoa, mauri ora.  
Water is a gift from the earth and the sky to all that exists between them.*

Māori view the natural environment, in particular water, as a taonga (treasure). Water is highly valued and of practical, cultural and spiritual significance to Māori. It provides food, drinking water, access routes and is used for ceremonial purposes. It is also a source of pride and identity to Māori – those reciting their whakapapa (lineage) would acknowledge the name of the river, stream or lake to which they belong. The Māori worldview does not separate the physical aspects (food, drinking water) from the intangible and spiritual aspects of water (identity, mauri or life-force).

In recent years, the cultural significance of water has had greater recognition through:

- Specific provisions within the NPSFM which recognise Te Mana o Te Wai and the role of tāngata whenua in freshwater management.
- 'Nga Matapono ki te Wai', a model developed by the Freshwater Iwi Leaders Group as the foundation for ongoing discussion with the Crown about the role of iwi within freshwater management.
- Formal recognition via Statutory Acknowledgement areas resulting from Treaty Settlements. Within the Bay of Plenty region there are 47 Statutory Acknowledgements relating to specific rivers and streams.
- The establishment of co-governance arrangements relating to river catchments as a result of Treaty Settlements (e.g. Te Maru o Kaituna River Authority, Rangitaiki River Forum).
- Specific provisions within Iwi and Hapū Management Plans that have been lodged with Council.
- The Mataatua Declaration on Water, signed by Mataatua tribal leaders in 2012, to confirm and assert the rights of Maori in relation to water.

## 2.5 Primary drivers for change - issues to be addressed

The key issues that Bay of Plenty Regional Council is seeking to address through this Plan Change to the Regional Land and Water Plan in respect to water allocation include:

- 1 **An increasing demand for water:** The number of resource consents for taking water has doubled in the 10 years to 2013; water demand is expected to continue to grow. People in the region hold economic, social, cultural and environmental values for water, and as it becomes scarce, these values are likely to be in conflict.
- 2 **Constraints in the RWLP:** The RWLP became operative in 2008. Since 2008 the pressure on fresh water resources has increased. The National Policy Statement for Freshwater Management recognises the growing demands for freshwater across New Zealand, and the need for good and consistent management that recognises the range of values held for the resource. For the Bay of Plenty region:
  - (a) **New statutory instruments:** This includes new requirements as a result of the National Policy Statement for Freshwater Management and the second generation Regional Policy Statement.

- (b) **Over-allocation:** Many of the region's surface and ground water bodies are reaching or exceeding the default allocation limits defined in the RWLP. A lack of specific guidance in the RWLP constrains the ability of Council consent officers to decline resource consents in over-allocated catchments.
- (c) **Lack of clear limits for groundwater:** The RWLP does not specify a numeric limit for groundwater, and Council uses an interim default based on the Proposed National Environmental Standards on Ecological Flows and Water Levels. A clear limit and a methodology for establishing that is needed for the good management of the groundwater resource and to provide certainty for current and future users.
- (d) **Unconsented takes:** A significant number of dairy farms and horticultural blocks are taking water at levels requiring a resource consent, but do not hold consents. This situation does not support good resource management.
- (e) **Inadequate information:** Lack of information about permitted activity takes, s14(3)(b) takes, unauthorised takes, and actual versus consented water takes prevents good management of water resources. The costs of poor management accrue to the community, impinging on the values they hold for and get from fresh water.

To address these issues and to improve water management in a future where water is increasingly demanded and valued by the community, it is necessary to introduce a region-wide Plan Change.

This Plan Change will provide a region-wide framework to guide the WMA processes for community-based limit setting. It will also address immediate water quantity issues associated with deficiencies in current RWLP provisions and will give effect to the NPSFM and the RPS, to the extent possible at this early stage of the implementation process. This Plan Change will be completed in the next 1-2 years, while the WMA work, which will focus on particular catchments and take account of more localised circumstances, is anticipated to occur over the next decade. It is necessary that immediate issues, such as over-allocation, unconsented takes and water use monitoring are addressed in a shorter timeframe and at a regional level.

The Plan Change will involve changes in Chapter 5.1 (Water Quantity Policies), Chapter 9.6 (Rules), Schedule 7, and Definition of Terms in the RWLP. It will include some new or amended issues, objectives, policies, methods and rules.



## Part 3: Statutory and policy context

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The RMA creates a hierarchy of planning instruments including national, regional and local. It directs the manner in which the provisions within these instruments must be considered in preparation of this plan change. This section summarises the relevant statutory requirements and planning instruments to set out the context under which the Plan Change has been prepared.

### 3.1 Resource Management Act 1991

The RMA, with its purpose to promote the sustainable management of natural and physical resources, provides the mandate and direction for managing water resources. The RMA contains a restrictive presumption in respect of water in that it requires a person to be allowed via resource consents and/or regional plan rules to enable access to water resources.

The RMA sets out the functions and duties of regional councils which, in relation to water quantity and quality, includes establishing, implementing and reviewing objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region (s.30(1)(a)). Section 30(1)(b) and (c) gives regional councils the function to control the use of land to maintain the quality and quantity of water in water bodies. The functions also include the control of the taking, using, damming, and diverting of water, and the control of the quantity, level or flow in any water body (s.30(e)), and if appropriate, the establishment of rules in a regional plan to allocate the taking or use of water (s30(fa)(i)).

In carrying out these functions, the Bay of Plenty Regional Council must also ensure that this is done in accordance with Part 2 of the Act - s5 (Purpose), s6 (Matters of National Importance), s7 (Other matters) and s8 (Principles of the Treaty of Waitangi).

The purpose of the RMA is set out in Part 2, Section 5 which states:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-*
  - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

RMA s6 sets out matters of national importance which are to be recognised and provided for:

- s6(a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*

- s6(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- s6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- s6(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- s6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- s6(f) the protection of historic heritage from inappropriate subdivision, use, and development:*
- s6(g) the protection of protected customary rights.*

Section 7 sets out other matters to which councils are to have particular regard, these are:

- (a) Kaitiakitanga:*
  - (aa) The ethic of stewardship:*
  - (b) The efficient use and development of natural and physical resources:*
    - (ba) the efficiency of the end use of energy:*
  - (c) The maintenance and enhancement of amenity values:*
  - (d) Intrinsic values of ecosystems:*
  - (e) [Repealed]*
  - (f) Maintenance and enhancement of the quality of the environment:*
  - (g) Any finite characteristics of natural and physical resources:*
  - (h) The protection of the habitat of trout and salmon:*
  - (i) The effects of climate change:*
  - (j) The benefits to be derived from the use and development of renewable energy.*

Section 8 requires all persons exercising functions and powers under the Act, in relation to managing the use, development and protection of natural and physical resources to take into account the principles of the Treaty of Waitangi. The Court of Appeal has identified four principles, which form the basis of developing relationship of partnership and communication. These are the Essential Bargain, Tribal Self-Regulation, The Treaty Relationship, and Active Protection. The third principle, the Treaty Relationship, accords Maori with special status as a Treaty Partner, distinct and separate from status as an 'affected party'.

Bay of Plenty Regional Council must, in the course of exercising its functions and powers under the RMA, recognise and provide for the relationship of Maori, their culture and traditions with their ancestral land, water sites, waahi tapu, and other taonga. One of the practical ways of giving effect to this duty is the requirement for Council to have regard to statutory acknowledgements – areas or sites in the region where iwi have a special relationship with the land and/or water. The statutory areas include Crown land, geographic features, lakes, rivers, wetlands, and coastal marine areas. In addition, under the RMA, Deeds of Settlement and Settlement Legislation achieved with each iwi, regional, city and district councils are required to include statutory acknowledgments in relevant district and regional plans and policy statements, and to have regard to them in resource consent decision making.

Acts that include statutory acknowledgements associated with settled iwi are referred to within Schedule 11 of the RMA. Council is required to include statutory acknowledgements in statutory documents and to have regard to them in resource consent decision-making. In this case, Council maintains Nga Whakaaetanga-a-Ture ki Te Taiao a Toi (Statutory Acknowledgements in the Bay of Plenty), a compendium document to the Bay of Plenty Regional Policy Statement and regional plans. It incorporates statutory acknowledgements arising from Treaty of Waitangi settlement legislation negotiated between the Crown and iwi in the Bay of Plenty region. The particular cultural, spiritual, historic and traditional association of specific iwi in the Bay of Plenty is recognised respective settlement acts.

Iwi that currently have statutory acknowledgements are Ngati Awa, Ngati Tuwharetoa (Bay of Plenty), Te Arawa (Lakes), affiliate Te Arawa iwi and hapū, Waitaha, Ngati Whare, Ngati Manawa, Ngati Makino, Tapuika, Ngati Rangiwewehi, and Ngati Rangiteaorere.

### 3.2 National context

National Policy Statements (NPS) are an instrument issued under Section 52(2) of the RMA which state objectives and policies for matters of national significance relevant to achieving the purpose of the RMA. Of particular relevance to this Plan Change are the:

- National Policy Statement for Freshwater Management 2014.
- National Policy Statement for Renewable Electricity Generation 2011.

National Environmental Standards (NES) are regulations issued under Section 43 of the RMA. They provide a nationally consistent approach and decision-making process. They may be prescribed technical standards, methods or other requirements for environmental matters. Each council must enforce the same standard and in some circumstances can impose stricter standards. Of particular relevance to this Plan Change are the:

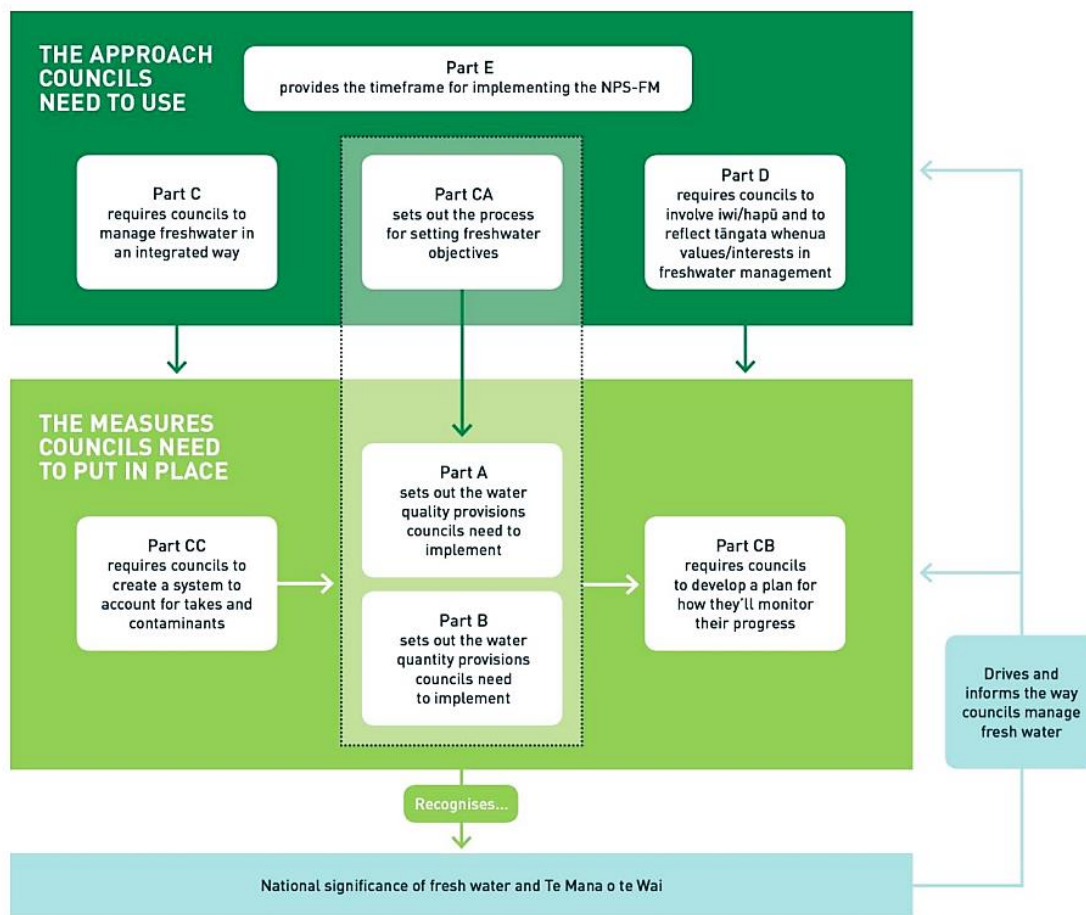
- Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 (previously an NES).
- Proposed National Environmental Standard on Ecological Flows and Water Levels.
- National Environmental Standard for Sources of Drinking Water 2007.

A water conservation order (WCO) recognises the outstanding amenity or intrinsic values that a specific water body provides, in either a natural or modified state. The Bay of Plenty region only has one WCO:

- National Water Conservation (Motu River) Order 1984.

#### 3.2.1 National Policy Statement for Freshwater Management 2014

The National Policy Statement for Freshwater Management 2014 (NPSFM) directs a sustainable and integrated approach to be taken to the way that freshwater is managed, allocated and used. It seeks to recognise “*the national significance of freshwater for all New Zealanders and Te Mana o te Wa*”. In particular, it requires regional councils to establish objectives and limits for fresh water in their regional plans. The core components of the NPSFM are illustrated on page 36:



Source: Ministry for the Environment<sup>81</sup>

The objectives and policies of particular relevance to this Plan Change are provided below:

*Objective B1 To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water, in sustainably managing the taking, using, damming, or diverting of fresh water.*

*Objective B2 To avoid any further over-allocation of fresh water and phase out existing over-allocation.*

*Objective B3 To improve and maximise the efficient allocation and efficient use of water.*

*Objective B4 To protect significant values of wetlands.*

The requirement to establish limits for water quantity in regional plans is found in policies B1 and B2:

*Policy B1 By every regional council making or changing regional plans to the extent needed to ensure the plans ... set environmental flows and/or levels for all freshwater management units in its region (except ponds and naturally ephemeral water bodies) to give effect to the objectives in this national policy statement ...*

<sup>81</sup> Ministry for the Environment (2015a).

In addition, the NPSFM provides directive policies on the efficient allocation and use of water and the need to avoid further over-allocation that regional plans must give effect to:

- Policy B2* By every regional council making or changing regional plans to the extent needed to provide for the efficient allocation of fresh water to activities, within the limits set to give effect to Policy B1.
- Policy B3* By every regional council making or changing regional plans to the extent needed to ensure the plans state criteria by which applications for approval of transfers of water take permits are to be decided, including to improve and maximise the efficient allocation of water.
- Policy B4* By every regional council identifying methods in regional plans to encourage the efficient use of water.
- Policy B5* By every regional council ensuring that no decision will likely result in future over-allocation – including managing fresh water so that the aggregate of all amounts of fresh water in a freshwater management unit that are authorised to be taken, used, dammed or diverted does not over-allocate the water in the freshwater management unit.

The NPSFM also acknowledges iwi and community values by recognising the range of iwi and community interests in fresh water, including environmental, social, economic and cultural values:

- Objective D1* To provide for the involvement of iwi and hapū, and to ensure that tāngata whenua values and interests are identified and reflected in the management of fresh water including associated ecosystems, and decision-making regarding freshwater planning, including on how all other objectives of this national policy statement are given effect to.
- Policy D1* Local authorities shall take reasonable steps to:
- (a) *Involve iwi and hapū in the management of fresh water and freshwater ecosystems in the region;*
  - (b) *Work with iwi and hapū to identify tāngata whenua values and interests in fresh water and freshwater ecosystems in the region; and*
  - (c) *Reflect tāngata whenua values and interests in the management of, and decision-making regarding, fresh water and freshwater ecosystems in the region.*

## Comment

The NPSFM provides until 2025 (or 2030 if Councils have reason) to fully implement all its policies. Bay of Plenty Regional Council has taken a staged approach for implementing the policies of the NPSFM, with this Plan Change focussing on region-wide matters. Full effect will be given once the specific water quantity and quality limits are set through the Water Management Area work. A Water Management Area is a spatial scale for community planning purposes and is not a Freshwater Management Unit. There are likely to be several Freshwater Management Units within a Water Management Area.

Bay of Plenty Regional Council must take reasonable steps to involve iwi and hapū in freshwater management, and to ensure that tāngata whenua values and interests are identified and reflected in the management of, and decision making regarding, fresh water and freshwater ecosystems in the region.

Appendix 3 sets out how the Plan Change gives effect to the relevant provisions of the NPSFM.

### 3.2.2 National Policy Statement for Renewable Electricity Generation 2011

The National Policy Statement for Renewable Electricity Generation 2011 (NPSREG) recognises the importance of renewable energy. It requires decision makers to recognise and provide for the national significance of renewable electricity generation, requiring that regional policy statements and district plans provide for development, operation, maintenance and upgrading of new and existing hydrogeneration activities. Hydro electricity generation will make an important contribution to New Zealand's target of 90 per cent of electricity from renewable sources by 2025.

The NPSREG promotes a more consistent approach to balancing the competing values associated with the development of New Zealand's renewable energy resources when councils make decisions on resource consent applications. This gives greater certainty to applicants and the wider community.

Policy E2 relates to hydro-electricity resources and is relevant to the plan change as follows:

***Policy E2*** - Regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance, and upgrading of new and existing hydro-electricity generation activities to the extent applicable to the region or district.

## Comment

This Plan Change gives effect to the NPSREG through the amendment to Objective 40 (now WQ O2), which recognises the importance of maintaining operations, and retaining the intent of clarifying the rights of existing hydro-electric generators and other water users at the expiry of existing consents (previously Policy 69, now WQ P 19 and WQ P 20).

### 3.2.3 Resource Management (Measurement and Reporting of Water Takes) Regulations 2010

The Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 (national water metering regulations) apply to resource consents allowing fresh water to be taken at a rate of 5 litres per second or more. The regulations do not apply to water takes that do not need resource consent, or to consented takes:

- allowing less than 5 litres per second to be taken, or
- for geothermal or coastal water, or
- that are non-consumptive.

The national water metering regulations require that consented water users measure and keep records of their water take. The regulations state that consented water users taking at a rate of 5 litres per second or greater, must:

- take continuous measurements,
- keep daily records of cubic metres taken (regional councils may give written approval for weekly records),
- keep records specifying 'zero' when no water is taken,
- keep records in an auditable format,
- use a water measuring device or system that is:
  - suited to the qualities of water it is measuring (e.g. its sediment content),
  - sealed and tamper-proof,
  - installed where water is taken (regional councils may give written approval for installation at an alternative location),
  - accurate to within plus or minus 5 per cent for water taken by a full (pressurised) pipe, or plus or minus 10 per cent for takes by open channels or partially full pipes,
  - verified as accurate by a person who is qualified. Verification is required initially, and then every five years,
  - able to provide data in a form suitable for electronic storage.

Consented water users must provide annual records to the regional council for:

- each year of the resource consent,
- covering all water taken from 1 July to 30 June,
- in writing (or electronically if requested by the regional council) within one month after this period.

The regulations came into effect on 10 November 2010, and for resource consents granted prior to that date, the deadline for compliance depends on the consented rate of take. As of 10 November 2014, all consented takes of more than 10 litres per second should have complied. For takes of 5 and up to 10 litres per second, compliance is by 10 November 2016.

## **Comment**

Water metering and reporting is a key component of the Plan Change. Metering recording and reporting is an important part of being able to manage and account for water use. Metering requirements have been set out explicitly in the policies with the metering, recording and reporting requirements for each type of take specified. A detailed assessment of the metering options considered is in Section 8.3 of this report.

The Council considers that the Plan Change is consistent with the national water metering regulations, and in general imposes more stringent measuring and reporting requirements.

### **3.2.4 Proposed National Environmental Standards on Ecological Flows and Water Levels**

The intent of the proposed National Environmental Standard on Ecological Flows and Water Levels is to promote consistency in the way that decisions are made to ensure sufficient variability and quantity of water flowing in rivers, ground water systems, lakes and wetlands. It would do this by:

- Setting interim limits on the alteration to flows and/or water levels where limits have not been imposed through regional plans or water conservation orders.
- Providing a process for selecting the appropriate technical methods for evaluating the ecological component of environmental flows and water levels.

## **Comment**

The Proposed NES is currently on hold pending decisions on the Government's freshwater reform programme, therefore no assessment has been carried out in relation to the Proposed NES.

### **3.2.5 National Environmental Standard for Sources of Human Drinking Water**

The National Environmental Standard for Sources of Human Drinking Water was gazetted on 20 December 2007. The NES is intended to reduce the risk of contaminating drinking water sources (such as rivers and groundwater). Regional councils are required to consider the effects of activities on drinking water sources in their decision-making.

The National Environmental Standard is a regulation under the Resource Management Act (RMA) 1991. It came into effect on 20 June 2008. It requires regional councils to ensure that effects on drinking water sources are considered in decisions on resource consents and regional plans. Specifically, councils are required to:

- decline discharge or water permits that are likely to result in community drinking water becoming unsafe for human consumption following existing treatment,
- be satisfied that permitted activities in regional plans will not result in community drinking water supplies being unsafe for human consumption following existing treatment,
- place conditions on relevant resource consents requiring notification of drinking water suppliers if significant unintended events occur (e.g. spills) that may adversely affect sources of human drinking water.



## Comment

The relationship between national environmental standards (NES) and rules or consents is set out in Section 43B of the RMA. For instance, Section 43B(3) provides that a rule or resource consent may not be more lenient than a NES. Given the nature of the Plan Change being about water allocation as opposed to water quality, there are no rules that are more lenient than the Drinking Water NES. In addition, other provisions within the RWLP not subject to this Plan Change manage the effects relevant to the NES.

### 3.2.6 National Water Conservation (Mōtū River) Order 1984

A Water Conservation Order (WCO) recognises the outstanding amenity or intrinsic values that a specific water body provides, in either a natural or modified state. Under Section 67(4)(a) of the RMA, the Plan Change must not be inconsistent with any WCO. The following WCO applies in the Bay of Plenty:

- National Water Conservation (Motu River) Order 1984. This WCO declares that the Motu River and tributaries should be preserved as far as possible in its natural state from the Motu Falls to the Mōtū River Bridge, State Highway 35, together with four tributaries of the Mōtū River and part of the Takaputahi River.

## Comment

The WCO does not contain minimum flows or allocation limits but does state that a water right (resource consent) to dam the river shall not be granted. Amendments to the damming provisions of the RWLP do not form part of this Plan Change (refer below).

*Rule 49 Prohibited – Damming, Diversion, Take and Use of Water, and Discharges to the Motu River and Specified Tributaries.*

*The:*

- 1 *Damming or diversion of water.*
- 2 *Take and use of water, excluding the take and use of water for purposes of:*
  - (a) *An individual's reasonable domestic needs, or*
  - (b) *The reasonable needs of an individual's animals for drinking water, or*
  - (c) *Firefighting.*
- 3 *Discharge of water to water...*

*...is a prohibited activity in the rivers and streams listed unless it is for state highway maintenance purposes or works and related matters undertaken in accordance with the Soil Conservation and Rivers Control Act 1941.*

## 3.3 Regional context

Within the Bay of Plenty region, the following statutory documents, non-statutory documents, programmes, agreements and arrangements are of particular relevance to this Plan Change:

- Bay of Plenty Regional Policy Statement.
- Bay of Plenty Regional Water and Land Plan.

- Other regional plans.
- Co-governance/co-management arrangement and documents.
- Protocol agreements.
- Freshwater Future Programme.

### 3.3.1 **Bay of Plenty Regional Policy Statement (Operative 2014)**

Under Section 67(3) of the RMA, a regional plan must give effect to the operative Regional Policy Statement. Topic areas within the RPS are of particular relevance:

- Water quantity.
- Iwi resource management.
- Energy and infrastructure.
- Integrated resource management.

The objectives and policies of relevance to this Plan Change are summarised in the Table 8.

Table 8 Regional Policy Statement: Objectives and policies and relevance to this Plan Change.

<b>Water quantity</b>	
<p><b>Objective 30:</b> The quantity of available water:</p> <ul style="list-style-type: none"> <li>(a) Provides for a range of uses and values;</li> <li>(b) Is allocated and used efficiently;</li> <li>(c) Safeguards the mauri and life supporting capacity of water bodies;</li> <li>(d) Meets the reasonably foreseeable needs of future generations.</li> </ul>	<p>Objective 30 seeks to ensure that as part of managing water quantity four core matters are provided for. PC9 will improve the way in which the RPS is given effect to as it contains a number of improvements with respect to the management of water quality and the integrated management of fresh water. Ultimately the provisions in Plan Change 9 seek to ensure that regions freshwater resources are sustainably managed, in a way that takes into account the economic and social wellbeing derived from these resources and the values associated with the water bodies.</p>
<p><b>Policy WQ 1A:</b> Promote the efficient use of water, enable water harvesting where adverse effects on the environment can be avoided, remedied or mitigated, and enable the transfer of water permits in whole or in part.</p> <p><b>Policy WQ 2A:</b></p> <ul style="list-style-type: none"> <li>(a) Set and apply limits for instream flows for surface water bodies to safeguard their life-supporting capacity, and take into account Māori cultural values and other values where relevant;</li> <li>(b) Set and apply allocation limits for the total amount of water that can be taken from surface water bodies to ensure a reliable and accessible amount of water is available for users; and</li> <li>(c) Set and apply allocation limits for groundwater (excluding geothermal water) which take into account, among other things: <ul style="list-style-type: none"> <li>(i) The interaction between groundwater and surface water;</li> <li>(ii) Sustaining groundwater-fed streams and wetlands;</li> <li>(iii) Preventing the contamination of aquifers by geothermal bore water and saltwater intrusion; and</li> <li>(iv) Water levels in aquifers.</li> </ul> </li> </ul>	<p>The scope of WQ P28 is wider than just water harvesting and includes managed aquifer recharge and any other method that would enhance water availability. Specific provisions are included for water transfers in order to maximise the value from water.</p> <p>A conservative approach has been taken to limit setting. Limits to allocation and minimum flows are identified in WQ P5 and a precautionary approach to allocation where there is uncertainty around environmental effects (WQ P7). WQ P14 provides for the integrated management of ground and surface water resources.</p>

<b>Water quantity</b>	
<p><b>Policy WQ 3B:</b> Have regard to the following matters when allocating and reallocating freshwater:</p> <ul style="list-style-type: none"> <li>(a) The demands and availability of water within catchments or areas;</li> <li>(c) Making water available to meet existing and reasonably foreseeable domestic, marae or municipal water supply needs with priority for essential drinking and sanitation requirements;</li> <li>(e) The benefits of maintaining instream flows to protect and enhance the cultural values of a waterbody, including its mauri;</li> <li>(f) Requiring the volume of water allocated and taken to be reasonable and justifiable with regard to its intended use;</li> <li>(g) The value of investments that existing consent holders have made which depend on the water abstracted;</li> <li>(h) The availability of the water for other uses, including cultural uses;</li> <li>(b) Ensuring water in a water body is not over allocated;</li> <li>(d) The relative economic benefits of the proposed end use of the water, when allocation limits are exceeded, or are close to being exceeded;</li> <li>(i) The benefits to be derived from the use of water for, or directly associated with electricity generation from renewable sources; and</li> <li>(j) The benefits to be derived from the use of water for rural production activities.</li> </ul>	<p>The Policy specifies the matters that are to be given regard when allocating and reallocating water. These include: considering existing and future needs, maintaining flows to protect values, the volume taken to be appropriate for its use and the benefits to be derived from electricity generation and rural production.</p> <p>To implement this policy, a series of policies and rules are included in Plan Change 9.</p> <p>Water needs for domestic, marae and municipal water supplies are specifically provided for (WQ P21) including a series of rules. Fundamental to the plan change is the maintenance of flows to protect values whether they are ecological, cultural, social or economic. Equally, a key component is ensuring water is used efficiently which includes making sure that the volume taken is appropriate for its intended use (WQ P13). The existing policy for renewable energy generation is streamlined and split into two policies (WQ P19 and WQ P20) that retain recognition of the importance of maintaining renewable energy generation and those of existing users upstream of the schemes. The policies are supported by maps of the scheme catchments.</p>
<p><b>Policy WQ 5B:</b> Review existing resource consents for the taking and use of surface and ground water on a catchment by catchment basis to implement allocation limits and instream flows.</p>	<p>The review of consents is a process undertaken using s128 of the RMA and/or at the time that consents are renewed. The Plan Change does not specifically require a review of consents because the limits identified in the plan change are conservative and interim. It would be inappropriate to review existing consents based on interim limits in the absence of evidence of harm. WQ P2 relating to future work within WMAs requires consideration to be given to reviewing resource consents once a rule imposing environmental flows and levels is made operative. WQ P16 requires that decision makers include common review dates within specified catchments or WMAs. This will enable any reviews to occur catchment wide.</p>

<b>Water quantity</b>	
<p><b>Policy WQ 6B:</b> When applying for designations, plan changes, land use and/or subdivision consent the applicant should ensure that there is sufficient water available at the location to support the activity.</p> <p><b>Policy WQ 7B:</b> When applying for land use and/or subdivision consent the applicant shall consider alternative sources of water, and where reasonable, implement water conservation measures and the benefits of water collection and reuse and/or recycling.</p>	<p>Through Method 153 the Council, as appropriate, will make submissions on district plans and district resource consents in accordance with statutory contacts processes, to advise that land use changes, intensification and urban growth should not occur without adequate assessment of water resources, and account for any limitations on the available resource.</p>
<p><b>Policy WQ 8B:</b> When considering an application for resource consent to take water, regard shall be given to:</p> <ul style="list-style-type: none"> <li>(a) The extent to which water users have demonstrated a reasonable need for the rates and volumes sought;</li> <li>(b) The extent to which water users have demonstrated that the water will be used efficiently;</li> <li>(c) The extent of potential adverse effects on other authorised users;</li> <li>(d) Specifying the maximum allowable water use as well as maximum abstraction rates;</li> <li>(e) Requiring the consent holder to measure and report the actual amount of water taken;</li> <li>(f) Whether water is able to be taken within pressure catchments and aquifers that are nearing full allocation;</li> <li>(g) Preventing saltwater intrusion;</li> <li>(h) The reasonably foreseeable impacts of climate change;</li> <li>(i) Establishing and applying a consent term of no more than 15 years, unless: <ul style="list-style-type: none"> <li>(i) The take and use of water is necessary to enable the use or development of regionally significant infrastructure;</li> <li>(ii) The take and use of water is for a non-typical activity such as dewatering and the access to, and use and development of mineral resources; or</li> </ul> </li> </ul>	<p>The policy sets out a list of matters that need to be considered when making decisions on applications to take and use water. The list of matters is reflected in policies and rules.</p>

<b>Water quantity</b>	
<ul style="list-style-type: none"> <li>(iii) A longer term is demonstrated by the applicant to be appropriate in the circumstances;</li> <li>(j) The benefits to be derived from the use of water for, or directly associated with electricity, generation from renewable sources.</li> </ul>	
<b>Iwi Resource Management</b>	
<p><b>Policy IW 1B:</b> Enabling development of multiple-owned Māori land. Provide for the development of multiple-owned Māori land in a manner which:</p> <ul style="list-style-type: none"> <li>(a) Enables sustainable development consistent with Part 2 of the Act;</li> <li>(b) Enables Māori to develop papakāinga, marae and associated community facilities or housing and, where necessary, shall actively protect these and associated customary activities from the adverse effects of subdivision, use and development, in the vicinity of a marae;</li> <li>(c) Enables Maori to develop multiply owned Maori land and resources to provide social and economic benefits;</li> <li>(d) Enables Māori to develop geothermal resources for economic and social benefits in a manner consistent with the classification and management purpose of the geothermal resource; and</li> <li>(e) In the western Bay of Plenty sub-region only, protects, to the extent practicable, views from: <ul style="list-style-type: none"> <li>(i) Marae to landscape features of significance to the hapū and iwi associated with that marae; and</li> <li>(ii) Culturally significant features where part of the significance is the view.</li> </ul> </li> </ul>	<p>There is no doubt that some areas of Māori land in New Zealand and in the Bay of Plenty region have capacity for further development. Access to water will be a factor in whether land is further developed.</p> <p>WQ O8 and WQ P21 recognise the social benefits from the use of water for marae and at the time of low flows the essential nature of marae water supply is to be given priority (WQ P31).</p> <p>The potential for water permits to be transferred by a lessee from Māori owned land has been considered. The water transfer rules require that the potential effect of the transfer on tāngata whenua values be considered. Tāngata whenua values include those of the owners of Māori land, if the water source is on such land.</p>
<p><b>Policy IW 2B:</b> Recognising matters of significance to Māori. Proposals which may affect the relationship of Māori and their culture and traditions must:</p> <ul style="list-style-type: none"> <li>(a) Recognise and provide for: <ul style="list-style-type: none"> <li>(i) Traditional Māori uses and practices relating to natural and physical resources such as mahinga mātaihai, waahi tapu, papakāinga and taonga raranga;</li> </ul> </li> </ul>	<p>It is expected that the sub-regional plans will further recognise and provide for matters of significance to Māori, as WQ P2 requires Council to work with co-governance partners and tāngata whenua in identifying values and setting limits in relation to freshwater. However, the policy framework for that process has been established in PC9 through ensuring that the mauri and life supporting capacity is safeguarded and tāngata whenua values are maintained when managing the abstraction of surface water (WQ O3) and that within the WMAs integrated management occurs (WQ O9).</p>

<b>Water quantity</b>	
<ul style="list-style-type: none"> <li>(ii) The role of tāngata whenua as kaitiaki of the mauri of their resources;</li> <li>(iii) The mana whenua relationship of tāngata whenua with, and their role as kaitiaki of, the mauri of natural resources;</li> <li>(iv) Sites of cultural significance identified in iwi and hapū resource management plans; and</li> </ul> <p>(b) Recognise that only tāngata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.</p> <p><b>Policy IW 5B:</b> Adverse effects on matters of significance to Māori</p> <p>When considering proposals that may adversely affect any matter of significance to Māori recognise and provide for avoiding, remedying or mitigating adverse effects on:</p> <ul style="list-style-type: none"> <li>(a) The exercise of kaitiakitanga;</li> <li>(b) Mauri, particularly in relation to fresh, geothermal and coastal waters, land and air;</li> <li>(c) Mahinga kai and areas of natural resources used for customary purposes;</li> <li>(d) Places sites and areas with significant spiritual or cultural historic heritage value to tāngata whenua; and</li> <li>(e) Existing and zoned marae or papakāinga land.</li> </ul>	
<p><b>Policy IW 3B:</b> Recognising the Treaty in the exercise of functions and powers under the Act.</p> <p>Exercise the functions and powers of local authorities in a manner that:</p> <ul style="list-style-type: none"> <li>(a) Takes into account the principles of the Treaty of Waitangi;</li> <li>(b) Recognises that the principles of the Treaty will continue to evolve and be defined;</li> <li>(c) Promotes awareness and understanding of councils' obligations under the Act regarding the principles of the Treaty, tikanga Māori and kaupapa Māori, among council decision makers, staff and the community;</li> <li>(d) Recognises that tāngata whenua, as indigenous peoples, have rights protected by the Treaty and that consequently the Act accords iwi a status distinct from that of interest groups and members of the public; and</li> </ul>	<p>The RPS requires Council to work with iwi and hapū to identify and reflect tāngata whenua values and interests in freshwater management and decision-making.</p> <p>Plan Change 9 seeks to recognise the role that tāngata whenua have to play in fresh water management and decision making, not only as kaitiaki but also land owners, lessors and developers. A means for addressing this is the inclusion of specific provisions in Plan Change 9.</p>

<b>Water quantity</b>	
(e) Recognises the right of each iwi to define their own preferences for the sustainable management of natural and physical resources, where this is not inconsistent with the Act.	
<b>Policy IW 4B:</b> Taking into account iwi and hapū resource management plans. Ensure iwi and hapū resource management plans are taken into account in resource management decision making processes.	Iwi and hapū resource management plans will be required to be had regard to when applications for consent to take and use water are considered (WQ P15).
<b>Policy IW 6B:</b> Encouraging tāngata whenua to identify measures to avoid, remedy or mitigate adverse cultural effects. Encourage tāngata whenua to recommend appropriate measures to avoid, remedy or mitigate adverse environmental effects on cultural values, resources or sites, from the use and development activities as part of consultation for resource consent applications and in their own resource management plans.	While consultation is not mandatory for consent applicants, the extent to which an applicant has consulted with and taken into account values has been included as a matter in a number of the rules.
<b>Energy and Infrastructure</b>	
<p><b>Objective 5:</b> Provide for energy efficiency and conservation and promote the use and development of renewable energy sources.</p> <p><b>Objective 6:</b> Provide for the social, economic, cultural and environmental benefits of, and the use and development of nationally and regionally significant infrastructure and renewable energy.</p> <p><b>Objective 7:</b> Provide for the appropriate management of:</p> <p>(a) any adverse environmental effects (including effects on existing lawfully established land uses) created by the development and use of infrastructure and associated resources;</p> <p>(b) any reverse sensitivity effects on established, consented or designated infrastructure.</p> <p><b>Policy EI 3B:</b> Protecting nationally and regionally significant infrastructure. Protect the ability to develop, maintain, operate and upgrade existing, consented and designated nationally and regionally significant infrastructure from incompatible subdivision, use or development. Ensure that where potentially incompatible subdivision, use or development is proposed near regionally significant infrastructure, it should be designed and located to avoid potential reverse sensitivity effects.</p>	Infrastructure is critical to the social, economic and cultural wellbeing of the region's communities and their health and safety. The amendment to WQ O2 and inclusion of WQ P19 in Plan Change 9 recognises the importance of hydroelectric generation activities and will provide certainty to applicants and infrastructure operators.



<b>Water quantity</b>	
<b><i>Integrated Resource Management</i></b>	
<p><b>Policy IR 1B:</b> Applying a precautionary approach to managing natural and physical resources.</p> <p>Apply a precautionary approach to the management of natural and physical resources, where there is scientific uncertainty and a threat of serious or irreversible adverse effects on the resource and the built environment.</p>	<p>Integrated resource management refers to relationships between agencies, users and their values, legislation, policy statements, plans, resource consents, and other mechanisms, which enable the promotion of sustainable resource management.</p> <p>The Policy is recognised in relation to water allocation through including WQ P7 in PC9. Where water allocation is at or exceeding the allocation limits set a precautionary approach is to be taken.</p>

## Comment

This Plan Change has been shaped based on the above RPS provisions, particularly those within the Water Quantity Chapter. There is clear alignment between the RPS and Regional Plan Objectives relating to freshwater.

### 3.3.2 Bay of Plenty Regional Water and Land Plan

The Bay of Plenty Regional Water and Land Plan became operative in 2008. Of direct relevance to this Plan Change is:

- Section 5.1 (Take and Use of Surface Water and Groundwater) in its entirety. This Plan change involves the addition, removal and amendment/ replacement of issues, objectives, policies and methods.
- Section 9.6: Take and Use of Water Rules. This Plan Change involves the inclusion of new rules and amendment to existing rules.
- Schedule 7 currently schedules the instream minimum flow requirement for the Waitahanui River. This will be replaced with a new schedule providing further guidance about water use efficiency.

### 3.3.3 Other regional plans

Other regional plans within the Bay of Plenty region are:

- Operative On-Site Effluent Treatment Regional Plan.
- Operative Regional Air Plan.
- Operative Regional Coastal Environment Plan.
- Operative Rotorua Geothermal Regional Plan.
- Operative Tarawera River Catchment Plan.
- Operative River Gravel Management Plan.
- Proposed Regional Coastal Environment Plan.
- Draft Second Generation Regional Air Plan.

## Comment

These regional plans are not impacted by the Plan Change.

## 3.4 Co-governance arrangements and documents

A number of co-governance/co-management arrangements have been established as a result of treaty settlement processes:

Table 9 Co-governance arrangements.

Committee	Purpose/function
Te Maru o Kaituna (Kaituna River Authority) <i>Established by the Tapuika Claims Settlement Act 2014</i>	To restore, protect and enhance the environmental, cultural and spiritual health and well-being of the Kaituna River.

Committee	Purpose/function
Rangitāiki River Forum <i>Established by the Ngāti Manawa Claims Settlement Act 2012 and the Ngāti Whare Claims Settlement Act 2012</i>	The protection and enhancement of the environmental, cultural, and spiritual health and wellbeing of the Rangitāiki River and its resources for the benefit of present and future generations.
Te Arawa Lakes Strategy Group <i>Established by the Te Arawa Lakes Settlement Act 2006</i>	To contribute to the promotion of the sustainable management of the Rotorua Lakes and their catchments, for the use and enjoyment of present and future generations, while recognising and providing for the traditional relationship of Te Arawa with their ancestral lakes.

In 2015, The Rangitāiki River Forum approved Te Ara Whānui o Rangitāiki (“The River Document”). This document sets out the vision, objectives and desired outcomes for the Rangitāiki River and its catchment. Under the Treaty Claims Settlement Acts, the RPS must recognise and provide for the vision, objectives and desired outcomes of the River Document. Draft Change 3 (Rangitāiki River) to the RPS is currently underway.

### Comment

Staff have provided reports to both river forums in relation to the Plan Change. Te Maru o Kaituna requested a workshop to discuss the Plan Change in late October 2015.

No formal engagement occurred with the Te Arawa Lakes Strategy Group because the Plan Change focuses on water quantity issues rather than lake water quality. However, Te Arawa Lakes Trust representatives attended engagement hui in relation to the Draft Plan Change in September 2015.

#### 3.4.1 Protocol agreements

There is an Integrated Planning Protocol between Tūhoe Te Uru Taumatua, Bay of Plenty Regional Council, Hawke’s Bay Regional Council, Wairoa District Council and Whakatane District Council. The purpose is to provide an integrated and consistent framework for all Council planning processes within the Ngāi Tūhoe rohe. It seeks to promote effective engagement and prevent misunderstandings around respective roles and statutory obligations. The protocol includes principles and expected levels of engagement.

This Protocol is of particular relevance to this Plan Change as it requires Council to carry out early communications and share a Draft Plan Change with Tūhoe Te Uru Taumatua for comment. In this case, the Draft Plan Change was circulated to Tūhoe Te Uru Taumatua in September 2015. Meetings were also held with Tūhoe Te Uru Taumatua in May 2015 to discuss the intention of the Plan Change and again in October 2015 following the release of the Draft Plan Change. Additional meetings were held in 2016 (23 February and 13 June) although the Water Quantity Plan Change was not the focus of these meetings.

### 3.4.2 Freshwater Futures Programme

Under the National Policy Statement for Freshwater Management 2014 (NPSFM), the Council must develop a programme of time-limited stages for implementing the NPSFM. In this process the Council will deliver limits to allocation and use of water for each of the nine WMA across the Bay of Plenty region via the Freshwater Futures Programme to the RWLP.

In December 2015 Council adopted the updated programme for implementing the WMAs, and agreed to begin this work with the Rangitāiki and Kaituna/Maketū and Pongakawa/Waitahanui WMAs. The order of other WMAs will be confirmed in 2016.

The WMA community process will identify values and attributes which will contribute to Council's decisions about water quality and quantity limits at each WMA level (Figure 10). The timeframe for this process will be from 2015-2025.

This Plan Change focuses on region-wide water quantity issues, developing policies and rules to address these, and establishing a regional framework. The Plan Change is required now because the WMA process will occur over a 10 year timeframe, while regional issues such as unauthorised water use, lack of clear limits, inefficient water allocation and use, and lack of metering information need addressing now. These matters can be progressed through the Plan Change process, while other matters including catchment specific issues and objectives are better managed through the WMA process.

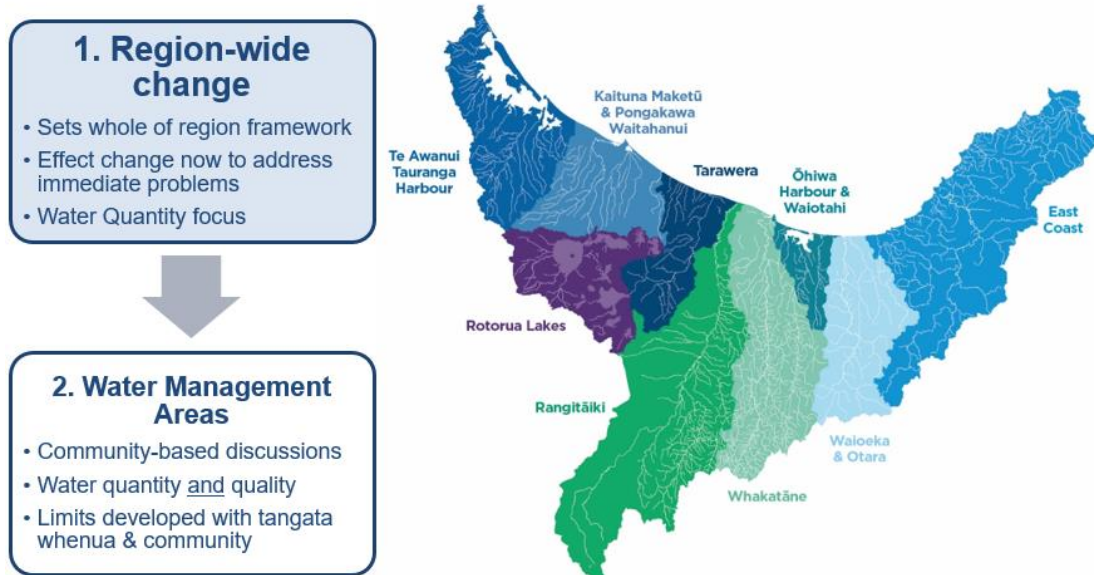
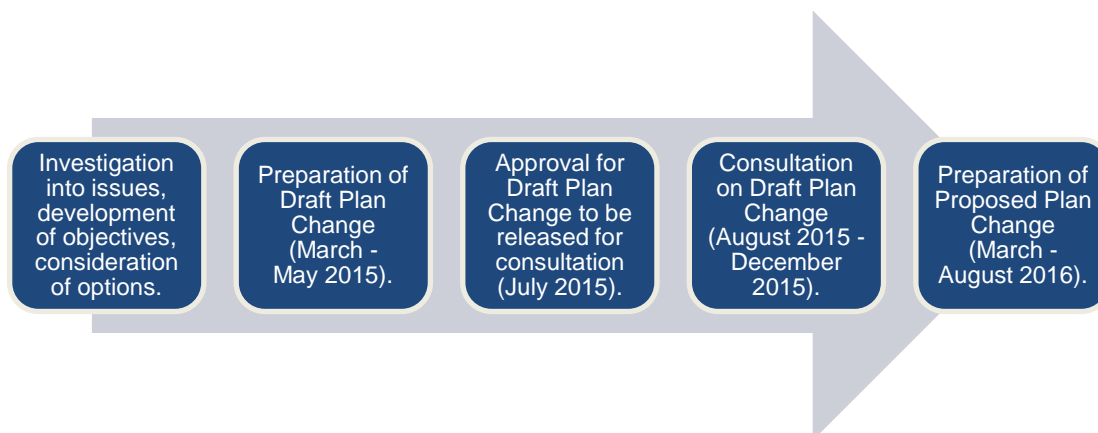


Figure 10 Freshwater Futures Programme.

## Part 4: Consultation process

This section describes the development of the Plan Change, including consultation undertaken and how feedback from the community has shaped the Plan Change.

### 4.1 Overview of development process



#### 4.1.1 Council committees

The Regional Direction and Delivery Committee have a core function of policy formulation and implementation, and monitoring of Regional Council strategy and policy. The committee meets every six weeks and are the 'decision-makers' in relation to the Plan Change.

Komiti Māori has functions for implementation and monitoring of Council's legislative obligations to Māori. The committees meet every two months and have provided guidance in relation to effective engagement with Māori for the Plan Change.

Joint workshops were held with these committees in October 2014, March 2015 and April 2015 to obtain specific guidance in the development of the Plan Change.

Key Reference Documents
<b>Regional Direction and Delivery Committee reports</b> <a href="http://www.boprc.govt.nz/council/committees-and-meetings/regional-direction-and-delivery/">http://www.boprc.govt.nz/council/committees-and-meetings/regional-direction-and-delivery/</a> <ul style="list-style-type: none"><li>• 12 August 2014 to endorse the timeframes for the Plan Change.</li><li>• 2 July 2015 to approve and consult on the Draft Plan Change.</li></ul>
<b>Komiti Maori reports</b> <a href="http://www.boprc.govt.nz/council/committees-and-meetings/komiti-m%C4%81ori/">http://www.boprc.govt.nz/council/committees-and-meetings/komiti-m%C4%81ori/</a> <ul style="list-style-type: none"><li>• Meetings held on 23 October 2014, 23 April 2015 and 1 October 2015 to discuss and seek guidance on the Plan Change.</li></ul>

#### 4.1.2 Co-governance forums

Te Maru o Kaituna (Kaituna River Authority) is a co-governance partnership between local authorities and iwi that share an interest in the Kaituna River and surrounding catchment.

The Rangitāiki River Forum is a co-governance partnership between local authorities and iwi that share an interest in the Rangitāiki River and surrounding catchment.

Both Forums meet every two months and are administered by the Bay of Plenty Regional Council. Staff provided reports to both forums in relation to the Plan Change. Te Maru o Kaituna also requested a workshop to discuss the Plan Change in late October 2015.

Key Reference Documents
<p><b>Te Maru o Kaituna reports</b></p> <p><a href="http://www.boprc.govt.nz/13674.aspx">http://www.boprc.govt.nz/13674.aspx</a></p> <ul style="list-style-type: none"><li>Formal report about the Plan Change on 15 May 2015 and 7 October 2015.</li></ul>
<p><b>Komiti Maori reports</b></p> <p><a href="http://www.boprc.govt.nz/council/committees-and-meetings/rangitaiki-river-forum/">http://www.boprc.govt.nz/council/committees-and-meetings/rangitaiki-river-forum/</a></p> <ul style="list-style-type: none"><li>Formal report about the Plan Change on 27 August 2015.</li></ul>

#### 4.1.3 Regional Water Advisory Panel (RWAP)

The Regional Water Advisory Panel was established in 2014 to provide advice and recommendations to Council on regional issues in implementing the NPSFM.<sup>82</sup> The panel comprises stakeholders representing Māori, environmental, economic development, energy, forestry, agricultural, and recreation and tourism interests. The panel meets every 2-3 months and have provided guidance in relation to the overall approach and implications of the Plan Change. The range and depth of expertise in this group has helped inform plan development and provided useful feedback to staff and councillors.

#### 4.1.4 Territorial Local Authority Freshwater Collaboration Group (TLAFCG)

The Territorial Local Authority Freshwater Collaboration Group was established in August 2015 to provide information to Council on territorial authority issues associated with the implementation of the NPSFM. Meetings were held every 2-3 months, and Council provided updates to the group, including feedback from consultation. The group discussed key issues for territorial authorities, including municipal takes and iwi consultation. One member of the TLAFCG was an observer at the RWAP, reporting back relevant items from RWAP meetings.

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<sup>82</sup> BOPRC (2014d).

## 4.2 Taking into account iwi management plans

An Iwi Management Plan is a term commonly applied to a resource management plan prepared and recognised by one or more Iwi or hapū authority. These plans describe resource management issues of importance to them as kaitiaki within their area of interest. The plans may also contain information relating to specific cultural values, historical accounts, descriptions of areas of interest (hapū/iwi boundaries/rohe) and consultation/engagement protocols for resource consents and/or plan changes.

IMPs provide a mechanism for tāngata whenua interests to be considered in Council processes. There are specific legislative requirements which place a duty on Council staff to take these plans into account. In practice, Councils must balance a number of competing interests including IMPs.

In preparing this Proposed Plan Change, IMPs were reviewed to:

- Meet the requirements of Section 61(2A)(a) of the RMA. When a regional council is preparing a plan change, it must take into account any relevant planning document recognised by an iwi authority.<sup>83</sup>
- Identify and understand the expectations of Iwi and hapū with regards to natural resource management, in particular, water quantity.
- Help inform engagement with Iwi and hapū about the Plan Change.

Twenty-four IMPs contained provisions directly relevant to this Plan Change. Common themes in relation to freshwater and water quantity included:

- Poor state of fresh water, tributaries, catchments and wetlands.
- Inappropriate use of water.
- Unauthorised use of springs and bores.
- Activities that affect the mauri of waterways.
- Inefficient use of water.
- Mismanagement of water resources.
- Overuse of a finite resource.
- Water banking/hoarding of water allocation.
- Cumulative effects of water abstraction.
- Effects of land uses on the health of aquifers, rivers and streams.
- Inadequate recognition of tāngata whenua values and interests in research, management and in particular, decision-making.
- Capacity of tāngata whenua to participate in freshwater management and decision making.

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<sup>83</sup> RMA 1991 Section 66(2A)(a).

The reviews found that Bay of Plenty iwi and hapū want to be involved in resource management processes, including decision-making, with regards to freshwater planning and resource consent processes. This includes input or involvement in water strategies and policy development. Many iwi and hapū would like to be involved in freshwater research and monitoring and have access to monitoring reports (both for resource consents and otherwise).

Bay of Plenty iwi and hapū want due recognition to their relationship with freshwater resources, in particular the need to incorporate tāngata whenua values, interests as well as matauranga into freshwater management, particularly limit setting. Tapuika and Tauranga Moana specifically request that water allocation limits take into account their values and interests, reflecting the requirements of the NPSFM.

A number of IMPs contained specific policies relating to resource consent processes, in particular consultation expectations, water allocation considerations, consent duration, efficiency (i.e. metering, shared use), and the need to prevent water banking. Ngāti Kahu and Ngāti Rangitahi IMPs requested that a policy be written to enable freshwater to be available to iwi and hapū for cultural purposes. Ngāti Kahu specifically requests a 5% allocation of low flow water from the Awa to be set aside for Ngāti Kahu purposes. This Plan Change relates to freshwater region-wide. Given that these matters are applicable at a local/catchment level, it is more appropriate that they are addressed within WMA processes, to the extent that they were able to be within the existing legal framework.

The reviewed IMPs are listed in Appendix 4 and the individual IMP assessments are provided in the associated report.<sup>84</sup> These IMPs have been taken into account in the development of the Plan Change.

## 4.3 Consultation

### 4.3.1 Overview

Schedule 1, Clause 3(1) of the RMA requires that councils must consult with the following parties in preparing a proposed policy statement or plan:

- (a) the Minister for the Environment; and
- (b) those other Ministers of the Crown who may be affected by the policy statement or plan; and
- (c) local authorities who may be so affected; and
- (d) the tāngata whenua of the area who may be so affected, through iwi authorities; and
- (e) any customary marine title group in the area.

To meet these requirements, copies of Draft Plan Change were sent to those listed in a)-d) above. Presentations and meetings were undertaken with other local authorities, both individually and collectively (via the Water Collaboration Group). There are no customary marine title groups in the Bay of Plenty region.

Information about tāngata whenua engagement is provided in Section 4.3.3 of this report.

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<sup>84</sup> BOPRC (2016e).



### 4.3.2 Draft Plan Change consultation

Early engagement and consultation is a useful means of seeking informal feedback, particularly on contentious provisions. The Draft Plan Change was publically released on 21 August 2015 and the period for feedback was extended from 1 October - 1 December 2015. The purpose was to obtain feedback from those affected and the wider community, particularly with regard to new provisions. Table 10 provides a summary of the engagement process.

Written feedback was received from 172 organisations and individuals and summarised into a report “Summary of feedback received on the draft region-wide water quantity Plan Change.”<sup>85</sup> Key topics of feedback were:

- special rule for municipal supplies.
- water metering recording and reporting.
- changes to permitted takes.
- special rule for existing dairy shed use.
- special rule for unauthorised irrigators’ transfers.
- managing takes at low flows and aquifer levels.
- water storage.

*Table 10 Community consultation summary.*

<b>Engagement period</b>	21 August 2015 – 1 December 2015 In response to requests from Iwi, the public and Komiti Māori for additional time, the deadline for feedback was extended from 2 October to 1 December 2015.
<b>Dissemination of information</b>	Through letters, emails, media releases and a dedicated webpage. <ul style="list-style-type: none"> <li>• Letters sent directly to 700+ dairy farm discharge consent holders; 1000+ water take resource consent holders, statutory organisations (including territorial local authorities and central government agencies); iwi authorities and other people or organisations identified by the Māori Policy Team; Regional Water Advisory Panel members. The letters included information about the project (fact sheets), public meeting details and referred to the Councils website for more information.</li> <li>• A special water quantity Plan Change webpage was created and is referred to in all printed documents. The webpage included all printed materials, meeting dates and contact details as well as Frequently Asked Questions page.</li> </ul>

<sup>85</sup> BOPRC (2016d). Refer Appendices 5 and 6 for reports on feedback.

<b>Engagement materials</b>	<ul style="list-style-type: none"> <li>• Three fact sheets available online and at public meetings: <ul style="list-style-type: none"> <li>□ Factsheet 1 – Overview</li> <li>□ Factsheet 2 – What is in the Draft</li> <li>□ Factsheet 3 – Implications for Māori</li> </ul> </li> <li>• The Draft Plan Change (clear copy and marked up version).</li> <li>• All supporting / technical documents were available on a dedicated Draft Plan Change webpage (<a href="http://www.boprc.govt.nz/environment/water/freshwater-futures/water-quantity-plan-change/">http://www.boprc.govt.nz/environment/water/freshwater-futures/water-quantity-plan-change/</a>).</li> </ul>
<b>Methods of engagement</b>	Community meetings and targeted engagement (including sector /industry/iwi authorities/hapū/Māori land trusts and incorporations). In addition, there were presentations at Council committee and co-governance meetings.
<b>Challenges with engagement</b>	<p>Ensuring:</p> <ul style="list-style-type: none"> <li>• Clear messaging about the issues/concerns raised and the reasons for the Draft Plan Change.</li> <li>• Effective distribution of information about the Draft Plan Change.</li> <li>• Opportunities for people to discuss and provide feedback on the potential implications of the Draft Plan Change.</li> <li>• Clarity between the regional Plan Change and WMA process.</li> <li>• Clarity around this process and other Council events and processes occurring concurrently e.g. establishment of the WMA community groups, Lake Rotorua nutrient rules, Rena consent hearing.</li> </ul>

More than 30 meetings / hui were held to discuss and seek feedback on the Draft Plan Change. Table 11 lists the meetings and presentations held over the engagement period.

*Table 11: Meetings over the engagement period.*

<b>Meeting date 2015</b>	<b>Type and location of meeting</b>
28 August	Hui with iwi authority, marae and land trust representatives, Rotorua.
8 September	Community meeting, Te Puna.
9 September	Hui with Māori land block and Ngāi Te Rangi representatives, Mount Maunganui.
10 September	Presentation to Māori Growers Forum, Mount Maunganui.
15 September	Hui with Tuhoe executives and staff, Tāneatua.
16 September	Hui with CNI Iwi Land Management Ltd, Whakatāne.
16 September	Community meeting, Kiwi360.
21 September	Hui hosted by Manaaki Te Awanui Trust, Tauranga.
22 September	Coast Community Board, Tōrere.
23 September	Community meeting, Whakatāne.
1 October	Komiti Māori hui, Rotorua.
1 October	Hui with Ngāti Rangiwewehi/Te Tahuu o Tawakeheimoa Trust, Rotorua.

Meeting date 2015	Type and location of meeting
5 October	Rural professionals meeting, Rotorua.
6 October	Rural professionals meeting, Whakatāne.
6 October	Rural professionals meeting, Tauranga.
7 October	Te Maru o Kaituna River Authority meeting, Tauranga.
9 October	Hui with iwi authority, marae and land trust representatives, Rotorua.
14 October	Community meeting, Galatea.
19 October	Hui with Māori Investments Ltd, Pūtauaki Trust, Ngāti Tūwharetoa Holdings Ltd, Ngāti Tūwharetoa (BOP) Settlement Trust, Kawerau.
20 October	Meeting with Federated Farmers, Edgecumbe.
3 November	Hui with Ngāti Whakahemo representatives, Mount Maunganui.
5 November	Hui with Tapuika Iwi Authority representatives, Te Puke.
9 November	Hui with Ngāti Pīkiao representatives, Maketū.
16 November	Meeting with Rotorua Lakes Council staff, Rotorua.
16 November	Federated Farmers meeting, Rotorua.
17 November	Fonterra/dairy industry meeting, Awakeri.
18 November	Presentation to SmartGrowth Implementation Committee, Tauranga.
20 November	Presentation to WBOPDC Te Arawa ki Takutai and Tauranga Moana Partnership Forums, Tauranga.
24 November	Community meeting, Waiōtahe.
24 November	Community meeting, Te Kaha.
25 November	Regional Water Advisory Panel Meeting, <i>venue to be confirmed</i> .
1 December	Presentation at Rabobank NZ Client Function, Te Puke.

### 4.3.3 Engagement with Māori

In consulting with tāngata whenua through iwi authorities when preparing a proposed policy statement or plan, Schedule 1, Clause 3B of the RMA states that Council will have consulted with iwi if Council:

- (a) considers ways in which it may foster the development of their capacity to respond to an invitation to consult, and
- (b) establishes and maintains processes to provide opportunities for those iwi authorities to consult it, and
- (c) consults with those iwi authorities, and
- (d) enables those iwi authorities to identify resource management issues of concern to them, and
- (e) indicates how those issues have been or are to be addressed.

The NPSFM and RPS require Council to work with iwi and hapū to identify and reflect tāngata whenua values and interests in freshwater management and decision-making. Part D of the NPSFM sets out the reasonable steps for local authorities to provide for the involvement of iwi and hapū. These steps are to:

- 1 involve iwi and hapū in the management of fresh water and freshwater ecosystems in the region,
- 2 work with iwi and hapū to identify tāngata whenua values and interests, and
- 3 reflect tāngata whenua values and interests in freshwater management and decision-making.

Consultation with tāngata whenua has been wider than Iwi Authorities, and has included co-governance entities, protocol partners (Tūhoe Uru Taumatua), Māori Land Trusts and Collectives and Marae Trusts. This acknowledges the role of Māori as both kaitiaki and land managers (e.g. use of land for farming, horticulture). During consultation, Council:

- Developed the Implications for Māori Fact Sheet, recognising the specific issues that Māori may face.
- Used an adaptive approach with clustered and individual hui.
- Reviewed Iwi and Hapū Management Plans to better understand the resource management issues of significance for each iwi or hapū authority.
- Prepared the Implications for Māori report for Komiti Māori.<sup>86</sup> This report collated Māori feedback and evaluated the implications of the Draft Plan Change for Māori – as kaitiaki, as farmers/horticulturalists, and as owners of land with capacity for development, including commercial redress land from treaty settlements.

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<sup>86</sup> BOPRC (2016e).

The key themes that came through the consultation with Māori are listed by topic in the table below:

*Table 12 Key themes from engagement with Maori.*

<p>The fairness of Special Rules:</p> <ul style="list-style-type: none"> <li>• Municipal takes.</li> <li>• Existing dairy shed use.</li> <li>• Unauthorised Irrigators.</li> </ul>	<p>How will the new conditions for permitted takes (e.g. registration) will be monitored and enforced?</p>	<p>Cost implications for Maori land trusts:</p> <ul style="list-style-type: none"> <li>• Requiring resource consents.</li> <li>• Compliance and administration costs.</li> <li>• Metering.</li> </ul>
<p>Special Rule for municipal takes:</p> <ul style="list-style-type: none"> <li>• Where also used for commercial, farming and horticulture.</li> <li>• Implications for municipal take on Maori land/from significant waterways.</li> <li>• Water banking.</li> </ul>	<p>Concern that enabling water transfers will encourage water trading.</p>	<p>Reduction in Permitted Groundwater Take Volume (from 35 m<sup>3</sup>/day):</p> <ul style="list-style-type: none"> <li>• Supported by some.</li> <li>• Some concerns about lack of justification.</li> </ul>
<p>Special Rule for existing dairy shed use:</p> <ul style="list-style-type: none"> <li>• Process within over-allocated status.</li> <li>• Non-notification status.</li> </ul>	<p>Consultation on Draft Plan Change:</p> <ul style="list-style-type: none"> <li>• Lack of prior engagement or communication.</li> <li>• Feedback period too short.</li> </ul>	<p>Reassurance that water takes for marae and urupa will not require metering.</p>
<p>Special Rule for unauthorised irrigators:</p> <ul style="list-style-type: none"> <li>• Rewarding bad behaviour.</li> <li>• Unfairness given challenges for future Maori land and Treaty settlement land development.</li> </ul>	<p>Involvement in long-term limit setting via WMAs.</p>	<p>Adequacy of Draft Plan Change to meet requirements:</p> <ul style="list-style-type: none"> <li>• NPS for Freshwater Management.</li> <li>• Treaty Settlements - Statutory Acknowledgement Areas.</li> <li>• Iwi Management Plan considerations.</li> <li>• Mataatua Declaration for Water.</li> </ul>

#### 4.3.4 Changes as a result of engagement with Māori

Topic area	Outcome
Recognition of the role of Maori in freshwater management	<ul style="list-style-type: none"> <li>• Recognition of the role of Māori in Freshwater Management: A number of changes have been made under relevant sections (see above). The regional framework provides overall requirements and overarching guidance on these matters. Catchment and location specific recognition and provision is expected through the WMA processes, which will be better able to reflect the different values and aspirations of different iwi and hapū throughout the region.</li> <li>• Method 172 (now WQ M9) was updated to strengthen recognition of the value of involving iwi and hapū to identify the extent of cultural impacts associated with resource consent applications.</li> </ul>
Water metering and reporting.	<ul style="list-style-type: none"> <li>• Significant change to metering requirements under WQ P24 increasing the frequency of reporting, especially for surface water takes.</li> <li>• Marae, urupa and papakainga will not require metering unless in the case of papakainga there are more than 30 households.</li> </ul>
Transfers	<ul style="list-style-type: none"> <li>• Revised rules relating to transfers</li> <li>• Require consideration of the potential effects on tāngata whenua.</li> </ul>

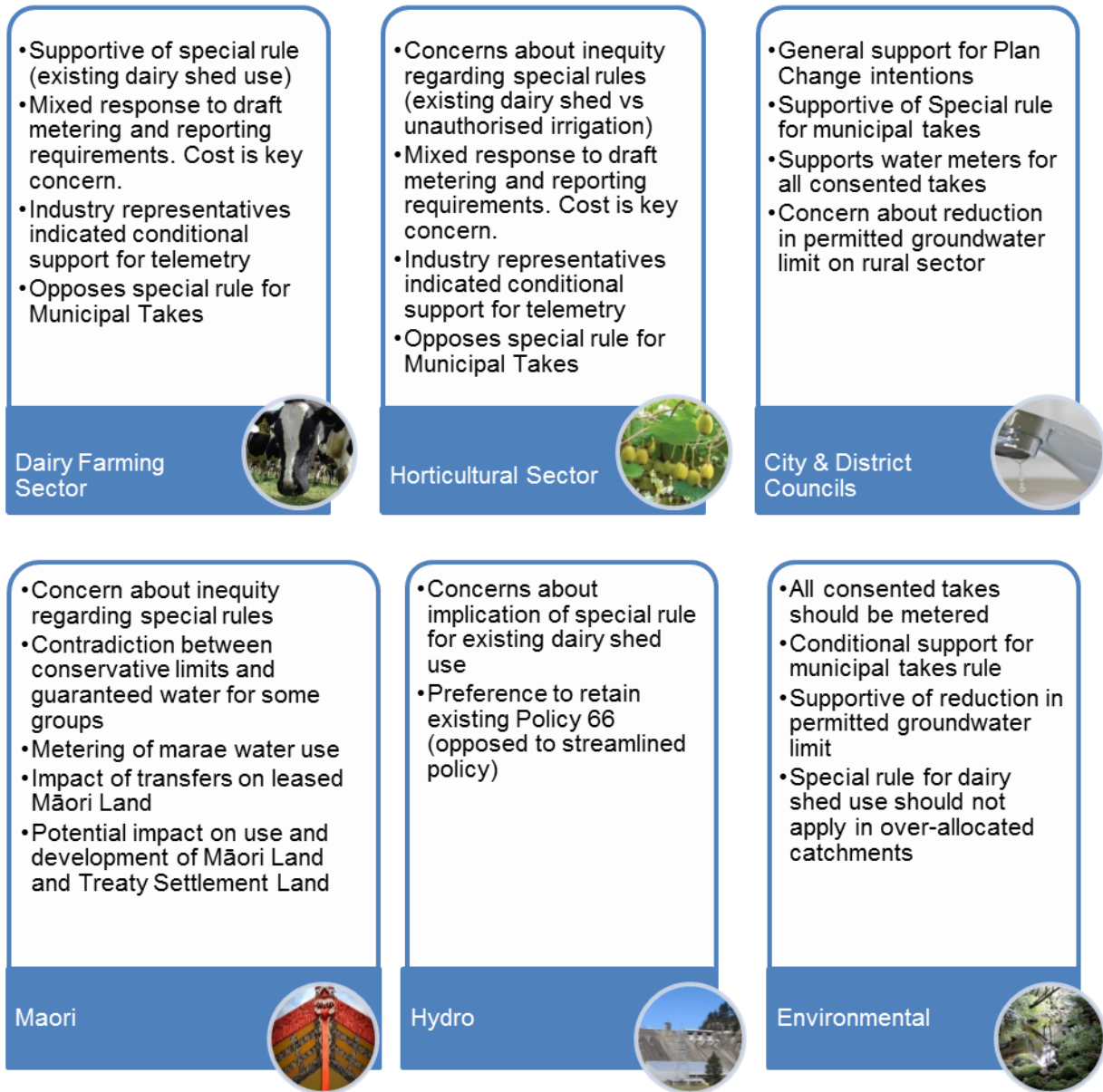
Topic area	Outcome
	<p>Advice notes confirm that tāngata whenua values include those of the owners of Māori land, if the water sourced is on such land.</p> <ul style="list-style-type: none"> <li>• Potential for water banking is addressed via efficiency provisions</li> <li>• The extent of the risk of water being transferred from Māori-owned land is unknown as there is no information about resource consents for irrigation held by lessees of such land.</li> </ul>
Reduction in Permitted Activity volume – groundwater	<ul style="list-style-type: none"> <li>• New rule added that allows properties of 5 hectares or greater to continue to take up to 35m<sup>3</sup>/property/day as a Permitted Activity.</li> <li>• Properties where the total water use exceeds the Permitted Activity volume, but do not require</li> </ul>
Municipal water supply including Water Management Plan requirements	<ul style="list-style-type: none"> <li>• Under matters of control for Council, added (g) <i>the extent to which the applicant has consulted with and taken into account Māori values</i> to WQ R6.</li> <li>• Added an advisory note that <i>Māori values include those of the owners of Maori owned land, if the water source is on such land.</i></li> </ul>
Special rule for existing dairy shed use.	<ul style="list-style-type: none"> <li>• Retained WQ R4 providing for existing unauthorised dairy shed takes to be granted resource consent as a controlled activity.</li> </ul>
Unauthorised irrigators	<ul style="list-style-type: none"> <li>• Deleted all provisions relating to unauthorised irrigators due to Council and horticultural industry setting up a joint programme to address the issue.</li> </ul>
Interim water allocation limits	<ul style="list-style-type: none"> <li>• Policies relating to the status of applications to take water have been revised for clarity but retain principle that new applications in over-allocated resources will generally be declined.</li> </ul>

The concerns of Māori were frequently shared by other feedback providers. Changes from the draft result from consideration of feedback as a whole and further evaluation of issues.

#### 4.3.5 Key themes from engagement

Feedback was provided via different channels including by telephone, in person / at a meeting, post or email. A feedback form was also developed, comprising 11 specific questions relating to the Draft Plan Change. In total, 172 pieces of written feedback was received. Over half of the feedback received was via standard form responses originating from Horticulture NZ, with the remainder varying from single sentence messages to lengthy and detailed breakdowns of individual provisions.

Table 13: Key themes by group, from on written and verbal feedback.<sup>87</sup>



#### 4.3.6 Outcomes from engagement

The following table summarises the changes made as a result of community feedback and on – going evaluation of issues on the draft rules:

Topic area	Outcome
Water metering, recording and reporting	<ul style="list-style-type: none"> <li>• Significant change to requirements under WQ P24 increasing the frequency of reporting especially for surface water takes.</li> <li>• Specify when meters are required for Permitted Activity takes.</li> <li>• Daily reporting for all surface water takes over 2.5 l/s and groundwater takes over 5 l/s.</li> </ul>

<sup>87</sup> Providers of feedback on environmental matters included Department of Conservation, the Royal Forest and Bird Protection Society, and Toi Te Ora - Public Health Service.

Topic area	Outcome
Transfers	<ul style="list-style-type: none"> <li>• Revised WQ P23 to add consideration of surrender of a proportion of the allocated water in an over-allocated resource at time of transfer.</li> <li>• New Permitted Activity WQ R 7 to provide for temporary transfer within water user group.</li> <li>• Included new rules for transfer – Controlled Activity WQ R 8 to limit rule to resources that are not over-allocated and added Restricted Discretionary Activity WQ R 9 for over-allocated resources.</li> <li>• See section 4.3.4.</li> </ul>
Reduction in permitted activity volume – groundwater	<ul style="list-style-type: none"> <li>• Reverted to existing volume of 35m<sup>3</sup>/property/day for properties of 5 ha or greater.</li> <li>• Retained reduced volume of 15m<sup>3</sup>/property/day for properties less than 5 ha.</li> </ul>
Registration of permitted takes	<ul style="list-style-type: none"> <li>• Retained requirement to register Permitted Activity takes.</li> </ul>
Municipal Water supply including Water Management Plan requirements	<ul style="list-style-type: none"> <li>• Added WQ P21 to recognise the essential nature of domestic, marae and municipal water supply in support of rule for municipal takes.</li> <li>• Addition to rule to give Council control over extent of consultation with Māori.</li> <li>• Minor strengthening of management plan requirements.</li> <li>• New definition of municipal water supply.</li> </ul>
Special rule for existing dairy shed use	<ul style="list-style-type: none"> <li>• Retained WQ R 4 providing for existing unauthorised dairy shed takes to be granted resource consent as controlled activity.</li> </ul>
Unauthorised irrigators	<ul style="list-style-type: none"> <li>• Deleted provisions relating to unauthorised irrigators due to Council and horticultural industry joint programme to address problem.</li> </ul>
Managing takes at low flow and low aquifer levels	<ul style="list-style-type: none"> <li>• Added survival water for crop and rootstock to the priority list under WQ P 31.</li> <li>• Added definition of crop and rootstock survival water.</li> </ul>
Water allocation limits	<ul style="list-style-type: none"> <li>• Separate policies for ground and surface water that require a comprehensive assessment (Policies 68 and 70 in Draft Plan) commensurate with the scale of the proposed take and current level of allocation has been combined and revised to WQ P9 and WQ P10.</li> <li>• Revised policy to generally decline resource consent applications in areas where the default limit is exceeded, and to consider granting consents in catchments where full allocation are not exceeded are proposed.</li> </ul>
Hydroelectric power provisions	<ul style="list-style-type: none"> <li>• WQ P19 was split into two separate provisions that relate to the importance of maintaining renewable electricity generation WQ P19 from those relating to other uses upstream of the HEP schemes WQ P20.</li> <li>• Maps included illustrating the upstream area of influence of HEP schemes.</li> </ul>
Water storage	<ul style="list-style-type: none"> <li>• Revised WQ P 28 to promote and help investigate enhanced water availability options.</li> <li>• New Method WQ M4 to support initiatives regarding community water schemes, storage, recharge and</li> </ul>



Topic area	Outcome
	harvesting.
Groundwater surface water connectivity	<ul style="list-style-type: none"> <li>• WQ M 6 has been amended to no longer recommend the method by which the assessment be made.</li> <li>• Assessment is still required.</li> </ul>

Key Reference Documents
<p><b>Draft Region-wide Water Quantity Plan Change: Implications for Māori (including Feedback Summary)</b> Objective ref: A2295675</p> <p><b>Region-wide Water Quantity Plan Change: Review of Iwi and Hapū Management Plans</b> Objective ref: A2299141</p> <p><b>Summary of feedback received on the Draft Region-wide Water Quantity Plan Change</b> Objective ref: A2275757</p>



## Part 5: The s32 evaluation process

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### 5.1 Overview

Section 32 of the RMA seeks to ensure transparent and robust decision-making on Council RMA plans and policy statements. For this reason, section 32 of the RMA requires:

- An evaluation of the **appropriateness** of the objectives in achieving the purpose of the RMA (Section 7).
- An evaluation of the benefits and costs of the Plan Change, and risks of new policies and methods on the community, the economy and the environment (Section 8). This includes assessing:
  - Alternative options.
  - **Effectiveness** i.e. achieving or partly achieving the objective.
  - **Efficiency** i.e. benefits and costs of the option.
  - Justification where a provision imposes a greater restriction than a national environmental standard.
- The evaluation to be documented, so that stakeholders and decision-makers can understand the rationale for policy choices.

### 5.2 Scale and significance

Section 32(1)(c) of the RMA states that the evaluation report must –

*...contain a level of detail that corresponds to the scale and significance of the implementation of the proposal.*

The Bay of Plenty Regional Water Quantity Plan Change is considered to be of moderate scale and low to moderate significance for the following reasons:

- The Plan Change is required to give effect to the NPSFM, and addresses regional wide water quantity issues such as over-allocation, unconsented takes and water use monitoring, including setting up a framework for addressing water quantity issues in the WMAs.
- The degree of shift from the status quo (existing provisions) is mostly confined to addressing unauthorised takes, amending existing rules, and meeting requirements for increased efficiency (e.g. measuring and reporting, and the development of policies and rules on transfers).
- The impact is mainly confined to water users, including those with permitted activities. Approximately 700 groundwater and 300 surface water resource consents are held by individuals, businesses and community water supplies. The number of permitted users of groundwater and surface water is not known.

- Council estimates that less than 100 dairy farms require a resource consents for dairy shed water<sup>88</sup> and don't currently have one. The impact of the plan change for these currently unauthorised water users is to assist them to become compliant.
- The impact of metering changes is not expected to be significant for many of those affected. Nearly half of consented water users are already metered so the concept is not new, but manual metering systems may need to be upgraded to meet reporting requirements. Costs associated with metering and reporting will depend on factors including metering and reporting requirements, the size of the take, and the status of the water body.
- Where people are affected by changes to permitted activity limits for groundwater, the consenting process will be streamlined and the proposed resource consent status facilitates existing authorised users retaining authorisation for their takes provided certain conditions are satisfied.
- The Plan Change may impact on tāngata whenua as kaitiaki, and as land managers and shareholders in Māori land. As land managers and shareholders, there is the difficulty of wanting to develop underdeveloped land, including land returned to commercial redress land returned as part of Treaty Settlements, in fully or over-allocated catchments. While this is an issue for all landowners with underdeveloped land in over-allocated catchments, Māori face particular impediments to development as discussed in section 2.3.4 of this report.
- The Plan Change is in step with regional councils around New Zealand, and addresses recognised issues around water allocation and use as the resource becomes increasingly scarce.

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<sup>88</sup> BOPRC (2013a).

## Part 6: Issues

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This section provides an overview about the issues stated in the Plan Change. The s32 evaluation report does not require an analysis of issues, but it is provided here to show why issues were amended, added or left unchanged.

*Freshwater is essential to the economic wellbeing of the community, but also plays a role in the environmental, social and cultural wellbeing of the community. In the Bay of Plenty, 62% of surface water and 21% of groundwater sources are over-allocated based on interim allocation limits in the RWLP. Municipal takes consume a large proportion of the available low flow allocation in the majority of catchments under pressure from abstraction. Adverse effects from over-allocation include reduced fish and invertebrate habitat, reduced water velocities (increasing the accumulation of sediment and algae), reduced dilution of contaminants (increasing the impact of contaminants), increased water temperature, reduced oxygen concentration as re-aeration is reduced and plant respiration increases. Over-abstraction can adversely affect other users, including non-consumptive uses. WQ I1 recognises this:*

**WQ I1**            **The over-abstraction of surface water can degrade water quality and adversely affect ecological values, landscape values, recreational values, tāngata whenua values and existing uses.**

**WQ I1 (amended Issue 29) is amended for consistency in terminology with the NPSFM and RPS**

*A growing population and increasing intensity of agricultural land use (e.g. subdivision of land, increased livestock per hectare) is increasing the demand for surface and groundwater in the region. Issue WQ I2 recognises this:*

**WQ I2**            **Increasing demand for water in the Bay of Plenty is placing pressure on streams, rivers, springs and groundwater.**

**WQ I2 (amended Issue 30) is unchanged from the operative RWLP**

*Council has little information about water use in the region. About half consented water users have water meters, and most of these report their use on an annual basis. Permitted and s14(3)(b) takes are generally not metered and are not reported to Council. Metering and reporting water use supports good management of the resource, potentially making more water available for allocation and increasing the overall benefits from water. WQ I3 recognises this:*

**WQ I3**            **The inefficient allocation and use of water can significantly reduce the overall benefits to be derived from the use of the resource.**

**WQ I3 (amended Issue 31) is amended for consistency in terminology with the NPSFM and to recognise the wider effects of water use inefficiency**

*Little information on groundwater use in the region, combined with a 35m<sup>3</sup>/day permitted activity volume and a large number of small blocks creates a situation where over-abstraction may occur. The effects of this would impact on other users in terms of quantity available and quality of the resource. WQ I4 recognises this:*

**WQ I4**            **Over-abstraction of groundwater can degrade groundwater quality, and reduce water levels in aquifer systems and associated surface water bodies.**

**WQ 14 (amended Issue 32 is unchanged from the operative RWLP**

*During periods of low flow in streams and rivers or low aquifer levels it may be necessary to restrict take and use of water to ensure the mauri and life-supporting capacity of the water body is safeguarded. WQ 15 recognises this:*

**WQ 15**                **Continued abstraction of surface water during low flows may reduce surface water flows below that necessary to safeguard the mauri and life-supporting capacity of water bodies.**

**WQ 15 (amended Issue 33) is amended for consistency of terminology with the RPS and to include groundwater effects from takes during low flow conditions**

*The environmental values of streams and rivers are enhanced by natural processes, such as variability in flow. WQ 16 recognises this:*

**WQ 16**                **Water abstraction from streams and rivers can reduce stream flow variability, which is necessary to maintain instream ecological integrity and the flushing of stream systems to remove deposited sediment and growths of nuisance algae.**

**WQ 16 (amended Issue 34) has been amended to clarify the role of stream flow variability.**

*Water contributes to the regional community's economic, social, cultural and environmental wellbeing. Water is increasingly scarce, and requires good management to ensure the best outcomes for the community. Robust information is essential to good management. WP 17 recognises this:*

**WQ 17**                **The effective management of water allocation and use relies on the availability of good quality information.**

**WQ 17 (draft Issue 34A) gives effect to the NPSFM and the RPS.**

*The population of the region requires reliable access to water to meet their social and economic needs. WQ 18 recognises this:*

**WQ 18**                **The ability to provide for the growing social and economic needs of people is dependent on water being available.**

**WQ 18 (draft Issue 34B) gives effect to the RPS and acknowledges the benefits associated with fresh water.**

*A significant number of water takes, including dairy shed and irrigation, are above permitted activity levels but are not consented. The nature of unauthorised takes inhibits good management of the resource. WQ 19 recognises this:*

**WQ 19**                **The unauthorised taking of water creates difficulties managing allocation and can impede achieving the Objectives of this regional plan and is unfair to authorised users.**

**WQ 19 (draft Issue 34C) is a new issue to address a new resource management problem**

*The relationship with Maori is formally recognised in Section 6 of the RMA. Māori have expressed frustration that Council processes and decisions do not adequately consider tāngata whenua values and interests. The NPSFM provides for greater recognition of tāngata whenua values and interests. WQ 110 recognises this:*

**WQ I10**            **Inadequate recognition of tāngata whenua values and interests in freshwater management.**

**WQ I10 (draft Issue 34D) is a new issue to give effect to the NPSFM and the RPS**

*The NPSFM requires the avoidance of any further over-allocation of freshwater and the phasing out of existing over-allocation. WQ I11 recognises this:*

**WQ I11**            **The taking of water in over-allocated or fully allocated catchments or aquifers should be more stringently regulated than in under-allocated catchments or aquifers**

**WQ I11 (draft Issue 34E) is a new issue to give effect to the NPSFM**





## Part 7: Evaluation of objectives

This Plan Change has resulted in the inclusion of new objectives; the removal or amendment of existing Objectives while other Objectives remain unchanged. This is summarised in Table 14.

Table 14: Table of objectives.

Objective number	Objective	Comparison with existing objectives
WQ O1	Efficient allocation and use.	Existing objective 39 amended.
WQ O2	Hydroelectric generation.	Minor change to existing objective 40.
WQ O3	Surface water abstraction.	Existing objective 41 amended.
	Instream flow variability.	Objective 42 deleted.
WQ O4	Groundwater abstraction.	Existing objective 43 amended.
WQ O5	Land use change and water resource limitations.	No change to existing objective 44.
WQ O6	Low flows and aquifer levels.	Existing objective 45 replaced.
WQ O7	Limit setting.	Existing objective 46 replaced.
WQ O8	Recognition of benefits of water.	New.
WQ O9	Integrated management of water.	New.
WQ O10	Freshwater accounting.	New.
WQ O11	Water shortage solutions.	New.

### 7.1 Evaluation requirements

Section 32(1)(a) of the RMA requires that an evaluation report must “examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act”.<sup>89</sup> Also of relevance to this part of the assessment is s32(3) which states that the evaluation of the appropriateness of the objectives must relate to:

- (a) *The provisions and objectives of the amending proposal; and*
- (b) *The objectives of the existing proposal to the extent that these objectives –*
  - (i) *Are relevant to the objectives of the amending proposal; and*
  - (ii) *Would remain if the amending proposal were to take effect.*

The test for appropriateness uses the criteria of relevance, usefulness, reasonableness and achievability:

- Relevancy – the extent to which the objective is directly related to the identified resource management issue and will achieve one or more of the matters in Part 2 of the RMA, including aspects of importance to Māori.

<sup>89</sup> Most appropriate is interpreted as “suitable, but not necessarily superior”, meaning the most option chosen does not need to be the optimal option, but must demonstrate that it will meet the objectives efficiently and effectively (Ministry for the Environment, 2014, p.14).

- Usefulness – the extent to which objective will guide decision making and meets sound principles for writing objectives.
- Reasonableness – the extent of the potential regulatory impact to be imposed on individuals, businesses and the wider community as a consequence of the objective.
- Achievability – the extent to which the objective seeks an outcome that can be achieved with the tools and resources likely to be available to, or be influenced by, the local authority.

## 7.2 Objectives

### 7.2.1 WQ O1 (amended Objective 39) Efficient allocation and use

#### *Efficient allocation and use of water resources in the Bay of Plenty*

The objective addresses WQ I3. It is amended to reflect consistent wording with the NPSFM and RPS by directly addressing allocation. The objective reflects sections 5, 7(b) and 7(g) of the RMA. Efficient use and obtaining the maximum value from water is also a key element of the NPSFM and RPS. Efficient use of water and maximising of the value of water is also identified in the issue statement of this Plan Change. This objective will assist decision making, both in terms of policies and rules, the decisions of applicants and other parties when preparing applications and designing systems.

Relevance	<p>This objective addresses the need for good quality information for effective resource management (WQ I7) and the need to increase the benefits of this resource through better management (WQ I3), particularly as demand for this finite resource increases (WQ I2). The issue of declining water quality is indirectly addressed through this – the measures for improving allocation and use contribute to better management of the water resource (WQ I1).</p> <p>The objective is consistent with NPSFM Objective B3 (to improve and maximise the efficient allocation and efficient use of water) and Policies B2 and B4 (directing regional plans to include provisions for efficient use of water).</p>
Usefulness	<p>Good quality information is essential to effectively managing water allocation. The proposed provisions will enable improved information gathering.</p>
Reasonableness	<p>The pressures on this finite resource make it clear that this objective is required for effective management of the resource for competing uses.</p>
Achievability	<p>This is within Council functions under the RMA, and consistent with requirements under the NPSFM.</p>

### 7.2.2 WQ O2 (amended Objective 40 (minor change)) Hydroelectric power schemes

Allocation of water resources in the Bay of Plenty recognises and maintains the generation capacity of hydroelectric electricity generation as a renewable energy source. WQ O2 was amended for consistency with the National Policy Statement for

Renewable Energy Generation and the RPS. The Objective is relevant to sections 5 and 7(j) of the RMA. The Objective will provide certainty to applicants and infrastructure operators, as to the value of hydroelectric electricity generation. Regionally significant infrastructure is critical to the social and economic wellbeing of communities.

Relevance	WQ O2 was amended for consistency with the National Policy Statement for Renewable Electricity Generation and the RPS, recognising the ongoing rights of hydro electric generators to renew their consents. It is aligned with the NPSFM which recognises hydroelectric generation as a national value. WQ O2 is relevant to achieving the purpose of the RMA (s5) in sustaining the potential of natural and physical resources to meet the foreseeable needs of future generations.
Usefulness	WQ O2 provides clear and specific direction that will guide decision making of Council.
Reasonableness	WQ O2 recognises the importance of the role of hydro electricity generation as a renewable energy source, and the investment in hydro electricity generation.
Achievability	WQ O2 is within Council functions under the RMA. It is consistent with the RPS, the NPSFM and with the NPS for Renewable Electricity Generation.

### 7.2.3 WQ O3 (amended Objective 41) Surface water abstraction

*Manage the abstraction of surface water at a volume and rate that:*

- (a) *Safeguards the mauri and life-supporting capacity of the water body.*
- (b) *Maintains, ecological integrity significant ecological values, landscape values, recreational values, and tāngata whenua values associated with rivers and streams.*
- (c) *Maintains water quality relative to the values, objectives and limits of the water body.*
- (d) *Avoids or mitigates adverse effects on downstream environments, and existing uses of the water resource.*
- (e) *Meets the reasonably foreseeable needs of future generations.*
- (f) *Maintains flow variability to allow for ecological integrity and the flushing of stream systems to remove deposited sediment and growths of nuisance algae.*

The objective addresses WQ I5 and WQ I6 by seeking to safeguard the mauri and life-supporting capacity of water bodies and provide clarity for decisions for allocating volume and flow from water bodies. WQ O3 has been amended to reflect consistent wording with the NPSFM and the RPS. This objective relates to a primary function under the RMA, in terms of protection of ecosystems and existing users and future needs. This protection of ecosystems includes all animal and plant life, including humans. It is particularly relevant to sections 5, 6(b)-(c), 7(a), 7(aa), 7(d), 7(f) and 8 of the RMA. The objective will be a useful guide to decision making but also in setting the parameters for flow regimes and water quality states and the scientific investigation required.

Relevance	The objective seeks to safeguard the mauri and life-supporting capacity of the water body (WQ I5), and in doing so, achieves the Purpose of the Act s5(2)(a) and (b). WQ O3 is consistent with Objective B1 in the NPSFM, which is to “safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of freshwater in sustainably managing the taking, using, damming, or diverting of fresh water”, and Policy 7B, which provides direction to regional councils.
Usefulness	WQ O3 provides clarity for decisions for allocating volume and flow from water bodies.
Reasonableness	Given the identified pressures on water in the region in terms of both quantity and quality, and the importance of it in terms of economic, environmental, social and cultural wellbeing, this is a reasonable approach.
Achievability	This is within Council functions under the RMA and NPSFM.

#### 7.2.4 **Objective 42 (deleted) Instream flow variability**

*Instream flow variability is maintained to sufficient levels to allow for instream biota and stream flushing requirements.*

Objective 42 has been incorporated into WQ O3 (amended Objective 41).

#### 7.2.5 **WQ O4 (amended Objective 43) Groundwater abstraction**

*Manage the allocation and abstraction of groundwater at a volume and rate that does not:*

- (a) *Result in a sustained decline in groundwater levels.*
- (b) *Permanently or unsustainably lower water levels in streams or rivers where groundwater and surface water bodies are linked to an extent that is contrary to WQ O3.*
- (c) *Adversely affect groundwater quality in aquifer systems, including taking into account the risk of saltwater intrusion.*
- (d) *Cause the mixing of water between different aquifers where those aquifers are not naturally connected.*

WQ O4 addresses WP I4 regarding effects from over-abstraction of groundwater. The rewording reflects the RPS and the need to manage salt water intrusion and cross contamination of aquifers, both of which were absent from the existing wording of WQ O4. The objective reflects sections 6(a), 7(b) and 7(g) of the RMA. The objective recognises the value of groundwater for abstraction and also the need to sustainably use it so that it maintains flows in lowland streams and springs, where the groundwater comes to the surface. The objective will guide limit setting during the WMA process but also decision making on individual resource consents.

Relevance	WQ O4 directly addresses the issue relating to risk of over-abstractation of groundwater in the region and the effect of that on water quality and availability (WQ I4). This comes about through increasing demand for water in the region (Issue 30 in Draft Plan), and the consequent need for improving information to achieve effective management of the resource (Issue 34A in Draft Plan). The objective is consistent with management of groundwater in terms of the Proposed NES on Ecological Flows and Water Levels (2008), and achieves the purpose of the RMA in terms of s5(1) and (2)(a) and (b).
Usefulness	Managing groundwater abstraction to avoid adverse environmental outcomes is critical to ensuring that groundwater quality and aquifer systems are maintained.
Reasonableness	Given the pressure on the resource and the identified risks, particularly in relation to salt-water intrusion, and the difficulties around managing effectively in the absence of good information, the potential regulatory impact is considered reasonable.
Achievability	This is within Council functions under the RMA and NPSFM.

#### 7.2.6 **WQ O5 (amended Objective 44 (no change))**      **Land use change and water resource limitations**

*Land use changes, including urban growth and land use intensification, are planned to account for water resource limitations of the location, particularly in areas with existing and projected high water demand, and limited water resources*

WQ O5 remains unchanged and addresses WQ I2 and WQ I8. It relates closely to section 5 of the RMA. This objective supports the integrated planning of land use change or intensification to ensure that limitations on water availability are taken into account. Some aspects of implementation will be reliant on the actions of others, particularly territorial authorities, and this objective will influence their actions.

#### 7.2.7 **WQ O6 (amended Objective 45)**      **Low flows and aquifer levels**

*The potential adverse effects of water abstraction during low surface water flows or low aquifer levels are avoided or mitigated to an acceptable level.*

WQ O6 addresses WQ I4, WQ I5 and WQ I6. As water demand increases the effects need to be considered not just at normal flow levels but also during low flows. It has been amended to confirm that both ground and surface water abstraction need to be managed to avoid or mitigate adverse effects during low flows or aquifer levels, and not just during drought events. The avoidance or mitigation of adverse effects is required to achieve section 5 of the RMA. The objective will guide resource consent decision making and operational approaches to the management of water abstraction.

Relevance	WQ O6 is relevant to the issue of safeguarding the mauri and life supporting capacity of water bodies (WQ I5), so is directly relevant to achieving the purpose of the RMA s5(1) and (2)(b). The objective is consistent with Policy B7 in the NPSFM, which provides direction to regional councils.
Usefulness	Identifies the need to manage water abstraction during low flows and aquifer levels to avoid adverse impacts on ecology, cultural values or characteristics of aquifers
Reasonableness	Given the identified pressures on water in the region in terms of both quantity and quality, and the importance of it in terms of economic, environmental, social and cultural wellbeing, this is a reasonable approach.
Achievability	This is within Council functions under the RMA and NPSFM.

## 7.2.8 WQ O7 (amended Objective 46) Limit setting

*Limits are set and applied for:*

- (a) *Instream minimum flows for surface water bodies to safeguard their life-supporting capacity, ecological integrity, significant ecological values, mauri, landscape values, recreational values, existing uses and take into account tāngata whenua values where relevant.*
- (b) *The total amount of water that can be taken from surface water bodies to ensure a reliable and accessible amount of water is available for users.*
- (c) *Groundwater, which takes into account:*
  - (i) *The interaction between groundwater and surface water;*
  - (ii) *Surface water flows in groundwater-fed streams and wetlands;*
  - (iii) *The prevention of aquifer contamination by saltwater intrusion; and*
  - (v) *Water levels in aquifers.*

WQ O7 addresses a number of issues as setting and applying limits is critical to ensuring values are provided. WQ O7 has been amended to give more direction about setting and applying limits and key matters for consideration. This objective relates to section 5 in terms of sustainable management, along with sections 6(a), 69(c), 7(b), 7(a), 7(aa), 7(d), 7(f), 7(g) and 8. This objective recognises the balance to be struck between the needs of water users and the consequent impacts from taking water on ecosystems and social and cultural values when setting and applying limits. Limit setting sends a strong signal to the community and gives effect to the NPSFM and RPS.

Relevance	The objective seeks to safeguard the mauri and life-supporting capacity of the water body (WQ I5), and in doing so, achieves the Purpose of the Act s5(2)(a) and (b). WQ O7 is consistent with Objective B1 in the NPSFM, which is to “safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of freshwater in sustainably managing the taking, using, damming, or diverting of fresh water”, and Policy 7B, which provides direction to regional councils. The objective is aligned with the Proposed NES on Ecological Flows and Water Levels. <sup>90</sup> The objective is also aligned with the RPS Policy WQ 2A (same objective).
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<sup>90</sup> MfE (2008)

Usefulness	WQ 07 provides more direction for decision-making particularly for groundwater bodies. This additional direction was missing from the previous WQ 07.
Reasonableness	Given the identified pressures on water in the region in terms of both quantity and quality, and the importance of it in terms of economic, environmental, social and cultural wellbeing, this is a reasonable approach.
Achievability	This is within Council functions under the RMA and NPSFM.

## 7.2.9 **WQ 08 (Objective 46A new) Recognition of benefits of water**

*Decision-making and allocation of freshwater water resources in the Bay of Plenty recognises the:*

- (a) *Social benefits from the use of water for domestic, marae, or municipal water supply, including in particular essential drinking and sanitation requirements.*
- (b) *Social, economic and cultural benefits that existing water takes contribute, which is often associated with significant investment.*
- (c) *Social, economic and cultural benefits that new water takes can provide.*

WQ 08 addresses WQ 18 that seeks to provide water for the growing social and economic needs of people in an environment where there are pressures on water. This objective reflects sections 5, 7(b) and 7(j) of the RMA. This objective will assist decision making, both in terms of policies and rules of the RWLP and the decisions of applicants and other parties when preparing applications. Decision making will be supported by ensuring that the range of benefits and beneficiaries of freshwater are acknowledged.

Relevance	WQ 08 addresses the conflicts in allocation between the benefits of water for the social and economic needs of a growing community (WQ 18), while also recognising that continued abstraction of water during low flows or low aquifer levels is not sustainable (WQ 11 and WQ 15).  The objective achieves the Purpose of the Act s5(2)(a) and (b), including aspects of importance to Māori. It is aligned with s14(3)(b) of the RMA.  The objective is consistent with the NPSFM Objective B1.
Usefulness	The Objective is useful in its intent to support decision making by ensuring the range of benefits and beneficiaries of freshwater are acknowledged.
Reasonableness	Given the identified pressures on water in the region in terms of both quantity and quality, and the importance of it in terms of economic, environmental, social and cultural wellbeing, this is a reasonable approach.
Achievability	This is within Council functions under the RMA and NPSFM.

## 7.2.10 **WQ 09 (Objective 46B new) Integrated management of freshwater**

*Integrated management of freshwater resources within WMAs that reflects:*

- (a) *Tāngata whenua values and aspirations.*
- (b) *Community values and aspirations.*

(c) *Scientific research and mātauranga Māori.*

(d) *Understanding of the relationship between freshwater quantity and quality.*

Integrated freshwater management requires a holistic approach and consideration of values and aspirations from a range of parties. A framework is required for Council to work with tāngata whenua, city and district councils, resource users and the community to progressively develop water management frameworks (i.e. sub-regional plans) for each WMA. The way in which the objective is implemented will be reflected in the sub-regional plans. The objective is relevant to sections 5, 6(a), 6(e), 7(a), 7(aa), 7(d), 7(f) and 8 of the RMA, and will guide the development of the sub-regional plans and decision making at the resource consent level.

Relevance	WQ O9 identifies the need for integrated decision making when allocating water. The objective is therefore relevant to the NPSFM for regional councils working through the National Objectives Framework with their communities.
Usefulness	The objective contributes to a framework for the WMA process.
Reasonableness	Given the identified pressures on water in the region in terms of both quantity and quality, and the importance of it in terms of economic, environmental, social and cultural wellbeing, this is a reasonable approach.
Achievability	This is within Council functions under the RMA and NPSFM.

#### 7.2.11 **WQ O10 (Objective 46C new) Authorising and accounting for water takes**

*All water takes are authorised and accounted for.*

The NPSFM requires Councils to establish and operate freshwater quality and quantity accounting systems. A necessary step in establishing the accounting system is to ensure that all takes are identified. WQ O10 reflects sections 5 and 7(b) of the RMA. The Council requires robust information on the amount of available water and the amount allocated and taken make effective decisions about managing rivers, streams and aquifers (WQ I7 and WQ I9). The objective is particularly relevant to ensure all allocation is identified, authorised and accounted for.

Relevance	This objective addresses the need for good quality information for effective resource management (WQ I7 and WQ I9), particularly as demand for this finite resource increases (WQ I2).  The objective is consistent with NPSFM Objective B2 (to avoid any further over-allocation of fresh water) and B3 (to improve and maximise the efficient allocation and efficient use of water), and policies B2, B4 and B5 (directing regional plans to include provisions for efficient use of water, to encourage the efficient use of water, and to ensure that no decision will likely result in future over-allocation).  The objective achieves the purpose of the RMA s5(1) and (2)(a) and (b).
Usefulness	WQ O10 is useful in that it provides clear guidance for the collection of information to support future decision making.



Reasonableness	Given the identified pressures on water in the region in terms of both quantity and quality, and the importance of it in terms of economic, environmental, social and cultural wellbeing, this is a reasonable approach.
Achievability	This is within Council functions under the RMA and NPSFM.

### 7.2.12 WQ O11 (Objective 46D new) Water shortage solutions

*Where water shortage is a significant problem potential solutions are explored so the allocation and use of water is improved over time by enabling:*

- (a) *Water storage and managed aquifer recharge.*
- (b) *The transfer of water take consents.*
- (c) *Water harvesting.*

WQ O11 relates to WQ I8. The objective provides guidance on Council's role in exploring solutions to water shortage. The objective is relevant to sections 5 and 7(b) of the RMA. Parts of the achievement of this objective are within the Council's functions, but a significant proportion will rely on the actions of others, particularly those with the interests in storage, harvesting and recharge as solutions to water shortage, as these tend to involve construction of infrastructure. The objective is limited to exploring potential solutions whereas implementation of solutions may be somewhat aspirational particularly in enabling sustainable water storage systems to be developed within the lifetime of the RWLP. The objective will guide decision makers on applications for water transfers and the development of the sub-regional plans.

Relevance	This objective relates to WQ I8 and recognises that in some parts of the region where demand for water exceeds current availability consideration of solutions is needed
Usefulness	WQ O11 serves to provide guidance regarding Council's role in exploring solutions to water shortage
Reasonableness	The allocation status of several of the region's water resources make it clear that this objective is required to support continued economic growth
Achievability	This is within Council functions under the RMA and NPSFM.



## Part 8: Evaluation of policies and methods

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Section 32(1)(b) of the RMA requires an evaluation to ...*examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by – (i) identifying other reasonably practicable options for achieving the objectives.*

“Reasonably practicable” is not defined in the RMA, but may include options that are:

- regulatory and non-regulatory;
- targeted towards achieving the goal/objective;
- within the council’s resources, duties and powers; and
- a reasonable range of possible alternatives.

The evaluation must assess the effectiveness and efficiency of the provisions. Effectiveness is about the extent to which the option will achieve the objective. This assessment should consider assumptions and risks related to achieving the objective.

Efficiency is about the benefits and costs of the policies and methods, and relates to the four wellbeings – economic, environmental, social and cultural. Where practicable, the benefits and costs should be quantified, although not necessarily monetised. Economic benefits and costs should opportunities for economic growth, and gains and losses in jobs. The most efficient option will be the one that achieves the objective with the lowest net cost to society (or the highest net benefit). Where practicable, the benefits and costs should be quantified (although not necessarily monetised).

Implementation requirements for Council should be considered and evaluated. In the Section 32 this is done in terms of actions (e.g. setting up low flows) and staffing. Implementation requirements are referred to throughout the efficiency and effectiveness evaluation, informed by the implementation report provided to Council on 28 June 2016 (see Appendix 7).

The evaluation should include the risks of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. This is particularly relevant when considering environmental issues, where information can be incomplete or uncertain.

The evaluation provided here does not include the details of technical assessments undertaken to support this Plan Change. Relevant reports are referenced throughout the s32 report, and listed in the bibliography.

## 8.1 Provisions summary

This evaluation is topic based (as opposed to considering individual policies and methods). Table 15 summarises the provisions – by topic – including their linkage with relevant objectives. The remainder of Section 8 provides the evaluation of the effectiveness and efficiency of provisions.

Table 15: Summary of provisions.

Section and topic	Objective	Policies, methods and rules
Section 8.3 Improving water use efficiency: Technical efficiency	WQ O1, WQ O10	Policies WQ P13, WQ P24, WQ P25, WQ P26 Methods WQ M2, WQ M3, WQ M5, WQ M7, WQ M8 Rules WQ R1, WQ R3 New definitions – Efficient Allocation and Efficient Use Schedule 7
Section 8.4 Improving water use efficiency: Economic and dynamic efficiency (water permit transfers)	WQ O1, WQ O11	Policies WQ P12, WQ P13, WQ P23 Methods WQ M2 Rules WQ R7, WQ R8, WQ R9
Section 8.5 Reduction in permitted groundwater limit	WQ O1, WQ O4	Policies WQ P12, WQ P13, WQ P26 Rules WQ R1, WQ R2, WQ R5
Section 8.6 Registration and metering of permitted takes	WQ O1, WQ O10	Policies WQ P26 Rules WQ R1, WQ R2, WQ R3
Section 8.7 Special provision – Recognising municipal water takes	WQ O8	Policies WQ P12 Rules WQ R6 Schedule 7
Section 8.8 Special provisions – Unauthorised takes (existing dairy shed use)	WQ O10	Policies WQ P14 Rules WQ R4
Section 8.9 Managing takes at low flows or low aquifer levels	WQ O3, WQ O6, WQ O7	Policies WQ P29, WQ P30,
Section 8.10 Instream flows and allocation limits – resource consent considerations	WQ O1, WQ O3, WQ O4, WQ O5, WQ O7, WQ O8	Policies WQ P5, WQ P6, WQ P7, WQ P9, WQ P10, WQ P11, WQ P18, Amended definition for instream flow
Section 8.11 Allocation in catchments with hydroelectric power schemes	WQ O2, WQ O8,	Policies WQ P19, WQ P20
Section 8.12 Provisions for Water Management Areas (WMA)	WQ O1, WQ O3, WQ O4, WQ O7, WQ O8, WQ O9, WQ O11	Policies WQ P1, WQ P2, WQ P3

## 8.2 Improving water use efficiency – metering and reporting

**Technical efficiency:** Maximising the proportion of water beneficially used in relation to that taken. It relates to the performance of a water use system, including avoiding water wastage.

### 8.2.1 Issue and objectives

WQ I7: The effective management of water allocation and use relies on the availability of good quality information.

WQ O1: Efficient allocation and use of water resources in the Bay of Plenty.

WQ O10: All water takes are authorised and accounted for.

### 8.2.2 Options considered

**Option 1: Require metering and reporting for all consumptive water takes of 5 L/s and greater (status quo)**

- Based on requirements of the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.

**Option 2: Require electronic metering, recording and daily reporting of all groundwater takes of 5 L/sec and greater and all surface water takes of 2.5L/sec and greater. Require metering and annual reporting of all other takes where the total water taken on a property exceeds the permitted activity limit, whether or not a resource consent is required. (Preferred option)**

- This approach requires electronic metering and reporting of consumptive takes of >5L/second for groundwater and greater than 2.5L/sec for surface water. In areas where there is no cell phone coverage, metering and reporting can be via some other electronic means, such as a data logger, with information downloaded and sent to the Council.
- Metering and reporting is not required for permitted activity takes unless that when combined with takes taken under RMA s14(3)(b) the total volume taken on a property exceeds the permitted activity limit.

**Option 3: Stepped approach to metering and reporting based on resource characteristics**

- Require electronic metering and reporting on all consented takes.
- Daily reporting dependent on volume and resource characteristics – lesser requirements for groundwater, small volumes and for catchments below allocation limit.

### 8.2.3 Summary of evaluation

The following table summarises the effectiveness and efficiency of the policy options to achieve WQ O1 and WQ O10:

Policy Option	RMA s32 test																			
<p><b>OPTION 1: Require metering and reporting for all consumptive water takes over 5 L/s (status quo)</b></p>	<p><b>Effectiveness</b></p>																			
	<p>Option 1 meets the requirements of the national water metering regulations, and may be sufficient where a resource isn't under pressure. However, nearly two-thirds of the surface water sources in the region are over-allocated (based on default allocation limits). Council has good information on the amount of water consented, but inadequate information on the amount of water taken. Fifty-nine percent of surface water and 52 percent of groundwater resource consents are not metered (Tables 16 and 17). Of those metered, few report daily.<sup>91</sup></p> <p><i>Table 16 Surface water consents, age of consent, number metered.</i></p> <table border="1" data-bbox="725 748 1818 1184"> <thead> <tr> <th></th> <th>Resource consents</th> <th>Pre-1991</th> <th>Metered</th> </tr> </thead> <tbody> <tr> <td rowspan="4" style="text-align: center;"><b>&lt;5 L/sec</b></td> <td rowspan="4" style="text-align: center;">96</td> <td rowspan="2" style="text-align: center;">70 (Y)</td> <td style="text-align: center;">4 (Y)</td> </tr> <tr> <td style="text-align: center;">66 (N)</td> </tr> <tr> <td rowspan="2" style="text-align: center;">26 (N)</td> <td style="text-align: center;">18 (Y)</td> </tr> <tr> <td style="text-align: center;">8 (N)</td> </tr> <tr> <td rowspan="4" style="text-align: center;"><b>5 L/sec +</b></td> <td rowspan="4" style="text-align: center;">210</td> <td rowspan="2" style="text-align: center;">72 (Y)</td> <td style="text-align: center;">36 (Y)</td> </tr> <tr> <td style="text-align: center;">36 (N)</td> </tr> <tr> <td rowspan="2" style="text-align: center;">138 (N)</td> <td style="text-align: center;">123 (Y)</td> </tr> <tr> <td style="text-align: center;">15 (N)</td> </tr> </tbody> </table>		Resource consents	Pre-1991	Metered	<b>&lt;5 L/sec</b>	96	70 (Y)	4 (Y)	66 (N)	26 (N)	18 (Y)	8 (N)	<b>5 L/sec +</b>	210	72 (Y)	36 (Y)	36 (N)	138 (N)	123 (Y)
	Resource consents	Pre-1991	Metered																	
<b>&lt;5 L/sec</b>	96	70 (Y)	4 (Y)																	
			66 (N)																	
		26 (N)	18 (Y)																	
			8 (N)																	
<b>5 L/sec +</b>	210	72 (Y)	36 (Y)																	
			36 (N)																	
		138 (N)	123 (Y)																	
			15 (N)																	

<sup>91</sup> BOPRC (2013e).

*Table 17 Groundwater consents, age of consent, number metered*

	<b>Resource consents</b>	<b>Pre-1991</b>	<b>Metered</b>
<b>&lt;5 L/sec</b>	342	256 (Y)	18 (Y)
			238 (N)
		86 (N)	67 (Y)
			19 (N)
<b>5 L/sec +</b>	323	80 (Y)	33 (Y)
			47 (N)
		243 (N)	225 (Y)
			17 (N)

The national water metering regulations don't require metering and reporting on takes of less than 5 L/s. This approach is inadequate in the Bay of Plenty, where takes at that rate can make up the majority the of the resource consents in smaller water bodies. One-third of surface water takes are at rates less than 5 L/s (Table 16). Option 1 may compromises the environmental, social and cultural values for some of the region's smaller water bodies, and does not support the Council in meeting Objective 30 in the RPS, which includes ensuring that water is used efficiently.

The National Policy Statement for Freshwater Management (NPSFM) requires that regional councils establish freshwater accounting systems for both water quantity and quality (Objective CC1, Policy CC1). 'Freshwater accounting' refers to collecting information about the existing water use and the pressures of the freshwater resources being managed. Option 1 will not achieve the freshwater accounting requirements, and therefore compromises the ability of Council to achieve Policy B5 (NPSFM), which requires councils to '[ensure] that no decision will likely result in future over-allocation...'

Option 1 involves a high level of trust, and assumes that individuals will comply with national water metering regulations, including accurately recording daily takes, although water users are only required to provide records to Council annually. While this approach may be reasonable when a resource is not fully- or over-allocated, it is not sufficient when a large number of people depend on the water resource for their livelihoods and there is a high and growing demand for the resource.

In summary, the status quo will not achieve WQ O10, and by not achieving that, WQ O1 is also compromised. Option 1 will not be effective in achieving these objectives because it does not ensure that takes are authorised and allowed for, and it doesn't provide sufficient support or encouragement for efficient allocation or use of water. Further, it ignores consented takes of less than 5 L/s which have been shown to be important for smaller water bodies in the region. Option 1 does not give effect to the NPSFM, in particular Objective CC1, which requires that the necessary information be available for freshwater objective and

<p>limiting and freshwater management, and Policy CC. Annual reporting impedes Council's ability to (1) assess whether people are within daily volume or flow limits; (2) address issues of non-compliance in a timely way; and (3) manage allocation during times of low flow if restrictions are required.</p>	
<p>Summary of effectiveness: Low</p>	
<p><b>Efficiency</b></p>	
<p><b>Benefits</b></p>	<p><b>Costs</b></p>
<p>Economic:</p> <p>The main benefit of this approach is to the current users of water for whom reporting requirements are minimal (this doesn't apply to all users). For many users this represents a relatively small economic benefit, although it also carries a risk that could have long term and high economic costs – the loss of water through mismanagement is a cost for the whole community, including water users.</p> <p>The Bay of Plenty region has about 310 surface water and 680 groundwater resource consents. About half of all consented takes are for less than 5 L/s which require no metering or reporting under the national water metering regulations. Of the higher flow takes, 75% are currently metered, although not necessarily electronically, and for most the frequency of reporting is minimal.</p>	<p>Economic:</p> <p>The status quo does not support moving to systems such as water management groups, which provide opportunities for increased takes of surface water through managing the timing of takes. This represents a loss of opportunity.</p> <p>Economic, environmental, social and cultural</p> <p>Under Option 1, limited compliance information is available. This is a particular problem if during low flow or aquifer levels consent holders are required to stop or reduce takes. Environmental outcomes maybe compromised. Data is not received in a timely manner and Council may only become aware of recording failures at the end of the water year.</p> <p>Under the national water metering regulations water users with consents for less than 5 L/s are not required to meter or report takes. In the Bay of Plenty, these users collectively account for about 2% of surface water and 10% of groundwater consents by volume, but at the water body level these takes can matter. For example, the Tuapiro Creek is 50% over-allocated, and consents for &gt;5 L/s account for 60% of the flow consented. Option 1 is inadequate and would impact negatively on the economic, social, environmental and cultural values held for these water bodies.</p> <p>Monitoring the condition of groundwater is compromised under the status quo. The 2013 NERMN report states that <i>'Human impact on the water level of the aquifer system is difficult to assess because the actual use (the annual or seasonal volume...) is not recorded...To provide actual use all consented water takes require</i></p>



		<p><i>a record of actual water use in real time.</i><sup>92</sup> In short, the lack of metering and regular reporting is a threat to sustainable management of the groundwater resource.</p> <p>The status quo does not support management at low flows. The inability to monitor and manage at low flows will lead to losses in environmental, social and cultural values.</p> <p>Cultural</p> <p>This approach is not sufficient for Māori, as kaitiaki, because of lack of information and accountability for the use of the water resource.</p>
	Summary of efficiency: Not efficient	
<p><b><i>Option 2: Require electronic metering, recording and daily reporting of all groundwater takes of 5 L/sec and greater and all surface water takes of 2.5L/sec and greater. Require metering and annual reporting of all other takes where the total water taken on a property exceeds the permitted activity limit, whether or not a resource consent is required (preferred option)</i></b></p>	<b>Effectiveness</b>	
	<p>Option 2 requires more than the national water metering regulations. The key difference are that it requires daily reporting of consented takes greater than 5 L/s (groundwater), and greater than 2.5 L/s surface water via a tamper-proof process to ensure reliability of data – e.g. by telemetry. Takes not required to report daily are required to be metered and reported monthly, unless the total use on a property is less than the permitted activity volume.</p> <p>About half the consented takes in the region are currently metered (Tables 16 &amp; 17, above), so the idea of metering is not novel. Option 2 will increase the proportion of water users reporting, and will require some users to improve metering systems to ensure reliable and timely information. These metering requirements will apply to new consents and to existing consents as they are renewed.</p> <p>Option 2 gives effect to the NPSFM Objective CC1, which is to improve information on freshwater takes, and Policy CC1 which requires every regional council to establish and operate a freshwater quantity accounting system. The approach supports achieving Objective B34 to improve and maximise the efficient allocation and efficient use of water. Option 2 is a necessary step for the Council to achieve RPS Objective 30 – ensuring that water is used efficiently, and to implement RPS policies WQ 1A – setting and applying instream flows and allocation limits for taking freshwater; WQ 6B – ensuring water availability; and WQ 8B – managing consented takes to ensure efficient use.</p>	

<sup>92</sup> BOPRC (2013e, p31)

	<p>Measuring and reporting water use is particularly important in the Bay of Plenty because the region has a large number of small commercial properties (e.g. horticulture). Around one-quarter of the horticulture businesses in New Zealand are in the Bay of Plenty.<sup>93</sup> About half resource consents in the Bay of Plenty are for &lt;5 L/s.<sup>94</sup> Under this rule these users report their water take at a frequency deemed suitable for the level of risk.</p> <p>Timely delivery of water use data is essential to good management of the region’s water resources. Of groundwater:</p> <p><i>Apart from attempting to estimate permitted use volumes for our groundwater catchments, it is crucial that actual use data is collected in a timely manner to effectively manage and allocate groundwater resources<sup>95</sup>.</i></p> <p>The proposed approach would be implemented over a number of years as resource consents are granted or renewed. This is particularly the case for the 140 surface and 337 groundwater pre-1991 resource consents (prior to the RMA). These will not be reviewed by Council until their expiry in 2026. However, the water users in this group with consents for 5l/s or greater will be required to comply with the national water metering regulations in the meantime, regardless of consent conditions.<sup>96</sup></p> <p>Option 2 requires Council to adequately resource the move to a more data intensive system which will include Council-based recording and reporting to water users, and that Council will resource compliance and enforcement mechanisms. It provides timely information to Council about water use without the need for a site visit.</p> <p>Option 2 directly contributes to WQ O6 (avoid or mitigate the effects of water abstraction during low flows or aquifer levels) and WQ O10, to account for all takes in the region. This approach contributes to WQ O1, by providing the means to measure efficient use of water. Option 2 contributes to the regional council meeting requirements in the NPSFM, particularly in relation to freshwater accounting, and indirectly in improving efficiency of allocation. It is achievable in that it is within Council's functions and powers and there is a high degree of certainty that Option 2 can achieve or contribute to achieving WQ O1 and WQ O10.</p>	
	Summary of effectiveness: High	
	<b>Efficiency</b>	
	Benefits	Costs

<sup>93</sup> In 2015, 27% of the horticulture and fruit growing businesses were in the Bay of Plenty. The next highest region was Auckland (11%), followed by Marlborough (10%), Canterbury (10%) (Statistics New Zealand <http://businesstoolbox.stats.govt.nz/IndustryProfiler...>)

<sup>94</sup> BOPRC (2015c).

<sup>95</sup> Barber and Harvey (2013, p.16)

<sup>96</sup> BOPRC (2013e)

	<p>Economic:</p> <p>Water take data is critical for managing the water resource, allowing Council to keep track of and make efficient use of allocated water, to monitor compliance with resource consent conditions, and to plan for future economic growth of communities.<sup>97</sup> Electronic metering, recording and reporting is an efficient means of managing the resource as it comes under increasing demand in the region.</p> <p>Option 2 can provide efficiency gains, resulting in economic benefits to water users in fully or over-allocated catchments, ensuring water is used at a rate, time and volume consistent with their resource consent, and potentially enabling more water to be made available through the ability to managing the timing of abstraction. It will also promote allocative efficiency by providing information to support resource consent transfers.</p> <p>The benefits of metering also accrue to water users, enabling them to judge:<sup>98</sup></p> <ul style="list-style-type: none"> <li>• Use efficiency.</li> <li>• Compliance with resource consent conditions.</li> <li>• Use in relation to total allocation.</li> </ul> <p>Metering enables water users to consider, plan and budget for greater efficiency by incremental changes to operations and business infrastructure.</p>	<p>Economic:</p> <p>Costs associated with Option 2 will be primarily economic for consented water users and the regional council. Water users will incur costs for meters and systems to record and report water use. Systems that are not capable of electronically sending information on water use will need to be upgraded.</p> <p>Consented water takes greater than 5 L/s currently number 570. Of these, 70 (13%) are telemetered.<sup>101</sup> Moving the remaining users into an electronic metering and reporting system would be staggered, with changes required as consents are renewed. New consents would be issued with conditions requiring electronic metering and reporting, or in the case of permitted activity users, at time of registration.</p> <p>The set up costs for electronic reporting is estimated to be around \$1000-2000 to the consent holder, with monthly costs of approximately \$25 for data management. Improvements in technology will improve availability of systems and reduce costs over time.</p> <p>Water users not requiring daily reporting will face costs of purchasing and installing a suitable meter. At the low end this will be \$200-400/meter where reporting requirements are low. Reporting requirements may necessitate purchase of a data logger for electronic recording and reporting.</p> <p>Implementation costs to Council:</p> <p>The Council will require good data management systems to achieve timely and effective management of surface water and groundwater. Council's existing system is sufficient for the anticipated increase in data expected over the next five years (based on the policies in this Plan Change). The current system accepts submitted water use records, generates compliance reports for Council, and provides online information to water users. Systems will be upgraded over time.</p>
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<sup>97</sup> MfE (2010).

<sup>98</sup> MfE (2010).

<sup>101</sup> BOPRC (2015c).

	<p>Metering and reporting supports and enables the provisions for low flows to be effective through frequent and regular provision of information on water takes. It also enables water users to roster takes during low flows.</p> <p>Electronic records providing regular (e.g. monthly) surveillance of takes, enabling non-compliance to be acted upon in a timely way – protecting the economic values of other water users and the wider values associated with the resource.</p> <p>Social:</p> <p>Current Council reports currently generated from water records include:</p> <ul style="list-style-type: none"> <li>• Annual reports to Ministry for the Environment</li> <li>• Land Air Water Aotearoa (LAWA) website<sup>99</sup></li> <li>• Provision of information to BOPRC science team</li> <li>• Public requests e.g. iwi, LGOIMA</li> </ul> <p>Provision of information to the public, regularly and in a suitable form, is required under Policy CC2 of the NPSFM. The ability to provide timely and accurate information on water use is a benefit to the Council. Option 2 will reduce the cost of this reporting as more and more users are metered and provide electronic reporting.</p> <p>Option 2 protects social values such as recreation and amenity, and allows planning of future growth</p>	<p>Additional compliance staff are likely to be required on an on-going basis. Some costs can be recovered under s36 of the RMA.</p> <p>Council will incur costs in ensuring water users know their metering and reporting responsibilities.</p>
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<sup>99</sup> Land and Water Forum website

	<p>of communities.<sup>100</sup></p> <p>Cultural:</p> <p>The increased reporting of consented use will encourage water use efficiency. In this way it is consistent with the aspirations of Māori, as kaitiaki, for sustainable use of the water resource.</p>	
	<p>Summary of efficiency: Highly efficient</p>	
<p><b>OPTION 3: Stepped approach to metering and telemetric reporting based on resource characteristics</b></p>	<p>Effectiveness</p>	
	<p>Option 3 includes a stepped scale for reporting water takes as a refinement of the national water metering regulations, and would assess:</p> <ul style="list-style-type: none"> <li>• the need for reporting of less than 5 L/s takes</li> <li>• the frequency for reporting of greater than 5 L/s takes</li> </ul> <p>based on the rate and volume of take and the resource characteristics (e.g. fully allocated, size of water body).</p> <p>This improvement on the status quo in terms of meeting the requirements of the NPSFM, particularly Objective CC1 which includes improving information on freshwater takes. It is also aligned with Objective 30 in the RPS with the potential to achieve the same outcomes as Option 2.</p> <p>Option 3 has some uncertainty, and would rely on judgement of the consenting officer to identify high and low risk situations. Part of the assessment would include the allocation status of waterbodies. The level of allocation from any waterbody will change over the life of the Plan, and many of the waterbodies in the region are likely to move to full allocation. To be effective, a stepped approach would require Council to go back and review existing consents as allocation status changed. This would create uncertainty for resource consent holders and require complex management for Council. This approach would result in greater risk to the waterbody.</p> <p>Option 3 contributes to but does not achieve WQ O10, which includes accounting for all takes in the region. More importantly it may achieve WQ O1 in the short term, but not in the long term. These longer run risks which occur because of the changing nature of the resource and allocation relative to the way resource consents are processed, mean that achieving the Objectives of the NPSFM and the RPS may be compromised. For these reasons it is considered to be only moderately effective, and perhaps only in the short to medium term.</p>	

<sup>100</sup> MfE (2010)

Summary of effectiveness: Low - Moderate	
<b>Efficiency</b>	
<b>Benefits</b>	<b>Costs</b>
Option 3 has similar benefits to Option 2.	<p>Economic:</p> <p>Option 3 would determine how consented water users report by based on risk in relation to the waterbody. Economic costs are similar to those for Option 2 for individuals, although fewer users would be required to have telemetry and report daily.</p> <p>Uncertainty for users in knowing what their reporting requirements would be prior to approaching the Council, and changing reporting requirements over the life of the resource consent as the conditions of the water body and levels of allocation changed may be expensive and incur pushback from consent holders, and so would risk the ability of the Council to effectively manage the resource.</p> <p>Implementation Costs for Council:</p> <p>Similar to Option 2.</p>
Summary of efficiency: Moderately efficient	

## Risk of acting or not acting

The Council has adequate information of resource allocation status of surface and groundwater bodies to manage the current level of demand. However, intensification of future demand for the resource indicates it currently does not have sufficient 'real time' information on actual water use for effective ongoing management. This is particularly so during the irrigation season when surface water flows approach levels that place aquatic ecosystems under stress and diminish other values. Similarly for groundwater, a key part of assessing the condition of the resource is having robust information about where and when and quantities used. Consequently, there is a risk that the region's water resources are not managed sustainably, efficiently or effectively for current and future users and the wider community. The risk of resource degradation through not acting to address this information void outweighs the risk of increased costs for users required to install water meters and supply water use information to Council. Options 2 and 3 increase the quantity and quality of information on resource use, and in this way reduce future risk around lack of water use information leading to insufficient water available to users and loss of economic, environmental, social and cultural values.

The NPSFM Objective CC1 is to improve information on freshwater takes, and Policy CC1 requires every regional council to establish and operate a freshwater quantity accounting system. Objective B34 is to improve and maximise the efficient allocation and efficient use of water. There is consequently a risk that retaining the status quo (Option 1) will not give effect to the NPSFM.

The following table summarises the appropriateness of the policy options to achieve WQ O1 and WQ O10:

Policy Option	Effectiveness	Efficiency	Selected Option/s
<b><i>OPTION 1: Require metering and reporting for all consumptive water takes over 5 L/s (status quo)</i></b>	Low	Not efficient	No
<b><i>OPTION 2: Require electronic metering, recording and daily reporting of all groundwater takes of 5 L/sec and greater and all surface water takes of 2.5L/sec and greater. Require metering and annual reporting of all other takes where the total water taken on a property exceeds the permitted activity limit, whether or not a resource consent is required. (Preferred option)</i></b>	High	Highly efficient	Yes
<b><i>OPTION 3: Stepped approach to metering and reporting based on resource characteristics</i></b>	Low-Moderate	Moderately efficient	No

Having regard to this information, and taking into account the benefits and costs, and the risks of acting or not acting, the most appropriate way of achieving WQ O1 and WQ O10 is by implementing WQ P13, WQ P24, WQ P25 and WQ P26, and WQ M2, WQ M3, WQ M5, WQ M7 and WQ M8, and WQ R1 and WQ R3.

## Proposed wording for policies and methods to implement the preferred option

### WQ P13

To promote the efficient use of freshwater resources by:

- (a) Requiring the quantity of water granted to be no more than that required for the intended use of water and apply the reasonable and efficient use criteria in Schedule 7.
- (b) Requiring the use of water conservation methods and encourage the use of alternative water sources.
- (c) Requiring good management practices for all uses.
- (d) Promoting the shared use and management of water, through water user groups or other arrangements where it results in an increased efficient in the allocation and use of water.
- (e) Enabling the transfer of water permits.
- (f) Working with, and seeking co-operation from, holders of existing rights granted under section 386(1) of the Act to encourage:
  - (i) Consent renewal prior to 1 October 2026 to match allocation to use; and
  - (ii) Greater water use efficiency.

### WQ P24

Require the installation of a water measuring device (water meter) for consumptive water takes, and electronic reporting as follows:

- (a) For permitted takes, where in combination with a take of water for stock drinking water under section 14(3)(b) of the Act the total volume of water taken for the property exceeds the permitted activity volumes, require the total daily volumes (in cubic metres) of abstracted water to be separately recorded.
- (b) For consented takes, require the daily volume (in cubic metres) of abstracted water to be recorded.
- (c) For consented groundwater takes where the rate of take is less than 5 litres, records must be in a suitable format for electronic storage and reported on a monthly basis.
- (d) For consented groundwater takes where the rate of take is equal to or exceeds 5 litres records must be transferred from the meter to Council in a suitable format for electronic storage and reported electronically on a daily basis.
- (e) For consented surface water takes where the water body is not over allocated and the rate of take does not exceed 2.5 litres, records must be in a suitable format for electronic storage and reported on a monthly basis to Council.
- (f) For consented surface water takes where the rate of take exceeds 2.5 litres or is from an over allocated water body records must be transferred from the meter to Council in a suitable format for electronic storage and reported electronically on a daily basis.



Activity status and source of water	Meter	Report frequency
Property size 5ha or more Stock drinking water and/or permitted use does not exceed 35 cubic metres per day (ground water) or 15 cubic metres per day (surface water)	Not required	Not required
Property size less than 5ha Stock drinking water and/or permitted use does not exceed 15 cubic metres per day (ground water or surface water)	Not required	Not required
Stock drinking water and/or permitted use exceeds 35 cubic metres per day (groundwater and property exceeds 5ha) or exceeds 15 cubic metres per day (surface and groundwater and property less than or equal to 5ha)	Yes Will require 2 meters if water is used under both Section 14(3) (b) of the Act and under a permitted activity rule in this plan	Monthly unless rate of take exceeds 2.5 l/s (surface water) or 5 l/s (groundwater)
Consent groundwater rate of take equals or exceeds 5l/s	Yes	Daily
Consent groundwater rate of take less than 5 litres	Yes	Monthly
Consent surface water rate of take equals or exceeds 2.5 litres	Yes	Daily
Consent surface water, rate of take less than 2.5 litres.	Yes	Monthly

Table WQ 1 Summary of Activity Status Metering and Reporting Requirements

**WQ P25**

For each freshwater management unit where objectives and limits are being, or have been set establish, maintain and make publicly available a freshwater quantity accounting system to record the following information:

- (a) Amount of freshwater:
  - (i) Available for allocation;
  - (ii) Allocated by resource consent and actually taken; and
  - (iii) Permitted under WQ R1 and WQ R3 and allowed by Section 14(3)(b) of the Act.
- (b) Where limits have been set, the proportion of the limit that has been allocated.
- (c) The proportion of water allocated to, and taken by, each major category of use.

- WQ P26** To establish an accurate record of permitted takes within the region by:
- (a) Requiring all water takes permitted under WQ R1 and WQ R3 to be registered and to be metered if, in combination with water taken for stock drinking water under the Act section 14(3)(b) the total volume exceeds the Permitted Activity volume on a property.
  - (b) Establishing and maintaining a model to quantify water takes permitted under WQ R1, WQ R2 and WQ R3 and allowed by section 14(3)(b) of the Act.
  - (c) Undertaking audits in selected areas to estimate or verify water use.
- WQ M2** Provide information to the community on the availability of freshwater resources, where such information is available. This includes:
- (a) Reference to technical reports detailing the calculation of flow statistics for surface water allocation or aquifer recharge for groundwater allocation.
  - (b) Reference to information regarding the hydraulic connection of ground and surface water bodies.
  - (c) A map showing surface and groundwater boundaries.
  - (d) The present allocation of surface and groundwater resources.
  - (e) Advice for potential water users within fully allocated resources regarding alternatives such as accessing lower reliability water (2<sup>nd</sup> tier surface water); harvesting of high flow surface water or accessing groundwater.
  - (f) How freshwater objectives, values and limits are set or evaluated.
- WQ M3** Encourage city councils, district councils and the community, including the commercial, industrial, horticultural, agricultural and energy sectors to:
- (a) Use water audits or irrigation performance assessments to identify water losses, wastage, or opportunities to conserve or use water more efficiently.
  - (b) Adopt efficient water use and conservation practices.
  - (c) Utilise water conservation devices.
  - (d) Adopt recognised industry good management practices.
  - (e) Use alternative water sources to supplement supply, such as water harvesting, managed aquifer recharge and storage.
- WQ M5** Advocate that the city council and district councils use individual property water metering systems in reticulated areas to reduce water usage and wastage.
- WQ M7** All measurements taken relating to water quantity should adhere to the:
- (a) National Environmental Monitoring Standards.
  - (b) Bay of Plenty Regional Council's specified format documents.
  - (c) Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.
  - (d) Any other specified format stated within resource consent conditions.

**WQ M8**

Support the establishment of water user groups to assist Council and water users in the management of water through the following:

- (a) Co-ordinating the take and use of water authorised by resource consent.
- (b) Voluntary rostering or rationing of water takes during times of low water availability.
- (c) Pro rata reduction of water allocated by resource consent.
- (d) Recording and reporting information to the Council.

Advice Note: Support may include provision of staff time, co-ordination and administration to help establish and maintain groups.

**WQ R1****Permitted Activity – Take and Use of Groundwater**

In addition to any take under section 14(3)(b) of the Act, the take and use of groundwater with a temperature of less than 30° Celsius, where the property size is less than 5ha and the quantity of water taken does not exceed 15 cubic metres per day per property, is a Permitted Activity subject to the following conditions:

- (a) The take and use is registered with the Bay of Plenty Regional Council within one year of the plan becoming operative, or for new takes prior to the commencement with the following information:
  - (i) Location of the take;
  - (ii) General purpose for which the water is being used or is proposed to be used;
  - (iii) Confirmation that conditions (b) to (f) below can be met;
  - (iv) Whether the take provides for stock or domestic drinking requirements; and
  - (v) Name, address and contact details of person responsible for the take and use.
- (b) The rate of take does not exceed 2.5 litres per second.
- (c) No additional water is taken under WQ R3.
- (d) The take is not from water resource that is fully allocated at the time the take first commences, unless the take was established prior to 18 October 2016.
- (e) Where the quantity of water taken under this rule, in combination with stock drinking water taken under section 14(3)(b) of the Act exceeds 15m cubic metres per day, water meters must be installed to separately record stock drinking water and all other water taken. Records are to be provided to Bay of Plenty Regional Council in an electronic format on a monthly basis within 28 days following the end of each month.

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.

Advice Note: This rule requires the metering and reporting of stock drinking water where the volume used, in combination with any permitted uses on

the property exceeds the permitted activity limit. Stock drinking water is provided for in addition to the permitted activity volume. The purpose of metering and reporting is to assist with water accounts, to encourage efficiency by providing information about water use and to ensure that the volume is reasonable, as required by the Act.

### **WQ R3**

#### **Permitted Activity – Take and Use of Surface Water**

In addition to any take under section 14(3)(b) of the Act, the take and use of water from any surface water body, where the water has a temperature of less than 30° Celsius and the quantity taken does not exceed 15 cubic metres per day per property is a Permitted Activity subject to the following conditions:

- (a) The take and use is registered with the Bay of Plenty Regional Council within one year of this regional plan becoming operative, or for new takes, prior to their commencement and the following information is provided to Council:
  - (i) Location of take;
  - (ii) General purpose for which water is being used;
  - (iii) Confirmation that requirements (b) to (e) can be met;
  - (iv) Whether the take also provides for stock or domestic drinking requirements; and
  - (v) Name, address and contact details of person responsible for the take and use.
- (b) Where the quantity of water taken under this rule, in combination with stock drinking water taken under section 14(3)(b) of the Act exceeds 15 cubic metres per day per property, water meters must be installed to separately record stock drinking water and all other water taken. Records are to be provided to Bay of Plenty Regional Council in an electronic format on a monthly basis within 28 days following the end of each month.
- (c) The rate of take does not exceed 2.5 litres per second.
- (d) No additional water is taken under WQ R1 or WQ R2.
- (e) The take is not from a water resource that is fully allocated at the time the take is established, unless the take was established prior to 18 October 2016.
- (f) The take is not from a wetland or waters draining into a wetland.
- (g) Where the take is from a river or stream, the total abstraction (all users) of surface water takes shall not exceed the interim instream flow at any point.

#### **Advice Note:**

- 1 Potential water abstractors are encouraged to seek the advice of Bay of Plenty Regional Council to ensure that there is sufficient flow in a water body to accommodate their water take and comply with condition (e). This is particularly relevant for small streams. Bay of Plenty Regional Council will take appropriate action when flows fall below the instream minimum flow.
- 2 Surface water intake structures for the take and use of water under this rule must also be authorised (refer to Rule 52).

- 3 This rule requires the metering and reporting of stock drinking water where the volume used, in combination with any permitted uses on the property exceeds the permitted activity limit. Stock drinking water is provided for in addition to the permitted activity volume. The purpose of metering and reporting is to assist with water accounts, to encourage efficiency by providing information about water use and to ensure that the volume is reasonable, as required by the Act.

### **Explanation/Intent of Rule**

To allow small takes of water from rivers, streams, lakes and other surface water bodies excluding wetlands which are unlikely to cause adverse environmental effects. Conditions (c) and (d) are to avoid adverse effects on small streams, which are particularly sensitive to abstraction pressure. 15 cubic metres per day is a reasonable amount for small uses, such as wash-down and milk cooling for small dairy sheds, small glasshouse operations, horticultural spray makeup, or irrigation of gardens (up to approximately 0.5 hectares). Condition (b) is to prevent a proliferation of small takes on a single property, which may have significant cumulative effects on streams and rivers. Intake velocity conditions are to prevent adverse effects on aquatic life.

## **Schedule 7 Reasonable and efficient use criteria**

### **Irrigation**

Use of a field validated model that considers land use, crop water use requirements, on site physical factors such as soil water holding capacity, and climatic factors such as rainfall variability and potential evapo-transpiration. The model must reliably predict annual irrigation volume within an accuracy of 15%.

The annual volume calculated using the model shall meet with the following criteria:

- (a) An irrigation application efficiency of 80%, and
- (b) Demand conditions that occur in nine out of 10 years.

### **Municipal water supplies**

The Water Management Plan shall establish a long term strategy for the water requirements of domestic or municipal suppliers and their communities. It shall demonstrate that the volume of water required, including any increase over that previously authorised, has been justified and that the water take will be used efficiently and effectively. A Water Management Plan is required whether the application is for the renewal of an existing take, or a new application. To this end the Water Management Plan shall, to an extent which is appropriate for the scale of the activity, provide the following information:

- 1 A description of the water supply system including system operation, distribution extent, levels of service, water use measurement, maintenance and asset management procedures.
- 2 A comprehensive assessment of existing and future demands for water with regard to an assessment of reasonable population growth within the planning horizon to meet the following:
  - a) Reasonable domestic needs.
  - b) Public health needs in accordance with requirements under any Act of Parliament or regulation.

- c) Reasonable community needs (e.g. for public amenities).
  - d) Reasonable commercial, rural supply and industrial needs.
  - e) An assessment as to how each of the assessments required by clauses a) to d) above is predicted to vary over time.
  - f) A justification for each of the assessments required by clauses a) to e) above including reference to any relevant planning instruments promulgated under the Resource Management Act 1991 that provide for future growth or relevant documents promulgated under the Local Government Act 2002 such as long term plans, growth strategies or spatial plans.
- 3 Any existing or proposed water pricing procedures, including the extent of metering of individual customers and any linkages with wastewater pricing or management.
  - 4 How water reticulation networks are planned and managed to minimise their water losses as far as practicable.
  - 5 A description of patterns of water use practices and/or behaviour in all sectors of use (and distribution) with the objective of maximising water use efficiency and reducing water use, as far as practicable.
  - 6 Water saving targets for the full range of demand conditions including demand saving targets for council owned facilities, domestic demand targets and demand saving targets for commercial and industrial customers.
  - 7 Key performance indicators for each of the water saving targets.
  - 8 Any external auditing and benchmarking procedures that have been adopted.
  - 9 A drought management plan that includes:
    - (i) Steps to be taken to reduce consumption during water shortage conditions, including ensuring that uses not identified as priorities in Policy 80B are restricted to a similar extent to which that that use would be restricted if it was not part of the municipal supply network.
    - (ii) Public and commercial user education programmes.
    - (iii) steps taken to reduce consumption when demand is approaching the maximum take volume specified under the relevant resource consent.
    - (iv) Enforcement procedures.
  - 10 Actions, performance measures and a timeline for implementing actions. The actions and performance measures identified will depend on the circumstances of each applicant.
  - 11 Any consultation undertaken with key stakeholders and outcomes of such consultation.
  - 12 Details of an appropriate water conservation and demand management plan review process.
  - 13 Identification of any anticipated increases in water demand over the term of the consent and ability to stage water take volumes to more closely reflect demand requirements over time.
  - 14 Ability to reduce the amount of water used by existing industrial and agricultural users, as a result of improvements in the efficiency of the use of water, in order to meet any increase in water demand over the term of the consent.
  - 15 Identification of any single industrial, commercial or agricultural use of water that uses more than 15 cubic metres of water per day (not being water used for human drinking or human sanitation purposes).

- 16 Identification of future domestic or municipal supply take needs over and above that already authorised.
- 17 Domestic or municipal supply takes required to meet growth and development that is provided for in planning instruments promulgated under the Resource Management Act 1991 or relevant documents promulgated under the Local Government Act 2002, such as Long Term Plans, growth strategies or spatial plans (or similar).
- 18 The projected future needs shall be identified in terms of:
  - (a) Location of take; and
  - (b) Volume of take (including any seasonal variations); and
  - (c) The date at which the water is likely to be required.

## Other Uses

The amount calculated in accordance with good management practices for efficient use of water in relation to that use or by demonstrating that water is not being wasted, such as by means of a water use audit by an independent party to identify any wastage and any opportunities for re-use or conservation.

### 8.3 Improving water use efficiency - water permit transfers

**Economic efficiency** (also known as allocative efficiency): Allocating water to enable optimum economic outcomes (e.g. allocating water to the uses which have the highest value to society). Within this definition, reasonable and justifiable use should also be considered, which is about ensuring that users are only granted the water they actually need. This is aligned with S14(3)(b) of the RMA, which allows water to be taken for an individual's *reasonable* domestic needs; or the *reasonable* needs of an individual's animals drinking water (providing that take does not or is not likely to have an adverse effect on the environment...)

**Dynamic efficiency:** adjusting the use of water over time to maintain or achieve allocative efficiency (e.g. enabling movement of allocated water and minimising the transaction costs for doing so).

#### 8.3.1 Issue and objectives

WQ I3: The inefficient allocation and use of water can significantly reduce the overall benefits to be derived from the use of the resource.

WQ O1: Efficient allocation and use of water resources in the Bay of Plenty.

WQ O11: Where water shortage is a significant problem potential solutions are explored so the allocation and use of water is improved over time by enabling:

- (a) Water storage and managed aquifer recharge.
- (b) The transfer of water take consents.
- (c) Water harvesting.

Options considered

**Option 1: All transfers handled as a discretionary activity (status quo)**

- All transfers handled as a discretionary activity under s136 of the RMA

**Option 2: Provide greater guidance for transfers (preferred option)**

- Enable transfers through a new policy (WQ P23), and permitted, controlled and restricted discretionary activities rules (WQ R7, WQ R8 and WQ R9).



### 8.3.2 Summary of evaluation

The following table summarises the effectiveness and efficiency of the policy options to achieve WQ O1 and WQ O11:

Policy Option	RMA s32 test	
<p><b>OPTION 1: All transfers are handled as a discretionary activity (status quo)</b></p>	<b>Effectiveness</b>	
	<p>Under Option 1, the transfer of resource consents is provided for in s136 of the RMA, with transfers being assigned discretionary activity status. Other than transfers to new owners, BOPRC has not routinely dealt with applications for transfers. This is likely for two reasons; firstly there is little guidance for transfers, and secondly where water sources are fully or over-allocated, new resource consent applications are fully notified and tend to be granted because Council has insufficient evidence to decline an applicant's assertion that the proposed take will have only a minor adverse impact on the relevant waterbody.<sup>102</sup></p> <p>The NPSFM requires regional councils to “state criteria by which applications for approval of transfers of water take permits are to be decided, including to improve and maximise the efficient allocation of water” (Policy B3). The status quo does not do this. Nor does effectively address RPS Policy WQ 1A, which includes promoting water transfers by enabling the transfer of water permits in whole or part.</p> <p>Option 1 is unlikely to deliver efficient allocation of water (WQ O1 of Plan Change), particularly as the water resource comes under increasing pressure. It does not achieve Policy B3 of the NPSFM, and doesn't adequately achieve RPS Policy WQ 1A.</p>	
	<p>Summary of effectiveness: Low</p>	
	<b>Efficiency</b>	
	Benefits	Costs
	<p>Economic:</p> <p>The ability to transfer water take resource consents will be important as new consents are declined in fully or over-allocated catchments. Under Option 1, transfers would be considered on a case-by-case basis through the process set out in s136 of the Act. This is likely to result in high transaction costs for applicants because of</p>	

<sup>102</sup> CooneyLeesMorgan (2016)

		<p>Discretionary activity status of this under the RMA and the uncertainty associated with this process.</p> <p>Councils may incur higher costs because of the greater burden of proof from applicant required under Option 1.</p>
<p>Summary of efficiency: Not efficient</p>		
<p><b>OPTION 2: Provide greater guidance for transfers (preferred option)</b></p>	<p><b>Effectiveness</b></p>	
	<p>Option 2 provides for the transfer of water permits to take and use water where the transfer is within the same water body or groundwater aquifer, doesn't move from downstream to upstream of a hydroelectric power scheme (where the transfer is surface water), does not increase the volume of take or the rate of take (where the take is a Controlled activity under WQ R8), and is no more than that required for the intended use of the transferred water. Council restricts its control to matters including conditions including the nature or duration of the take, measuring and reporting, and the potential effect on existing users, on springs or surface water bodies, and on tāngata whenua values.</p> <p>Option 2 gives effect to the NPSFM, Policy B3 which requires regional councils to “state criteria by which applications for approval of transfers of water take permits are to be decided, including to improve and maximise the efficient allocation of water”. The approach also gives effect to the RPS Policy WQ-1A which reads ‘Promote efficient water use, water harvesting and water transfers’.</p> <p>About two-thirds of surface water sources and at least one-fifth of groundwater sources are over-allocated in terms of the currently defined allocable levels.<sup>103</sup> Where transfers are in over-allocated catchments or groundwater aquifers, a Restricted Discretionary status applies allowing Council to determine whether a reduction in the rate or volume is needed to assist phasing out over allocation. Permitted activity status applies to temporary transfers of surface water within a water user group to enable flexible sharing of the resource in response to short term requirements. .</p> <p>A successful transfer scheme relies on a robust metering and reporting regime this policy assumes will be implemented. The implementation of the measuring and reporting regime will occur over time as existing water users renew consents and new consents are issued.</p> <p>This option is relevant and transparent. It is useful in that it will effectively guide decision making and meets sound principles for writing policies and rules. It is within Council's functions and powers, and there is a high degree of certainty that it can achieve the objective. It gives effect to the NPSFM and the RPS.</p>	
<p>Summary of effectiveness: Moderate</p>		

<sup>103</sup> BOPRC (2013e)

<b>Efficiency</b>	
Benefits	Costs
<p><b>Economic:</b></p> <p>The ability to transfer water allows it to move to its highest value use.</p> <p>Option 2 supports the NPSFM national value of economic or commercial development – providing economic opportunities to people, businesses and industries. As water becomes scarce the ability to transfer becomes more important in supporting economic development. In fully allocated (but not over-allocated) catchments or aquifers, the ability to transfer provides a path for new entrants to gain access to water.</p> <p>For transfers, benefits must be greater than costs for the parties involved, so a clear process with low transaction costs is required.</p> <p>Option 2 provides clarity on the process for transferring permits will result in increased efficiency of water use because market signals will cause water permits to be transferred to higher valued uses.</p> <p>Development of water users groups involves local water users to determine how to be work together.</p> <p><b>Environmental:</b></p> <p>More efficient use of water.</p>	<p><b>Economic:</b></p> <p>Where transfers occur in over-allocated catchments, a reduction may be required to phase out over-allocation as is required in the NPSFM (Objective B2 and Policy B6), potentially resulting in future economic costs to current users.</p> <p>Option 2 establishes transfers as a controlled activity. In cases where the resource consent is held by the lessee and not the landowner, the lessee can potentially move the consent to another property. This may be a particular impact for Māori land, which is frequently leased, in situations where: (1) the lessee holds the resource consent (although lease agreements can ensure the property owner holds the lease); (2) the catchment is over-allocated (transfers will have no value in catchments with available allocation); and (3) is generally limited to irrigation takes (stock drinking water covered by s14(3)(b) of the Act.</p> <p><b>Implementation costs for Council:</b></p> <p>Council is likely to incur modest economic costs in setting up a system to manage transfers in the form of operational processes and improving information availability to users.</p>
<p>Summary of efficiency: Moderately efficient</p>	

## Risk of acting or not acting

While Council has sufficient information on the amount of surface and groundwater consented, and the allocation status of water bodies, the relatively low level of reporting required to date means Council has little information about actual water use by resource consent holders. A benefit of resource consent transfers is to allow water to move to its highest value use (economic efficiency gains), but where a transfer is from unused water in an over-allocated catchment, it may result in efficiency losses when environmental, social and cultural effects are considered. The setting of more robust allocation limits in the Plan Change will put greater focus on transfer provisions because it will be more difficult to obtain new water in fully or over-allocated resources.

Option 1 (the status quo) does not give effect to Policy B3 in the NPSFM, and does not adequately give effect to Policy WQ 1A in the RPS. Option 2 meets the requirements of the NPSFM and the RPS Policy WQ 1A, and addresses the risk through restrictions including the ability to reduce over-allocation via the transfer process.

The following table summarises the appropriateness of the policy options to achieve WQ O1 and WQ O11:

Policy Option	Effectiveness	Efficiency	Selected Option/s
<b><i>OPTION 1: Status quo (all transfers are handled as a discretionary activity under the RMA)</i></b>	Low	Not efficient	No
<b><i>OPTION 2: Provide greater guidance for transfers (Preferred option)</i></b>	Moderate	Moderately efficient	Yes

Having regard to this information, and taking into account the benefits and costs and the risks of acting or not acting, the most appropriate way of achieving WQ O1 and WQ O11 is by implementing WQ P12, WQ P13 and WQ P23 and WQ M2, and WQ R7, WQ R8 and WQ R9.

### Proposed wording for policies and methods to implement the preferred option

**WQ P12** To recognise and provide certainty to existing authorised users of fresh water, including non-consumptive users, by:

- (a) Ensuring that any new allocation of water does not adversely impact upon the use of existing resource consents.
- (b) Giving priority to existing users over new users when considering the renewal of existing resource consents.
- (c) Considering granting an application that meets the criteria specified by WQ P10(a) where limits have not been set under WQ P2(f).

**WQ P13** To promote the efficient use of freshwater resources by:

- (a) Requiring the quantity of water granted to be no more than that required for the intended use of water and apply the reasonable and efficient use criteria in Schedule 7.
- (b) Requiring the use of water conservation methods and encourage the use of alternative water sources.
- (c) Requiring good management practices for all uses.

- (d) Promoting the shared use and management of water, through water user groups or other arrangements where it results in an increased efficient in the allocation and use of water.
- (e) Enabling the transfer of water permits.
- (f) Working with, and seeking co-operation from, holders of existing rights granted under Section 386(1) of the Act to encourage:
  - (i) Consent renewal prior to 1 October 2026 to match allocation to use; and
  - (ii) Greater water use efficiency.

**WQ P23**

To enable the transfer of permits to take or use water in whole or part to another site providing the transfer:

- (a) Is within the same catchment or aquifer as the original resource consent.
- (b) Is for the same or a lesser amount of water.
- (c) Does not result in more than minor adverse effects.
- (d) Is no more than that required for the intended use.
- (e) Where it is in an over allocated surface water catchment or groundwater aquifer, involves the surrender of a proportion of the allocated water to be surrendered and not re-allocated when water is transferred, unless there is an alternative method and defined timeframe to phase out over-allocation set out in an applicable WMA.

**WQ M2**

Provide information to the community on the availability of freshwater resources, where such information is available. This includes:

- (a) Reference to technical reports detailing the calculation of flow statistics for surface water allocation or aquifer recharge for groundwater allocation.
- (b) Reference to information regarding the hydraulic connection of ground and surface water bodies.
- (c) A map showing surface and groundwater boundaries.
- (d) The present allocation of surface and groundwater resources.
- (e) Advice for potential water users within fully allocated resources regarding alternatives such as accessing lower reliability water (2<sup>nd</sup> tier surface water); harvesting of high flow surface water or accessing groundwater.
- (f) How freshwater objectives, values and limits are set or evaluated.

**WQ R7**

**Permitted Activity – Temporary Transfer of Water Permits to Take and Use Water**

The transfer of a water permit to take or to use surface water, in whole or part, on a temporary basis, to another site is a permitted activity subject to the following conditions:

- (a) The transferor and transferee are part of the same Water User Group.

- (b) The transfer is within the same catchment to any point downstream (excluding downstream tributaries) of the location to which the permit applies.

Written notice signed by the transferor and transferee is given to the Bay of Plenty Regional Council five working days prior to the transfer specifying:

- i) Full names and addresses of transferor and transferee;
  - ii) If the whole permit is not being transferred, the portion of the water permit being transferred;
  - iii) Proposed daily volume (cubic metres per day) and rate (litres per second) of take at both sites;
  - iv) The number of the permit to be transferred and the number of the use permit, if required, held by each party;
  - v) The location of new take and use site (shown on a map or identified by NZMS map reference);
  - vi) The date of transfer;
  - vii) Description of purpose for which water is to be used; and
  - viii) The date on which the transfer ceases.
- (c) The permit shall retain the same conditions (excluding location).
- (d) In the case of transfers of more than five days per annum, all parties to the transfer shall have metering and reporting at the appropriate recording and reporting level as defined in WQ M7.

Advice Note: The transferee is required to have any necessary resource consent to use the water transferred.

## **WQ R8**

### **Controlled Activity – Transfer of Water Permits to Take and Use Water**

The transfer of a water permit to take or to use water, in whole or part, to another site, is a Controlled Activity where the transfer:

- 1 Is within the same catchment or groundwater aquifer as the original consent.
- 2 Is not from downstream to upstream of an existing hydroelectric power scheme, where the transfer relates to surface water.
- 3 Is for the same or lessor rate and volume of take.
- 4 Does not increase the total rate of take, where the transfer relates to surface water.
- 5 Does not affect any lawfully established takes.
- 6 Is not to a water resource that is over-allocated, or will not cause the water resource to become over allocated; and
- 7 Will not result in a greater total volume of water actually being abstracted from an aquifer, where the transfer relates to groundwater

Bay of Plenty Regional Council restricts its control to the following matters:

- (a) Location, volume and rate of take.

- (b) The nature and/or duration of the transfer – whole or partial/short term or permanent, including having regard to any seasonal restrictions that may be necessary.
- (c) The appropriateness of existing conditions to avoid or mitigate effects of the transfer to the new site including conditions on minimum flows and annual volumes.
- (d) The need for conditions preventing concurrent taking where there is a partial transfer or the transfer is to two or more points of take.
- (e) The need for conditions relating to water measurement and reporting, including telemetry requirements.
- (f) The potential effect of the transfer on existing users; on springs or surface water bodies and their values (including water quality); and on tāngata whenua values.

Advice Note: Tāngata whenua values include those of the owners of Māori land, if the water source is on such land.

## WQ R9

### **Restricted Discretionary Activity – Transfer of Water Permits to Take and Use Water**

The transfer of a water permit to take or to use water, in whole or part, temporary or permanent, to another site, where the transfer is within the same catchment or groundwater aquifer and does not meet one or more of the conditions of WQ R8 is a Restricted Discretionary Activity.

Bay of Plenty Regional Council reserves its discretion over the following matters:

- (a) Location, volume and rate of take.
- (b) The nature and/or duration of the transfer – whole or partial/short term or permanent, including having regard to any seasonal restrictions that may be necessary.
- (c) The appropriateness of existing conditions to avoid or mitigate effects of the transfer to the new site including conditions on minimum flow and annual volumes.
- (d) The need for conditions preventing concurrent taking where there is a partial transfer or the transfer is to two or more points of take.
- (e) The need for conditions relating to water measurement and reporting, including telemetry requirements.
- (f) The potential effect of the transfer on:
  - (i) Other users;
  - (ii) Springs, connected groundwater aquifers or surface water bodies; and
  - (iii) Tāngata whenua values.
- (g) Where surface water and/or groundwater allocation exceeds the relevant limits for the catchment, whether a reduction in the rate or volume of take may be required to assist with phasing out that exceedance.

Advice Note: Reductions in the rate or volume of take to assist in phasing out over-allocation will be considered in over-allocated resources and may result in the transferred rate or volume being reduced.

Tāngata whenua values include those of the owners of Māori land, if the water source is on such land.

## 8.4 Reduction in permitted groundwater limit

### 8.4.1 Issues and objectives

- WQ I2 Increasing demand for water in the Bay of Plenty is placing pressure on streams, rivers, springs and groundwater.
- WQ I4 Over-abstraction of groundwater can degrade groundwater quality, and reduce water levels in aquifer systems and associated surface water bodies.
- WQ I7 The effective management of water allocation and use relies on the availability of good quality information.
- WQ O1 Efficient allocation and use of water resources in the Bay of Plenty.
- WQ O4 Manage the allocation and abstraction of groundwater at a volume and rate that does not:
- (a) Result in a sustained decline in groundwater levels.
  - (b) Permanently or unsustainably lower water levels in streams or rivers where groundwater and surface water bodies are linked to an extent that is contrary to WQ O3.
  - (c) Adversely affect groundwater quality in aquifer systems, including taking into account the risk of saltwater intrusion.
  - (d) Cause the mixing of water between different aquifers where those aquifers are not naturally connected.

### 8.4.2 Options considered

**Option 1: Retain permitted activity groundwater limit of 35m<sup>3</sup>/property/day (status quo)**

- This option does not prevent the ability to combine surface and groundwater limits within the same property

**Option 2 Reduction in permitted activity groundwater limit to 15m<sup>3</sup>/property/day (draft rules)**

- With conditions on permitted activity including:
  - registration with Bay of Plenty Regional Council
  - installation of a water meter on request
  - supplying meter readings to Council on request
  - rate of take not to exceed 2.5 L/s
  - take is not in addition to permitted activity surface water take
  - take is not from a fully allocated resource

**Option 3 Reduction in permitted activity groundwater limit to 15m<sup>3</sup>/property/day for properties of 5 hectares or less, retain**



**existing volume of 35m<sup>3</sup>/property/day for larger properties  
(preferred option)**

- Properties greater than 5 hectares are permitted to take up to 35m<sup>3</sup>/day
- Properties equal to or less than 5 hectares are permitted to take up to 15m<sup>3</sup>/day
- Conditions as in Option 2 apply except for
  - Installation of water meters where the quantity of water taken under this rule, when combined with water taken for the purpose of stock drinking water under RMA s14(3)(b) exceeds the permitted activity volume.

### 8.4.3 Summary of evaluation

The following table summarises the effectiveness and efficiency of the policy options to achieve WQ O1 and WQ O4:

Policy Option	RMA s32 test
<p><b>OPTION 1: Retain permitted groundwater limit at 35m<sup>3</sup>/day (status quo)</b></p>	Effectiveness
	<p>Under Option 1 the permitted activity limit for groundwater is 35m<sup>3</sup>/day. The permitted groundwater volume was set higher than permitted surface water volume (15m<sup>3</sup>/day) in the RWLP to encourage groundwater takes.<sup>104</sup> Under the status quo we assume that 35m<sup>3</sup>/day is sustainable. However, monitoring shows that for some aquifers this may not be so, and that for other aquifers Council does not have enough information on actual water takes (where, when and how much) to confidently interpret monitoring results. The status-quo allows an unsustainably high volume of groundwater abstraction to occur as a permitted activity without any oversight or assessment of effects being undertaken by the Council.</p> <p>Gathering data/information about permitted activity takes is difficult. By their nature, permitted activities are deemed to have only a minor effect on the resource used or the environment affected. Currently there is limited opportunity to register permitted activity users, monitor their compliance and no mechanism to set s36 charges. Risk is derived from cumulative effects arising from many resource users operating under a permitted activity in a confined location or catchment.<sup>105</sup> One-third of agricultural/horticultural properties in the Bay of Plenty are less than 5 hectares – just over half the properties in the region are less than 10 hectares (Figure 11).<sup>106</sup> This high proportion of small properties is unusual. Auckland and Waikato regions have 40% and 20% of properties less than 10 hectares respectively. A high permitted activity volume per property for groundwater is potentially a bigger risk to groundwater in the region. The cumulative level of activity, the difficulties in monitoring, and the inability set charges together suggest that the status quo is inadequate to protect the resource. The permitted take allowance for groundwater is high (relatively to surface water, and relative to neighbouring regions), and some of the region’s groundwater aquifers are over-allocated.</p>

<sup>104</sup> RWLP (2008, p243). The explanation for Rule 38 states ‘A greater volume is permitted for groundwater takes than for surface water takes...to encourage people to use groundwater, and reduce abstraction pressure on surface water bodies (particularly small streams).’

<sup>105</sup> RMA rules: Summary of activity classes [www.rotorualakes.co.nz/vdb/document/544](http://www.rotorualakes.co.nz/vdb/document/544).

<sup>106</sup> Statistics New Zealand (2012).

<b>Policy Option</b>	<b>RMA s32 test</b>																																													
	<div data-bbox="546 347 1939 927" data-label="Figure"> <table border="1"> <caption>Estimated data for Figure 11: Size of agricultural/horticultural properties in nearby regions</caption> <thead> <tr> <th>Property size (hectares)</th> <th>Auckland (%)</th> <th>Waikato (%)</th> <th>Bay of Plenty (%)</th> <th>Gisborne (%)</th> </tr> </thead> <tbody> <tr> <td>&lt;5</td> <td>25</td> <td>12</td> <td>32</td> <td>17</td> </tr> <tr> <td>5-9</td> <td>14</td> <td>8</td> <td>18</td> <td>11</td> </tr> <tr> <td>10-19</td> <td>14</td> <td>8</td> <td>14</td> <td>10</td> </tr> <tr> <td>20-39</td> <td>13</td> <td>10</td> <td>9</td> <td>9</td> </tr> <tr> <td>40-99</td> <td>17</td> <td>23</td> <td>10</td> <td>10</td> </tr> <tr> <td>100-199</td> <td>10</td> <td>21</td> <td>10</td> <td>5</td> </tr> <tr> <td>200-399</td> <td>5</td> <td>12</td> <td>5</td> <td>9</td> </tr> <tr> <td>400+</td> <td>3</td> <td>7</td> <td>3</td> <td>30</td> </tr> </tbody> </table> </div> <p data-bbox="663 962 1630 994"><i>Figure 11 Size of agricultural/horticultural properties in nearby regions.</i></p> <p data-bbox="546 1031 2074 1090">The status quo compromises Council’s ability to give effect to the NPSFM in relation to accounting for freshwater takes (Objective CC1 and Policy CC1), requirements for efficiency (Objective B3) and avoiding over-allocation (Objective B2).</p> <p data-bbox="546 1107 2074 1198">Stock drinking water takes under RMA s14(3)(b) are in addition the permitted activity limit and on many dairy farms will be greater than the permitted limit. This exacerbates the problem for accounting and is a lost opportunity for the water user to check on the efficiency.</p> <p data-bbox="546 1216 1962 1246">Option 1 may not achieve WQ O1, and doesn’t provide sufficient information to know the likelihood of achieving WQ O4.</p> <p data-bbox="546 1279 920 1310">Summary of effectiveness: Low</p>	Property size (hectares)	Auckland (%)	Waikato (%)	Bay of Plenty (%)	Gisborne (%)	<5	25	12	32	17	5-9	14	8	18	11	10-19	14	8	14	10	20-39	13	10	9	9	40-99	17	23	10	10	100-199	10	21	10	5	200-399	5	12	5	9	400+	3	7	3	30
Property size (hectares)	Auckland (%)	Waikato (%)	Bay of Plenty (%)	Gisborne (%)																																										
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400+	3	7	3	30																																										

Policy Option	RMA s32 test	
	Efficiency	
	Benefits	Costs
	<p>The permitted activity allows properties to access a volume of water and avoid resource consenting costs.</p>	<p><b>Economic</b></p> <p>Option 1 potentially enables the proliferation of permitted takes over a relatively small location, thereby increasing the burden on a water source. This can impact negatively on consented users. At the lower end of impacts efficiency and accounting is compromised. At an extreme, the groundwater aquifer may deteriorate or existing users become unable to access water.</p> <p>Agriculture and horticulture are the mainstays of the Bay of Plenty economy. Most of the 700 groundwater resource consents in the region are for agricultural and horticultural purposes. The lack of information associated with permitted activity takes inhibits effective management the groundwater resource, potentially impacting on people’s livelihoods and on the regional economy.</p> <p>The status quo allows the multitude of small properties, common in our region, to extract quantities of ground water, that when added together potentially risks the sustainability of the resource and the ability of consented uses to access water. It also makes obtaining information about the volume, flow and sources of water difficult to obtain and does not give users information by which they might improve the efficiency of water use. The proximity of small properties, each taking groundwater, has the potential to impact on the availability of water from neighbouring bores.</p> <p><b>Environmental</b></p> <p>Of 54 groundwater bores tested in 2013, 12 (22%) showed a decline in the aquifer water level, 32 (59%) were stable, and 10 (19%) were increasing in water levels. The declines were localised rather than over the entire aquifer system indicating</p>

Policy Option	RMA s32 test	
		<p>that <i>in the high use areas the recharge cannot meet the volume of water being taken from the system.</i><sup>107</sup></p> <p>A particular threat identified in monitoring the condition of the groundwater resources is to the Tauranga Harbour deep aquifer. Seven of the 12 bores showing decline are near or west of Tauranga City.<sup>108</sup></p> <p>Cultural</p> <p>The cultural effects are unknown.</p>
	Summary of efficiency: Not efficient	
<p><b>OPTION 2: Reduction in permitted groundwater limit 15m<sup>3</sup>/day (draft rules option)</b></p>	Effectiveness	
	<p>Groundwater is over-allocated in some locations, and demand is generally increasing. The condition of the resource is showing evidence of overdrawn in some aquifers, particularly west (although not limited to) of Tauranga. Council doesn't have sufficient information about the aquifers to judge the risk of this. Part of that information gap is how much water is being drawn, how frequently, and from where. Permitted activity does not provide for the collection of this information.</p> <p>Under Option 2 the permitted activity volume for groundwater would be reduced to 15m<sup>3</sup>/day across the region. This approach would bring those individuals taking more than 15m<sup>3</sup>/day into the consenting system. As consented users they would meter and report, providing essential information for monitoring resource condition and for ensuring water takes are within daily limits.</p> <p>The limited information collected for permitted activities, the relatively high daily volume of permitted groundwater, the allocation status of some aquifers and the condition of the resource make a strong case for reducing the permitted level to reduce the risk to the resource and its users. Option 2 is within the range set by neighbouring regional councils (Table 18).</p>	

<sup>107</sup> Barber and Harvey (2013, p30)

<sup>108</sup> Barber and Harvey (2013)

Policy Option	RMA s32 test			
	<p><i>Table 18 Groundwater permitted takes – comparison of regions.</i></p>			
	Council	Groundwater limit	Surface water limit	Comments
	BOPRC	35m <sup>3</sup> /day	15m <sup>3</sup> /day	Excludes 14(3)(b)
	Auckland	5m <sup>3</sup> /day	5m <sup>3</sup> /day	Must register with ARC Excludes 14(3)(b) No allowance in pressure resources
Waikato	15m <sup>3</sup> /day	15m <sup>3</sup> /day	Excludes 14(3)(b) Primary allocable flow not to be exceeded	
Hawkes Bay	20m <sup>3</sup> /day	20m <sup>3</sup> /day	Excludes 14(3)(b) No allowance in pressure resources	
Horizons	400 l/ha/day max 50m <sup>3</sup> /day	400 l/ha/day max 30m <sup>3</sup> /day or 15m <sup>3</sup> /property if not for animals	No general permitted allowance, must notify in writing	
<p>The NPSFM requires that regional councils avoid over-allocation, use water efficiently, and set up water accounting systems. This approach provides sufficient information on large takes of groundwater (&gt;15m<sup>3</sup>/day) to assist with determining where over-allocation is occurring, and requirements of metering and reporting under a consented regime will encourage efficiency and support water accounting. In this way Option 2 gives effect the NPSFM.</p> <p>This approach contributes to efficient allocation and use (WQ O1) and to managing groundwater abstraction at environmentally sustainable levels (WQ O4).</p>				
<p>Summary of effectiveness: Moderate</p>				

Policy Option	RMA s32 test	
	Efficiency	
	Benefits	Costs
	<p>Economic:</p> <p>Option 2 will enable water users to better manage their water because of increased awareness of their use.</p> <p>Reduces risk associated with localised impacts in areas with high property density.</p> <p>Economic, environmental, social and cultural:</p> <p>Option 2 will require the metering and reporting of the 15-35m<sup>3</sup>/day groundwater takes. A benefit of this is that it will enable Council to know how much groundwater is taken from where, and when. This is necessary for effective monitoring the condition of the resource<sup>109</sup> and will result in better resource management (sustainable use). The benefits of this will accrue to water users and the wider community.</p> <p>Enables Council to ensure that the amount of water being taken is reasonable and justifiable in relation to the intended use.</p> <p>Cultural:</p> <p>Option 2 is consistent with the ethics and exercise of kaitiakitanga.</p>	<p>Economic:</p> <p>This approach is likely to impact on smaller businesses, particularly in horticulture where 35m<sup>3</sup>/day water take has been sufficient for their operations.<sup>110</sup> An approach to mitigate impacts would see affected water users grandfathered into a resource consent, subject to their takes being reasonable, justifiable and having no adverse localised effects. There would be one-off costs for permitted users taking between 15-35m<sup>3</sup>/day, now required to apply for resource consents.</p> <p>Will also impact on many of the regions 700 dairy farms who currently use 15 - 35m<sup>3</sup>/day for milk cooling and wash down and will require resource consent under Option 2.</p> <p>Newly consented users would have to install meters and provide water volume and flow information to Council.</p> <p>Implementation costs for Council:</p> <p>Additional fixed term staffing requirements to process resource consents for properties taking more than 15m<sup>3</sup>/day. Costs recoverable under s36 of the RMA.</p> <p>Council will need to communicate the new requirements to permitted activity water users.</p>
	Summary of efficiency: Moderately efficient	

<sup>109</sup> Barber and Harvey (2013)

<sup>110</sup> BOPRC (2016d)

Policy Option	RMA s32 test
<p><b>OPTION 3: Reduction in permitted activity groundwater limit to 15m<sup>3</sup>/property/day for properties of 5 hectares or less, retain existing volume of 35m<sup>3</sup>/property/day for larger properties (preferred option)</b></p>	Effectiveness
	<p>Option 3 addresses the issue of groundwater management by reducing the daily permitted <i>groundwater</i> volume from 35m<sup>3</sup> to 15m<sup>3</sup> per property per day for properties of 5 hectares or less.</p> <p>Option 3 recognises that small properties tend to be clustered due to district subdivision rules, and the current daily per property groundwater limit has a bigger effect in locations with a high density of small properties, each potentially taking 35m<sup>3</sup>/day. For example, a dairy farm of 120 hectares<sup>111</sup> might take up to 35m<sup>3</sup> per day under a permitted activity. If that farm were 5 hectare blocks, the daily take could be as high as 840m<sup>3</sup>/day. Option 3 targets those areas of high density.</p> <p>The Bay of Plenty region is unusual in its large proportion of small properties involved in agriculture or horticulture (Figure 12). The 2012 Agricultural Census recorded 1509 (18%) GST-registered agriculture/horticulture properties in the Bay of Plenty under 5 hectares. Most regions have less than 1000 properties in this size group. Most of these properties are in businesses that are reliant on water. For example, one-third (36%, 693) of kiwifruit businesses and just over half (56%, 774) of ‘other fruit’ growing business are on properties of under 5 hectares.<sup>112</sup> These properties are all likely to be using water, whether consented or permitted, ground or surface. The large number of properties in this size group means the groundwater in the Bay of Plenty has a particular vulnerability to permitted takes.</p>

<sup>111</sup> Average effective hectares for a dairy farm in the Bay of Plenty (DairyNZ, 2015).

<sup>112</sup> Statistics New Zealand (2012). The Agricultural Production Census is completed by all properties registered for GST. GST registration is compulsory for businesses with a turnover of \$60,000 and greater, but businesses with lower turnover can voluntarily register for GST.



Policy Option	RMA s32 test																														
	<div data-bbox="546 331 1767 911" data-label="Figure"> <table border="1"> <caption>Data for Figure 12: Property size of fruit growing properties in the Bay of Plenty</caption> <thead> <tr> <th>Property size (hectares)</th> <th>Kiwi 2012</th> <th>Other fruit 2012</th> </tr> </thead> <tbody> <tr> <td>Under 5</td> <td>~690</td> <td>~780</td> </tr> <tr> <td>5-9</td> <td>~540</td> <td>~310</td> </tr> <tr> <td>10-19</td> <td>~360</td> <td>~160</td> </tr> <tr> <td>20-39</td> <td>~160</td> <td>~60</td> </tr> <tr> <td>40-59</td> <td>~50</td> <td>~20</td> </tr> <tr> <td>60-79</td> <td>~25</td> <td>~10</td> </tr> <tr> <td>80-99</td> <td>~15</td> <td>~5</td> </tr> <tr> <td>100-199</td> <td>~25</td> <td>~10</td> </tr> <tr> <td>200-399</td> <td>~5</td> <td>~2</td> </tr> </tbody> </table> </div> <p data-bbox="663 948 1630 979" style="text-align: center;"><i>Figure 12 Property size of fruit growing properties in the Bay of Plenty.</i></p> <p data-bbox="546 1015 2074 1074">By reducing the permitted volume of groundwater for properties less than 5 hectares, issues around metering and aquifer risk can be better managed.</p> <p data-bbox="546 1094 2074 1214">Option 3 contributes to giving effect to the NPSFM, which requires that regional councils avoid over-allocation, use water efficiently, and set up water accounting systems. This approach provides sufficient information on large takes of groundwater (greater than 15m<sup>3</sup>/day) to assist with determining where over-allocation is occurring, and requirements of metering and reporting under a consented regime will encourage efficiency and support water accounting.</p> <p data-bbox="546 1235 2074 1321">This approach contributes to efficient allocation and use (WQ O1) and to managing groundwater abstraction at environmentally sustainable levels (WQ O4). It is expected to result in a similar outcome to Option 2 (above) without requiring so many individuals to come under a consenting regime.</p> <p data-bbox="546 1358 987 1390">Summary of effectiveness: Moderate</p>	Property size (hectares)	Kiwi 2012	Other fruit 2012	Under 5	~690	~780	5-9	~540	~310	10-19	~360	~160	20-39	~160	~60	40-59	~50	~20	60-79	~25	~10	80-99	~15	~5	100-199	~25	~10	200-399	~5	~2
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Policy Option	RMA s32 test	
	Efficiency	
	Benefits	Costs
	The benefits are similar to Option 2 (above).	<p>Economic:</p> <p>The costs are similar to Option 2, except that fewer property owners will be required to move to a consenting regime because this rule targets properties under 5 hectares. In particular dairy farmers would benefit from this option as they retain the current volume and may be able to operate without a resource consent.</p> <p>Implementation costs for Council:</p> <p>Additional fixed term staffing requirements to process resource consents for properties taking more than 15m<sup>3</sup>/day. Costs recoverable under s36 of RMA.</p> <p>Council will need to communicate the new requirements to permitted activity water users.</p>
	Summary of efficiency: High-moderately efficient	

## Risk of acting or not acting

Demand for groundwater has increased by 115% in the 10 years to 2012. Some resources are approaching or have exceeded limits of sustainable use, but there is no practical ability to stop, manage or prioritise the taking of ground water within the current limit of 35m<sup>3</sup>/day/property. Further, the region faces specific challenges associated with a large number of small agricultural/horticultural properties, most of these dependent on water.

Under a permitted activity Council has limited access to information about where groundwater is taken from, how much is taken in each location, and trends associated with use. The information collected is insufficient for good management,

Over abstraction of groundwater impacts also affects water quality, and while quantity does not appear to be changing over time, tests of significance are hampered by limited frequency of sampling, total number of samples and data gaps.<sup>113</sup> The Bay of Plenty groundwater monitoring:

*... does not provide information on water use; what a consent holder is actually taking and what volumes are being abstracted under the permitted provisions of the RMA and WLP. Therefore it is not known what abstraction volumes cause decline water level trends, or how rainfall-recharge can offset this effect*

The risk of not acting to address the trends identified both in the condition of the groundwater resource, in the demand for groundwater, and the high number of small blocks outweighs the increase in cost relating to obtaining a resource consent for individual users.

The following table summarises the appropriateness of the policy options to achieve Objectives 39 and 43:

Policy Option	Effectiveness	Efficiency	Selected Option/s
<b>OPTION 1: Status quo – retain permitted groundwater limit at 35m<sup>3</sup>/day]</b>	Low	Not efficient	No
<b>OPTION 2: Reduction in permitted groundwater limit 15m<sup>3</sup>/day</b>	Moderate	Moderately efficient	No
<b>OPTION 3: Property-size approach to permitted groundwater take (preferred option)</b>	Moderate	High-moderately efficient	Yes

Having regard to this information, and taking into account the benefits and costs, and the risks of acting or not acting, the most appropriate way of achieving WQ O1 and WQ O4 is by implementing WQ P12, WQ P24 and WQ P26, and WQ R1, WQ R2 and WQ R5.

### Proposed wording for policies and methods to implement the preferred option

- WQ P12** To recognise and provide certainty to existing authorised users of fresh water, including non-consumptive users, by:
- (a) Ensuring that any new allocation of water does not adversely impact upon the use of existing resource consents.

<sup>113</sup> BOPRC (2013, p46).

- (b) Giving priority to existing users over new users when considering the renewal of existing resource consents.
- (c) Considering granting an application that meets the criteria specified by WQ P9 where limits have not been set under WQ P2(f).

#### **WQ P13**

To promote the efficient use of freshwater resources by:

- (a) Requiring the quantity of water granted to be no more than that required for the intended use of water and apply the reasonable and efficient use criteria in Schedule 7.
- (b) Requiring the use of water conservation methods and encourage the use of alternative water sources.
- (c) Requiring good management practices for all uses.
- (d) Promoting the shared use and management of water, through water user groups or other arrangements where it results in an increased efficient in the allocation and use of water.
- (e) Enabling the transfer of water permits.
- (f) Working with, and seeking co-operation from, holders of existing rights granted under Section 386(1) of the Act to encourage:
  - (i) Consent renewal prior to 1 October 2026 to match allocation to use; and
  - (ii) Greater water use efficiency.

#### **WQ P26**

To establish an accurate record of permitted takes within the region by:

- (a) Requiring all water takes permitted under WQ R1 and WQ R3 to be registered and to be metered if, in combination with water taken for stock drinking water under the Act section 14(3)(b) the total volume exceeds the Permitted Activity volume on a property.
- (b) Establishing and maintaining a model to quantify water takes permitted under WQ R1, WQ R2 and WQ R3 and allowed by Section 14(3)(b) of the Act.
- (c) Undertaking audits in selected areas to estimate or verify water use.

#### **WQ R1**

##### **Permitted Activity – Take and Use of Groundwater**

In addition to any take under section 14(3)(b) of the Act, the take and use of groundwater with a temperature of less than 30<sup>o</sup> Celsius, where the property size is less than 5ha and the quantity of water taken does not exceed 15 cubic metres per day per property, is a Permitted Activity subject to the following conditions:

- (a) The take and use is registered with the Bay of Plenty Regional Council within one year of the plan becoming operative, or for new takes prior to the commencement with the following information:
  - (i) Location of the take;
  - (ii) General purpose for which the water is being used or is proposed to be used;
  - (iii) Confirmation that conditions (b) to (f) below can be met;
  - (iv) Whether the take provides for stock or domestic drinking requirements; and

- (v) Name, address and contact details of person responsible for the take and use.
- (b) The rate of take does not exceed 2.5 litres per second.
- (c) No additional water is taken under WQ R3.
- (d) The take is not from water resource that is fully allocated at the time the take first commences, unless the take was established prior to 18 October 2016.
- (e) Where the quantity of water taken under this rule, in combination with stock drinking water taken under section 14(3)(b) of the Act exceeds 15m cubic metres per day, water meters must be installed to separately record stock drinking water and all other water taken. Records are to be provided to Bay of Plenty Regional Council in an electronic format on a monthly basis within 28 days following the end of each month.

Advice Note: This rule requires the metering and reporting of stock drinking water where the volume used, in combination with any permitted uses on the property exceeds the permitted activity limit. Stock drinking water is provided for in addition to the permitted activity volume. The purpose of metering and reporting is to assist with water accounts, to encourage efficiency by providing information about water use and to ensure that the volume is reasonable, as required by the Act.

#### **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.

## **WQ R2**

### **Permitted Activity – Take and Use of Groundwater**

In addition to take under section 14(3)(b) of the Act, the take and use of groundwater with a temperature of less than 30° Celsius, where the property size is equal or greater than 5 ha and the quantity of water taken does not exceed 35 cubic metres per day per property, is a Permitted Activity subject to the following conditions:

- (a) The take and use is registered with Bay of Plenty Regional Council within one year of this regional plan becoming operative, or for new takes prior to their commencement, and the following information is provided to Council:
  - (i) Location of the take;
  - (ii) General purpose for which the water is being used or is proposed to be used;
  - (iii) Confirmation that conditions (b) to (e) below can be met;
  - (iv) Whether the take provides for stock or domestic drinking requirements; and
  - (v) Name, address and contact details of person responsible for the take and use.
- (b) The rate of take does not exceed 2.5 litres per second.
- (c) No additional water is taken under WQ R1 or WQ R3.

- (d) The take is not from a water resource that is fully allocated at the time the take first commences, unless the take was established prior to 18 October 2016.
- (e) Where the quantity of water taken under this rule, in combination with stock drinking water taken under section 14(3)(b) of the Act, exceeds 35 cubic metres per day, water meters must be installed to separately record stock drinking water and all other water taken. Records are to be provided to Bay of Plenty Regional Council in an electronic format on a monthly basis within 28 days following the end of each month.

Advice Note: This rule requires the metering and reporting of stock drinking water where the volume used, in combination with any permitted uses on the property exceeds the permitted activity limit. Stock drinking water is provided for in addition to the permitted activity volume. The purpose of metering and reporting is to assist with water accounts, to encourage efficiency by providing information about water use and to ensure that the volume is reasonable, as required by the Act.

#### **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.

### **WQ R5**

#### **Controlled Activity – Take and Use of Groundwater**

The take and use of groundwater is a Controlled Activity that does not require notification, subject to the following:

- 1 The total daily volume of take does not exceed 35 cubic metres per property.
- 2 The take and use is not permitted by a rule in this regional plan.
- 3 The take and use is not prohibited by Rule 49.
- 4 A resource consent application is lodged within 12 months of this rule becoming operative.
- 5 The application includes verifiable evidence of the existence of the take at the time of notification of this plan change, including but not limited to:
  - (i) Any consent to discharge the volume of water sought; and
  - (ii) Evidence of the presence of a water pump on the property and the volume and rate is proven to be the same or less than that occurring as at 18 October 2016

Bay of Plenty Regional Council reserves its control over the following matters:

- (a) Rate and volume of take.
- (b) Measures to restrict or stop the take to enable monitoring by the Bay of Plenty Regional Council.
- (c) The restriction or cessation of the takes at times of low aquifer levels.

- (d) Metering and reporting requirements, including separate metering of any water taken under provisions of section 14(3)(b) of the Act.
- (e) Measures to achieve the efficient use of water.

Advice Note:

- 1 This rule does not enable an additional volume to be added to an existing resource consent or permitted activity relating to the take and use of water on the same property.
- 2 No pump testing or ecological assessment is required.

## 8.5 Registration and metering of permitted takes

Note: Water taken under Section 14(3)(b) of the Act not included in the permitted activity volume limit but must be included when determining if metering and reporting is required.

### 8.5.1 Issues and objectives

- WQ I2: Increasing demand for water in the Bay of Plenty is placing pressure on streams, rivers, springs and groundwater.
- WQ I7: The effective management of water allocation and use relies on availability of good quality information.
- WQ O1: Efficient allocation and use of water resources in the Bay of Plenty.
- WQ O10: All water takes are authorised and accounted for.

### 8.5.2 Options considered

#### **Option 1 Permitted activity registration not required (status quo)**

- Under the status quo, takes of up to 15m<sup>3</sup>/day at no more than 2.5 L/s for surface water, and up to 35m<sup>3</sup>/day for groundwater is a permitted activity.

#### **Option 2 All permitted activity takes are registered and where, in combination with any stock drinking water take the volume exceeds the permitted activity limit both volumes are metered and reported (preferred option)**

- Under this approach, all permitted activity users of surface or groundwater would be required to register with the council
- Properties taking more than the permitted activity limit but not requiring resource consent (due to part of the volume being taken under s14(3)(b) for stock drinking water must separately meter and report stock drinking water and all other water taken on the property.

### 8.5.3 Summary of evaluation

The following table summarises the effectiveness and efficiency of the policy options to achieve WQ O1 and WQ O10:

Policy Option	RMA s32 test
<p><b>OPTION 1: Permitted activity registration not required (status quo)</b></p>	Effectiveness
	<p>Option 1, the status quo, does not require registration of permitted takes which has been generally unnecessary where there is a good supply of water relative to demand. Council has little knowledge about how many water users are exercising a permitted activity, where the takes occur, how much water is taken, and when it is taken. In the RWLP the surface water limit is 15m<sup>3</sup>/day and the groundwater is 35m<sup>3</sup>/day.</p> <p>The assumption of the status quo is that permitted takes are unimportant in managing the water resource because of the low take level relative to the available resource. Given the large number of small properties and the natural attributes of the region for growing food, this may not be a reasonable assumption. Indeed, Waikato Regional Council developed a model of permitted and s14(3)(b) takes and found in some catchments these takes were very significant in relation to the consented take, and the level of these takes was dependent on the activities in the catchment.<sup>114</sup></p> <p>The NPSFM Objective CC1 aims to improve information on freshwater takes, and Policy CC1 requires regional councils to establish and operate a freshwater quantity accounting system. The lack of any information on permitted takes means Council has no ability to estimate how much water is being used, and what the effect of the permitted take may be on the water resource.</p> <p>Option 1 does not provide water users with an incentive to better manage water; therefore does not meet the objective for efficient use of water resources. The status quo doesn't assist the Council in accounting for all water takes in the region (WQ O10). Option 1 doesn't provide any information on stock drinking water takes which in some circumstances can significantly exceed the permitted activity volume.</p>
	Summary of effectiveness: Low
	Efficiency

<sup>114</sup> The Waikato region is differs from the Bay of Plenty in having a larger proportion of dairy farms and a lower proportion of horticulture and small blocks than the Bay of Plenty. In general, the Waikato Regional Council found that in catchments with a high proportion of dairy farms, the permitted activity and s14(3)(b) takes could be more than the allocable flow of water for that catchment. At the other end of the scale, in catchments where activities were more focused on lifestyle and less of commercial activities (such as Coromandel), permitted and s14(3)(b) takes were as low as 8% of the allocable flow (Waikato Regional Council, 2007).



Policy Option	RMA s32 test	
	Benefits	Costs
	<p>A benefit accrues to individuals not required to register, measure, or report their takes, and consequently Council does not incur costs because it does not have an active role in managing permitted activity water takes.</p>	<p>Lack of active council management under a permitted activity may mean water users do not pay much attention to efficient use of the resource and any exceedances are unlikely to be noticed. In this way, a permitted activity can have economic costs to other water users where water is used inefficiently or above the permitted level by users.</p> <p>In catchments with a large number of permitted activity users and/or those users exercise the permitted activity volume/flow to its full extent, this can impact negatively on the availability of water for consented users, particularly if the catchment is at or near full allocation in terms of consented takes. In similar situations permitted activity takes can impact negatively on the environmental, social and cultural values held by the community.</p>
	Summary of efficiency: Not efficient	
<p><b><i>OPTION 2: All permitted takes are registered and where, in combination with any stock drinking water take the volume exceeds the permitted activity limit both volumes are metered and reported (preferred option)</i></b></p>	Effectiveness	
	<p>Option 2 requires registration of permitted activity surface and groundwater takes. Metering and reporting is required where the total volume taken on the property exceeds the permitted activity limit but does not require resource consent due to rights under RMA s14(3)(b). This approach recognises that permitted and RMA s14(3)(b) takes impact the Council's ability to effectively manage the water resource. In catchments at or near full allocation and where permitted activity takes are high and exercised to their full extent, registration is essential to good management of the water resource.</p> <p>This option assumes that permitted users will register and that Council will resource the necessary actions (education, communication) to ensure registration. Water users may not register for various reasons, including because they don't want Council to know their business, or they fear that registration will lead to increased requirements such as metering and to reporting or future controls on the volume of water. Inability to identify permitted activity water users, and lack of registration is a risk to the effectiveness of this option.</p>	

Policy Option	RMA s32 test
	<p>The NPSFM requires regional councils to establish and operate a freshwater quantity accounting system for freshwater management units (Objective CC1 and Policy CC1). The council requires a method of knowing when water is being extracted under a permitted activity so that the allocation status of each water source is more clearly known.<sup>115</sup> Permitted activity takes become important for accounting when they involve a significant amount of water and occur in highly allocated catchments. Registration of permitted activity takes would provide Council with information about the number and location of takes, the source (surface or groundwater), and enable analysis of trends. Permitted activities, but their nature, should have only minor effects, but where resources are under pressure this may not be the case. Absence of this information is an impediment to effective management of the resource.</p> <p>Requiring metering and reporting where the total volume taken on a property exceeds the Permitted activity limit further assists Council in understanding the pressures on the water resource. It also ensures the land owner has information about water use to inform efficiency. In particular the metering and reporting aspect of this option will affect dairy farmers. Water metering is supported by the dairy industry, which aims to have 80% of dairy farms metering water use by 2020. The DairyNZ website<sup>116</sup> information for dairy farms states “<i>Water meters are the most effective way to monitor water use. They can detect small leaks and losses and are an effective way to track seasonal and annual consumption.</i>” DairyNZ’s Sustainable Dairying: Water Accord<sup>117</sup> commits to having dairy companies requiring water metering on 85% of all dairy farms by 2020. Two meters will generally be required to enable separate reporting of takes provided for as a permitted activity from that used for drinking water. This supports clearer understanding about the absolute limit for permitted activity takes and will help identify potential efficiency opportunities.</p> <p>Option 2 complements dairy industry requirements, and provides an incentive to better manage water. It contributes to WQ O1 for efficient use of water resources. It contributes to WQ O10 through the provision of information on permitted activity takes.</p> <p>Summary of effectiveness: Moderate</p>

<sup>115</sup> Opus (2010, p6)

<sup>116</sup> DairyNZ ( [www.dairynz.co.nz/environment/water-use/water-meters-and-monitoring/](http://www.dairynz.co.nz/environment/water-use/water-meters-and-monitoring/) )

<sup>117</sup> <http://www.dairynz.co.nz/media/3286407/sustainable-dairying-water-accord-2015.pdf>

Policy Option	RMA s32 test	
	Efficiency	
	Benefits	Costs
	<p>Economic:</p> <p>Metering of takes is consistent with the requirements of the dairy industry and it is water users in this industry that will be most affected by this requirement. This option does not restrict the volume of water taken for stock drinking water, providing the take is consistent with the requirements of RMA s14(3)(b).<sup>118</sup></p> <p>Economic, environmental, social and cultural:</p> <p>Good management of the water resource by council is a benefit to existing and future users of the resource. It provides certainty to commercial users that the water they depend on will continue to be available, and provides benefits to the wider community in terms of ongoing environmental, social and cultural values.</p> <p>Registration of permitted takes contributes to information available for future plan reviews. It is difficult to make sound decisions without good information. This step potentially provides an evidence base for future policy needs.</p>	<p>Economic:</p> <p>Council will need to develop a registration system and undertake significant communication and compliance programme to ensure the estimated 4,000 permitted activity water users register.<sup>119</sup> Council cannot charge for permitted activity costs under s36, so costs associated with collecting data would rest with council.</p> <p>The rule requires metering where the combined RMA 14(3)(b) and permitted activity volume use. In these situations, it would involve meter installation and reporting. Meters for small takes are relatively cheap, (\$185 - \$450) and it would be a one-off cost. In keeping with the permitted activity status, reporting can be done by manually reading the meter and entering data on Council's website on a monthly basis. Monthly reporting is considered an appropriate as it ensure a level of awareness of actual readings and could prompt timely action should readings be high.</p> <p>Cultural:</p> <p>Under Option 2, marae and papakāinga not connected to a municipal supply will have to register a permitted activity. As with other permitted activity users, low or no cost is associated with this action. Metering is not required for marae or household use because the volume for does not exceed the Permitted Activity volume.</p>

<sup>118</sup> A number of regional councils have put a limit on the volume able to be taken under RMA s 14(3)(b).

<sup>119</sup> BOPRC (2016g).

Policy Option	RMA s32 test	
		<p>Implementation costs for Council:</p> <p>The registration of an estimated 4,000 permitted activities will require increased compliance staff to ensure registration occurs. In some cases users will also supply metering records. Permitted activities are not cost recoverable.</p> <p>Education campaign will be required to ensure permitted water users are aware of this requirement.</p>
	Summary of efficiency: Highly efficient	

## Risk of acting or not acting

Council has little information on permitted activity water use, for example the number of users, volume of use and type of use. The risks of permitted takes are based around the cumulative effects, rather than the effects of each small take. More accountability of water resources is required of Council (NPSFM – in particular CC1, which requires freshwater accounting). While the number of permitted takes is unknown by the Council, it may be significant. The predominant economic activity (agriculture/horticulture) in the region, along with the large number of small properties engaged in this activity, plus the over-allocated status of 62% of surface and 21% of groundwater<sup>120</sup> sources, mean that Council is taking a real risk in not ensuring it has good information on permitted activity water takes. Without gathering this information on permitted activities, Council does not know the magnitude of the risk associated with permitted takes.

The following table summarises the appropriateness of the policy options to achieve WQ O1 and WQ O10:

Policy Option	Effectiveness	Efficiency	Selected Option/s
<b><i>OPTION 1: Permitted activity registration not required (status quo)</i></b>	Low	Not efficient	No
<b><i>OPTION 2: All permitted takes are registered and where, in combination with any stock drinking water take the volume exceeds the permitted activity limit both volumes are metered and reported (preferred option)</i></b>	High-moderate	Highly efficient	Yes

Having regard to this information, and taking into account the benefits and costs, and the risks of acting or not acting due, the most appropriate way of achieving WQ O1 and WQ O10 is by inclusion of WQ P26, and WQ R1, WQ R2 and WQ R3.

### Proposed wording for policies and rules

**WQ P26** To establish an accurate record of permitted takes within the region by:

- (a) Requiring all water takes permitted under WQ R1 and WQ R3 to be registered and to be metered if, in combination with water taken for stock drinking water under section 14(3)(b) of the Act the total volume exceeds the Permitted Activity volume on a property.
- (b) Establishing and maintaining a model to quantify water takes permitted under WQ R1, WQ R2 and WQ R3 and allowed by section 14(3)(b) of the Act.
- (c) Undertaking audits in selected areas to estimate or verify water use.

<sup>120</sup> BOPRC (2013e).

## WQ R1

### Permitted Activity – Take and Use of Groundwater

In addition to any take under section 14(3)(b) of the Act, the take and use of groundwater with a temperature of less than 30<sup>o</sup> Celsius, where the property size is less than 5ha and the quantity of water taken does not exceed 15 cubic metres per day per property, is a Permitted Activity subject to the following conditions:

- (a) The take and use is registered with the Bay of Plenty Regional Council within one year of the plan becoming operative, or for new takes prior to the commencement with the following information:
  - (i) Location of the take;
  - (ii) General purpose for which the water is being used or is proposed to be used;
  - (iii) Confirmation that conditions (b) to (e) below can be met;
  - (iv) Whether the take provides for stock or domestic drinking requirements; and
  - (v) Name, address and contact details of person responsible for the take and use.
- (b) The rate of take does not exceed 2.5 litres per second.
- (c) No additional water is taken under WQ R3.
- (d) The take is not from water resource that is fully allocated at the time the take first commences, unless the take was established prior to 18 October 2016.
- (e) Where the quantity of water taken under this rule, in combination with stock drinking water taken under section 14(3)(b) of the Act exceeds 15m cubic metres per day, water meters must be installed to separately record stock drinking water and all other water taken. Records are to be provided to Bay of Plenty Regional Council in an electronic format on a monthly basis within 28 days following the end of each month.

Advice Note: This rule requires the metering and reporting of stock drinking water where the volume used, in combination with any permitted uses on the property exceeds the permitted activity limit. Stock drinking water is provided for in addition to the permitted activity volume. The purpose of metering and reporting is to assist with water accounts, to encourage efficiency by providing information about water use and to ensure that the volume is reasonable, as required by the Act.

#### 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

## WQ R2

### Permitted Activity – Take and Use of Groundwater

In addition to take under section 14(3)(b) of the Act, the take and use of groundwater with a temperature of less than 30<sup>o</sup> Celsius, where the property size is equal or greater than 5 ha and the quantity of water taken

does not exceed 35 cubic metres per day per property, is a Permitted Activity subject to the following conditions:

- (a) The take and use is registered with Bay of Plenty Regional Council within one year of this regional plan becoming operative, or for new takes prior to their commencement, and the following information is provided to Council:
  - (i) Location of the take;
  - (ii) General purpose for which the water is being used or is proposed to be used;
  - (iii) Confirmation that conditions (b) to (e) below can be met;
  - (iv) Whether the take provides for stock or domestic drinking requirements; and
  - (v) Name, address and contact details of person responsible for the take and use.
- (b) The rate of take does not exceed 2.5 litres per second.
- (c) No additional water is taken under WQ R1 or WQ R3.
- (d) The take is not from a water resource that is fully allocated at the time the take first commences, unless the take was established prior to 18 October 2016.
- (e) Where the quantity of water taken under this rule, in combination with stock drinking water taken under section 14(3)(b) of the Act, exceeds 35 cubic metres per day, water meters must be installed to separately record stock drinking water and all other water taken. Records are to be provided to Bay of Plenty Regional Council in an electronic format on a monthly basis within 28 days following the end of each month.

Advice Note: This rule requires the metering and reporting of stock drinking water where the volume used, in combination with any permitted uses on the property exceeds the permitted activity limit. Stock drinking water is provided for in addition to the permitted activity volume. The purpose of metering and reporting is to assist with water accounts, to encourage efficiency by providing information about water use and to ensure that the volume is reasonable, as required by the Act.

### **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.

## **WQ R3**

### **Permitted Activity – Take and Use of Surface Water**

In addition to any take under section 14(3)(b) of the Act, the take and use of water from any surface water body, where the water has a temperature of less than 30° Celsius and the quantity taken does not exceed 15 cubic metres per day per property is a Permitted Activity subject to the following conditions:

- (a) The take and use is registered with the Bay of Plenty Regional Council within one year of this regional plan becoming operative, or

for new takes, prior to their commencement and the following information is provided to Council:

- (i) Location of take;
  - (ii) General purpose for which water is being used;
  - (iii) Confirmation that requirements (b) to (e) can be met;
  - (iv) Whether the take also provides for stock or domestic drinking requirements; and
  - (v) Name, address and contact details of person responsible for the take and use.
- (b) Where the quantity of water taken under this rule, in combination with stock drinking water taken under section 14(3)(b) of the Act exceeds 15 cubic metres per day per property, water meters must be installed to separately record stock drinking water and all other water taken. Records are to be provided to Bay of Plenty Regional Council in an electronic format on a monthly basis within 28 days following the end of each month.
- (c) The rate of take does not exceed 2.5 litres per second.
- (d) No additional water is taken under WQ R1 or WQ R2.
- (e) The take is not from a water resource that is fully allocated at the time the take is established, unless the take was established prior to 18 October 2016.
- (f) The take is not from a wetland or waters draining into a wetland.
- (g) Where the take is from a river or stream, the total abstraction (all users) of surface water takes shall not exceed the interim instream flow at any point.

**Advice Note:**

- 1 Potential water abstractors are encouraged to seek the advice of Bay of Plenty Regional Council to ensure that there is sufficient flow in a water body to accommodate their water take and comply with condition (e). This is particularly relevant for small streams. Bay of Plenty Regional Council will take appropriate action when flows fall below the instream minimum flow.
- 2 Surface water intake structures for the take and use of water under this rule must also be authorised (refer to Rule 52).
- 3 This rule requires the metering and reporting of stock drinking water where the volume used, in combination with any permitted uses on the property exceeds the permitted activity limit. Stock drinking water is provided for in addition to the permitted activity volume. The purpose of metering and reporting is to assist with water accounts, to encourage efficiency by providing information about water use and to ensure that the volume is reasonable, as required by the Act.

**Explanation/Intent of Rule**

To allow small takes of water from rivers, streams, lakes and other surface water bodies excluding wetlands which are unlikely to cause adverse environmental effects. Conditions (c) and (d) are to avoid adverse effects on small streams, which are particularly sensitive to abstraction pressure. 15 cubic metres per day is a reasonable amount for small uses, such as



wash-down and milk cooling for small dairy sheds, small glasshouse operations, horticultural spray makeup, or irrigation of gardens (up to approximately 0.5 hectares). Condition (b) is to prevent a proliferation of small takes on a single property, which may have significant cumulative effects on streams and rivers. Intake velocity conditions are to prevent adverse effects on aquatic life.

## 8.6 Special provision: Recognising municipal water takes

A municipal take is a reticulated water supply provided by a territorial authority primarily to meet domestic, drinking water and public health requirements. The supply may include industrial, commercial and irrigation supplies.

### 8.6.1 Issues and options

WQ I8: The ability to provide for the growing social and economic needs of people is dependent on water being available.

WQ O8: Decision-making and allocation of freshwater water resources in the Bay of Plenty recognises the:

- (a) Social benefits from the use of water for domestic, marae, or municipal water supply, including in particular essential drinking and sanitation requirements.
- (b) Social, economic and cultural benefits that existing water takes contribute, which is often associated with significant investment.
- (c) Social, economic and cultural benefits that new water takes can provide.

Options considered

#### **Option 1 No special policy/rule (status quo)**

- Each application to renew is considered on its merits, taking into account existing infrastructure and social and economic benefits

#### **Option 2 Special policy with controlled activity status for renewal of existing municipal water takes (preferred approach)**

- Require that in applications for resource consents to take and use water, regard be had to the relative economic and social benefits of the proposed end use of that water
- Applications for renewal of existing municipal takes for the same rate and volume are a controlled activity, so must be granted. Applications are subject to a Water Management Plan. Council reserves control over matters including measures to ensure efficiency of use, avoidance of adverse effects on mauri, and tāngata whenua values.
- Applications for new municipal takes are treated as discretionary activity, as currently.

## 8.6.2 Summary of evaluation

The following table summarises the effectiveness and efficiency of the policy options to achieve WQ O8:

Policy Option	RMA s32 test	
<p><b>OPTION 1: Status quo - No special policy or rule for renewal of existing municipal water supply</b></p>	Effectiveness	
	<p>Under the status quo renewal applications for existing municipal water supply are considered as a discretionary activity.<sup>121</sup> The importance of water for domestic needs is recognised in the RMA s14(3)(b) which refers to making water available for ‘an individual’s reasonable domestic needs’ and the RPS Policy WQ3B which requires that regard be had to “<i>making water available to meet existing and reasonably foreseeable domestic, marae or municipal water supply needs with priority of essential drinking and sanitation needs</i>”.</p> <p>Option 1 assumes that territorial authorities will apply efficiency criteria related to reasonable and justifiable use, although does not provide direction about how this might be achieved. The NPSFM Objective B3 includes improving and maximising efficient water use, and Policy B4 requires regional councils to identify methods in regional plans to encourage efficient use of water.</p> <p>WQ O8 requires that decision making and allocation take into account the social benefits of water use for domestic, marae and municipal water supply, and the contribution that water makes to wellbeing, including economic wellbeing, where significant investment may have been made. Option 1 does not explicitly require efficiency and so relies on territorial authorities to interpret this in their own ways. In this way it may be only moderately effective in achieving WQ O8.</p>	
	Summary of effectiveness: Moderate	
	Efficiency	
	Benefits	Costs
	<p>Economic:</p> <p>Under Option 1, applications to renew municipal resource consents are considered on their merits and council take into account existing infrastructure, and social and economic benefits. The discretionary activity enables full consideration of</p>	<p>Economic:</p> <p>Municipal water providers can incur relatively high costs when applying to renew municipal water resource consents due to the discretionary activity status. As a discretionary activity, in theory the resource consent contains a degree of uncertainty, although</p>

<sup>121</sup> Except in the Waitahanui Stream, where it would be a controlled activity.

Policy Option	RMA s32 test	
	<p>effects.</p> <p>Social: This option is perceived as fair because municipal providers go through the same process as other users.</p> <p>Cultural: The discretionary approach is seen as providing support for Māori role as kaitiaki.</p>	<p>given the importance of water for domestic needs in the RMA, and the RPS Policy WQ3B, it is very unlikely that a municipal water resource consent application to renew an existing consent would be declined.</p> <p>The lack of requirements for municipal providers to ensure technical efficiency (e.g. leaking infrastructure) and actively manage water use for efficiency may impose costs on other users through reduced water availability.</p>
	Summary of efficiency: Moderately-low efficient	
<p><b>OPTION 2: Special policy with controlled activity status for renewal of existing municipal water takes</b></p> <p><b>(Preferred option)</b></p>	Effectiveness	
	<p>Option 2 acknowledges the importance of municipal water supply for communities, and makes renewal of existing takes a controlled activity provided that it is the same rate and volume and provides a Water Management Plan that meets requirements of reasonable and efficient use criteria as described in Schedule 7 of the Proposed Plan Change. The Water Management Plan requires the applicant to determine the reasonable demand for water, including by taking into account the size of the community supplied, the sectors within the community supplied, and projected growth in population and water demand, and how water supply will be managed during water shortages when restrictions are placed on all consented users. Beyond this, council reserves its control over matters including rate and volume, measures to avoid, remedy and mitigate adverse effects, the availability of supply for existing users and water measurement, monitoring and reporting requirements.</p> <p>Under this option the Council reserves control over matters including 'the extent to which the applicant has consulted with and taken into account Māori values, including those of owners of Maori land, if the water source is on that land, who are therefore affected parties. These provisions, provided they are appropriately operated, will ensure the important relationships of Māori are not overlooked in the consenting process. Council can put conditions on the resource consent to address matters over which it has reserved control.</p> <p>Option 2 provides certainty for renewing existing municipal takes, and recognises the social and economic importance and the legislative mandate for territorial authorities to supply water for drinking and sanitation, and gives effect to RPS WQ3B. The NPSFM Objective B3 aims to improve and maximise efficient use of water, and under Policy B4 regional councils must identify methods in regional plans to encourage efficient use of water.</p> <p>This approach is directed towards achieving WQ O8 in the Plan Change, by recognising the social benefits associate with water for domestic, marae and municipal supply, and the range of benefits provided by existing and new water takes. It contributes to giving effect to Policy B4 in the NPSFM by including efficiency measures. The Water Management Plan requirements are explicit</p>	

<b>Policy Option</b>	<b>RMA s32 test</b>	
	and will assist in guiding policy.	
	Summary of effectiveness: High	
	Efficiency	
	Benefits	Costs
	<p><b>Economic:</b></p> <p>Option 2 provides clear information requirements and the controlled activity status increases certainty for applicants. Providing certainty recognises the social and economic importance and the legislative mandate for territorial authorities to supply water for drinking and sanitation. May reduce consent application costs.</p> <p>While this approach provides a special status for municipal users, the requirements to develop a Water Management Plan, including for during times of shortage, and to minimise losses in the distribution network requires municipal users to be efficient, which is a benefit to other water users.</p> <p><b>Cultural:</b></p> <p>Option 2 requires the applicant to consult with and take into account Māori values, including owners of Māori land where water sources are located on that land.<sup>122</sup></p>	<p><b>Economic:</b></p> <p>While the Water Management Plan is explicit about information to be provided by applicants renewing municipal water resource consents, the information requirements may be arduous for smaller councils.</p> <p>Implementation costs for Council:</p> <p>None identified.</p>
	Summary of efficiency: Moderately efficient	

<sup>122</sup> Note: This rule was strengthened in terms of requirement to consult with Māori on the basis of feedback. For example, in the Rotorua district, iwi were concerned that the version in the Draft Rules could cause issues with the Taniwha Springs take by removing the incentive for the Rotorua Lakes Council to find an alternative water source. The Rotorua Lakes councillors unanimously supported a recommendation to return Taniwha Springs to Ngāti Rangiwewehi. The Rotorua Lakes Council has resource consent to take water from Taniwha Springs until 2018, when the consent expires. Refer <http://www.rdc.govt.nz/our-council/news/Pages/default.aspx?newsItem=6472> .

## Risk of acting or not acting

With regards to municipal water takes, there is sufficient information upon which to base the analysis as to the appropriateness of acting or not acting. There is sufficient information to demonstrate the scale and extent of the effects of resource use on the water resource.

The risk of acting in the manner proposed is that for some territorial authorities the requirements of a Water Management Plan may be arduous.

The risk of not acting in the way proposed is that municipal providers will have an uncertain process in renewing resource consents which is likely to result in higher costs for ratepayers, and misses the opportunity to provide direction towards more efficient water use.

The following table summarises the appropriateness of the policy options to achieve WQ O8:

Policy Option	Effectiveness	Efficiency	Selected Option/s
<b>OPTION 1: Status quo - No special policy or rule</b>	Moderate	Moderate-low efficient	No
<b>OPTION 2: Special policy with controlled activity status for renewal of existing municipal water takes</b>	High	Moderately efficient	Yes

Having regard to this information, and taking into account the benefits and costs, and the risks of acting or not acting, it is proposed that the most appropriate way of achieving WQ O8 is by inclusion of WQ P12 and WQ R6 and Schedule 7.

## Proposed wording for policies and rules

**WQ P11** To recognise and provide certainty to existing authorised users of fresh water, including non-consumptive users, by:

- (a) Ensuring that any new allocation of water does not adversely impact upon the use of existing resource consents.
- (b) Giving priority to existing users over new users when considering the renewal of existing resource consents.
- (c) Considering granting an application that meets the criteria specified by WQ P9 where limits have not been set under WQ P2(f).

## **WQ R6** **Controlled Activity – Take and Use of Water for Existing Municipal Water Supplies**

The taking and use of water for a municipal water supply is a Controlled Activity, providing that the application:

- 1 Relates to an existing take authorised by a water permit as of 18 October 2016.
- 2 Retains the same or lessor rate and volume of water authorised by a water permit as of 18 October 2016.
- 3 Is subject to a Water Management Plan, which meets the requirements outlined in Schedule 7.

Bay of Plenty Regional Council reserves its control over the following matters:

- (a) All issues contained in the municipal water supplies component of Schedule 7 - Reasonable and efficient use criteria.
- (b) The rate and volume of water to be taken.
- (c) The restriction or cessation of the take when minimum flow or minimum aquifer levels are reached.
- (d) Measures to avoid, remedy or mitigate any adverse effects on:
  - (i) River and stream flows (including effects on flow variability and duration) or aquifer water levels;
  - (ii) The mauri and life-supporting capacity of the water body; and
  - (iii) Life-supporting capacity, ecological integrity, landscape values, recreational values, existing uses and tāngata whenua values.
- (e) The availability and reliability of supply for existing users and water quality.
- (f) Water measurement, monitoring and reporting requirements.
- (g) The extent to which the applicant has consulted with Māori and taken into account Māori values.

Advice Note: Tāngata whenua values include those of the owners of Māori owned land, if the water source is on such land.

## **Schedule 7 Reasonable and efficient use criteria**

### **Irrigation**

**Use of a field validated model that considers land use, crop water use requirements, on site physical** factors such as soil water holding capacity, and climatic factors such as rainfall variability and potential evapo-transpiration. The model must reliably predict annual irrigation volume within an accuracy of 15%.

The annual volume calculated using the model shall meet with the following criteria:

- (a) An irrigation application efficiency of 80%, and
- (b) Demand conditions that occur in nine out of 10 years.

### **Municipal water supplies**

The Water Management Plan shall establish a long term strategy for the water requirements of domestic or municipal suppliers and their communities. It shall demonstrate that the volume of water required, including any increase over that previously authorised, has been justified and that the water take will be used efficiently and effectively. A Water Management Plan is required whether the application is for the renewal of an existing take, or a new application. To this end the Water Management Plan shall, to an extent which is appropriate for the scale of the activity, provide the following information:

- 1 A description of the water supply system including system operation, distribution extent, levels of service, water use measurement, maintenance and asset management procedures.
- 2 A comprehensive assessment of existing and future demands for water with regard to an assessment of reasonable population growth within the planning horizon to meet the following:
  - a) Reasonable domestic needs.

- b) Public health needs in accordance with requirements under any Act of Parliament or regulation.
  - c) Reasonable community needs (e.g. for public amenities).
  - d) Reasonable commercial, rural supply and industrial needs.
  - e) An assessment as to how each of the assessments required by clauses a) to d) above is predicted to vary over time.
  - f) A justification for each of the assessments required by clauses a) to e) above including reference to any relevant planning instruments promulgated under the Resource Management Act 1991 that provide for future growth or relevant documents promulgated under the Local Government Act 2002 such as long term plans, growth strategies or spatial plans.
- 3 Any existing or proposed water pricing procedures, including the extent of metering of individual customers and any linkages with wastewater pricing or management.
  - 4 How water reticulation networks are planned and managed to minimise their water losses as far as practicable.
  - 5 A description of patterns of water use practices and/or behaviour in all sectors of use (and distribution) with the objective of maximising water use efficiency and reducing water use, as far as practicable.
  - 6 Water saving targets for the full range of demand conditions including demand saving targets for council owned facilities, domestic demand targets and demand saving targets for commercial and industrial customers.
  - 7 Key performance indicators for each of the water saving targets.
  - 8 Any external auditing and benchmarking procedures that have been adopted.
  - 9 A drought management plan that includes:
    - (i) Steps to be taken to reduce consumption during water shortage conditions, including ensuring that uses not identified as priorities in WQ P31 are restricted to a similar extent to which that that use would be restricted if it was not part of the municipal supply network.
    - (ii) Public and commercial user education programmes.
    - (iii) steps taken to reduce consumption when demand is approaching the maximum take volume specified under the relevant resource consent.
    - (iv) Enforcement procedures.
  - 10 Actions, performance measures and a timeline for implementing actions. The actions and performance measures identified will depend on the circumstances of each applicant.
  - 11 Any consultation undertaken with key stakeholders and outcomes of such consultation.
  - 12 Details of an appropriate water conservation and demand management plan review process.
  - 13 Identification of any anticipated increases in water demand over the term of the consent and ability to stage water take volumes to more closely reflect demand requirements over time.
  - 14 Ability to reduce the amount of water used by existing industrial and agricultural users, as a result of improvements in the efficiency of the use of water, in order to meet any increase in water demand over the term of the consent.
  - 15 Identification of any single industrial, commercial or agricultural use of water that uses more than 15 cubic metres of water per day (not being water used for human drinking or human sanitation purposes).

- 16 Identification of future domestic or municipal supply take needs over and above that already authorised.
- 17 Domestic or municipal supply takes required to meet growth and development that is provided for in planning instruments promulgated under the Resource Management Act 1991 or relevant documents promulgated under the Local Government Act 2002, such as Long Term Plans, growth strategies or spatial plans (or similar).
- 18 The projected future needs shall be identified in terms of:
  - (a) Location of take; and
  - (b) Volume of take (including any seasonal variations); and
  - (c) The date at which the water is likely to be required.



## Other Uses

The amount calculated in accordance with good management practices for efficient use of water in relation to that use or by demonstrating that water is not being wasted, such as by means of a water use audit by an independent party to identify any wastage and any opportunities for re-use or conservation.

### 8.7 **Special provision: Unauthorised takes (existing dairy shed use)**

#### 8.7.1 **Issue and objective**

WQ I9: The unauthorised taking of water creates difficulties managing allocation, and can impede achieving the objectives of this regional plan and is unfair to authorised users.

WQ O10: All water takes are authorised and accounted for.

#### 8.7.2 **Options considered**

**Options 1** Undertake compliance in accordance with existing rules (status quo)

- Non-compliant dairy shed use requires a resource consent which would be processed in accordance with existing provisions and could be declined, granted in full, or granted with limitations.

**Option 2** **Controlled activity volume efficient for dairy shed use (Preferred option)**

- Non-compliant dairy shed use requires a resource consent which would be granted subject to meeting specified conditions.
- Stock drinking water takes under s14(3)(b) would continue without constraint, but may be required to meter, either as part of the resource consent for dairy shed water use or under permitted activity WQ R2 or WQ R3.

**Option 3** **Manage all dairy farm water use (dairy shed and s14(3)(b)) together**

- Non-compliant dairy shed use requires a resource consent which would be granted subject to meeting specified conditions.
- Stock drinking water under s14(3)(b) would be incorporated into the dairy shed water use with an overall limit.

**Option 4** **Controlled activity volume limited to 50m<sup>3</sup>/property/day**

- Non-compliant use (not industry specific) can apply for a resource consent as a controlled activity for up to 50m<sup>3</sup>/day.
- The consent would be granted subject to meeting specified conditions.

### 8.7.3 Summary of evaluation

The following table summarises the effectiveness and efficiency of the policy options to achieve WQ O10:

Policy Option	RMA s32 test	
<p><b>OPTION 1: Undertake compliance in accordance with existing rules (status quo)</b></p>	Effectiveness	
	<p>Over time water requirements for dairy shed use has increased due to growing herd size and more intensive farming. For many of the 670 dairy farms in the region the permitted activity levels provide sufficient water for dairy shed use, however an estimated 60 dairy farms use water in excess of permitted activity levels and do not hold resource consents for that water take.<sup>123</sup> Council is aware of unauthorised takes because these same farmers hold resource consents to discharge the dairy shed water.</p> <p>Option 1 requires non-compliant dairy farmers to apply for a resource consent which would be processed in accordance with existing provisions. This could be declined, granted in full, or granted with limitations. For example, in catchments where water is fully or over-allocated, the resource consent may not be granted.</p> <p>The uncertainty to resource users would impose significant cost risks to the on-going operation of the dairy farm.</p> <p>This approach would be moderately effective in achieving WQ O10.</p>	
	Summary of effectiveness: Moderate	
	Efficiency	
	Benefits	Costs
<p>Economic:</p> <p>Bringing unauthorised takes into the consenting regime improves efficiency of water use. Consented users are required to meter and report water use, assuring Council that resource consents are not being breached, and encouraging technical efficiency, e.g. repairing leaking infrastructure.</p>	<p>Economic:</p> <p>Dairy farms are dependent on regular and reliable access to water. Under Option 1, this may not be available in over-allocated catchments. Dairy farmers will incur costs for resource consent applications. Where catchments are over-allocated and public notification and hearings are required costs may be significant.</p>	

<sup>123</sup>This figure is based on the dairy shed discharge consent of 55 l/cow/day (DairyNZ, 2015)

Policy Option	RMA s32 test	
	<p>Unauthorised water users also benefit from becoming compliant with industry based requirements that demonstrate to consumers that production meets environmental standards.</p> <p>Social, cultural:</p> <p>Under this option a resource consent application for a take in an over-allocated water body is likely to be publicly notified and go to a hearing. This process gives the community, including iwi, an opportunity to input into the decision. It may be of particular importance to iwi with relationships with specified river bodies to have the opportunity to influence decision making.</p>	<p>Declined resource may incur economic costs to the wider community where business viability is adversely impacted by lack of water.</p> <p>Implementation costs to Council: Additional consents staff to process resource consents. These costs recoverable under s36 of the RMA. Additional compliance staff required to identify unauthorised users. Potential costs of non-compliance actions.</p>
	Summary of efficiency: Low efficiency	
<p><b>OPTION 2: Controlled activity volume for dairy shed use (preferred option)</b></p>	Effectiveness	
	<p>Option 2 introduces a new controlled activity rule to encourage water takes in excess of permitted activity volume for existing dairy shed activities (milk-cooling, wash down) to be authorised via a time-limited resource consent process (12 months from Proposed Plan becoming operative). The rule is non-notified because Council considers that bringing existing relatively small scale takes from relatively large properties into a resource consenting framework will have no more than minor adverse effects on the environment and existing authorised users, and therefore effects on other parties are considered minor. The financial cost and uncertainty associated with notification of applications could be significant but is unlikely to deliver commensurate benefits. This is based on the fact that the takes that will be consented under Option 2 are already occurring, there are no reports of problems associated with these takes and the take are associated with significant infrastructure and investment. Takes under s14(3)(b) of the RMA would continue as currently, but proposals for metering and reporting would enable Council can get information about the extent of use and to ensure it is reasonable.</p> <p>Option 2 is aligned with Recommendation 28 in the Third Report of the Land and Water Forum.<sup>124</sup></p> <p><i>There should be a one-time process at the time of transition to the new allocation regime during which unauthorised takes (non-consented takes that may or may not comply with the provisions of section 14(3)(b) of the rules in a plan) can be dealt with.</i></p>	

<sup>124</sup> Land and Water Forum (2012)

Policy Option	RMA s32 test	
	<p><i>Decisions on the treatment of unauthorised takes will need to be made through the planning process and should follow a principle that those who have been relying on unauthorised takes will be treated fairly and pragmatically during the transition to the new allocation regime but cannot necessarily expect to be treated on the same basis as authorised takes.</i></p> <p>About 60 (9%) dairy farms in the region are estimated to be affected. Council has an existing relationship with dairy farmers through their resource consents for discharging dairy shed waste. Discharging waste water requires a water take. The information for those resource consents has enabled Council to estimate the number and location of farms, the volume and flow, and the timing and frequency of the takes. Dairy shed water is taken as regular volumes at relatively low flows on a daily basis throughout the milking season. This take pattern is considered low impact.</p> <p>Option 2 provides a pragmatic transition to a resource consent based allocation regime for existing water users, it is not considered to be likely to have adverse significant effects on existing users, will improve water management including accounting and efficiency, and will improve compliance.</p> <p>This option assumes that dairy farmers will take advantage of the time-limited opportunity. If this does not occur, then the costs for council and farmers will escalate as non-compliance is dealt with.</p> <p>NPSFM Objective B2 aims to avoid further over-allocation and address existing over-allocation. While the current allocation limits are considered conservative (10% of Q5 7day low flow for surface water; 35% of average annual recharge for groundwater), future limits are yet to be set through the WMA process. Where these resource consents result in over-allocation (based on limits yet to be set), all users may face reductions under NPSFM Policy B6, which requires that regional councils set a defined timeframe and methods in regional plans by which over-allocation must be phased out.</p> <p>This approach contributes to achieving WQ O10 by bringing unauthorised dairy farm water use into the consenting regime. It contributes to Council's ability to give effect to the NPSFM in terms of freshwater accounting (Objective CC1 and Policy CC1) and indirectly contributes to NPSFM requirements for efficiency. For some water sources it is likely to be contrary to NPSFM Objective B2.</p>	
	Summary of effectiveness: High	
	Efficiency	
	Benefits	Costs
	<p>Economic: Option 2 provides a shorter and simpler process (non-notified) with certain outcomes for dairy farmers taking unauthorised</p>	<p>Economic: Option 2 will require unauthorised users to apply for a resource consent, and they will bear the costs associated with the</p>

Policy Option	RMA s32 test	
	<p>water.</p> <p>Bringing unauthorised takes into the consenting regime provides efficiency benefits, which is more likely to occur when there is certainty for unauthorised users (i.e. an incentive to become authorised). Consented users are required to meter and report water use, providing council with assurance that resource consents are not being breached, and encouraging technical efficiency – such as mending leaking infrastructure. The amount of water consented must be reasonable and justifiable.</p> <p>The proposed policy and rule for existing unauthorised dairy water takes ensures they are efficient and decisions are made at a regional level. It fixes an existing problem and avoids potentially high application costs for relatively low volume water takes.</p> <p>Unauthorised water users also benefit from becoming compliant with industry based requirements that demonstrate to consumers that production meets environmental standards.</p>	<p>application. A streamlined process will reduce these costs.</p> <p>Option 2 won't change current patterns in water source levels because the unauthorised water is already being taken, but in fully or over-allocated it embeds over-allocation. Closely related to this is NPSFM Objective B2, which requires that over-allocation of fresh water is avoided and that existing over-allocation is phased out. While the current allocation limits are considered conservative, future allocation limits are unknown. Where resource consents result in increasing over-allocation, consent holders in the catchment may be required to reduce takes to achieve Objective B2 (phasing out of over-allocation) in the NPSFM. Option 2 may result in costs to current authorised users in the future.</p> <p>Social and cultural:</p> <p>Where unauthorised users are granted resource consents in fully or over-allocated catchments there is a perception of unfairness. This is particularly in relation to underdeveloped land where the opportunity to be granted water in fully allocated catchments is not provided for in the rules.</p> <p>The non-notification of resource consents in Option 2 potentially raises concerns about the ability of the community to participate in decisions, including Māori in areas recognised as being culturally significant waterways (e.g. Statutory Acknowledgement Areas).</p> <p>Implementation costs:</p> <p>Council will require additional consents staff (fixed term) to process resource consent applications. A non-notified process would reduce the workload for Council. Costs may be recoverable under s36 of the RMA.</p> <p>Significant education costs to ensure consents are applied for. These costs can be reduced by working with industry to identify unauthorised users.</p>

Policy Option	RMA s32 test	
	Summary of efficiency: Moderate	
<b>OPTION 3: Manage all dairy farm water use as one take</b>	Effectiveness	
	<p>Option 3 incorporates water taken for livestock under s14(3)(b) of the RMA with water required under a resource consent. Water for livestock needs taken under s14(3)(b) can exceed 70 l/day per cow during the milking season. While this water is a right under the RMA, provided <i>the taking or use does not, or is not likely to, have an adverse effect on the environment.</i></p> <p>The Ministry for Environment Guidance for Freshwater Accounting<sup>125</sup> includes drinking water takes provided for under s14(3)(b) along with takes authorised as permitted activities in a regional plan as permitted takes and states “<i>To implement the RMA statutory requirements, councils often specify in a regional plan a quantity of water that can be taken without a resource consent. Case law has confirmed that this is a legitimate practice.</i>”<sup>[2]</sup></p> <p>Metering and reporting s14(3)(b) takes would improve the Council’s freshwater accounting systems, as required by FMSFM Objective CC1 and Policy CC1, and would enhance the ability of the Council to improve efficient use of water as in NPSFM Objective B3 and Policy B4.</p> <p>Option 3 would contribute to WQ O10 in the Proposed Plan Change, and would contribute positively to the requirements of the NPSFM for freshwater accounting and technical efficiency. However, the Council’s limited ability to require metering and reporting on permitted activities suggest that this is unlikely to be effective.</p>	
	Summary of effectiveness: Moderate	
	Efficiency	
	Benefits	Costs
	<p>Economic:</p> <p>Requiring metering and reporting would increase awareness for water users, and in doing so encourage efficiency – for example, attention to infrastructure.</p> <p>These aspects of good management of water provide economic</p>	<p>Economic:</p> <p>Under this approach, dairy farmers would be required to meter and report RMA s14(3)(b) water takes and comply with a limit. The costs of metering would be relatively low, and reporting requirements at a low level. Council would need to establish the level at which metering and reporting of drinking water is</p>

<sup>125</sup> MfE (2015)

Policy Option	RMA s32 test	
	<p>benefits to existing and future water users.</p> <p>Unauthorised water users also benefit from becoming compliant with industry based requirements that demonstrate to consumers that production meets environmental standards.</p> <p>Environmental, social and cultural:</p> <p>Measuring and reporting on the s14(3)(b) takes increases the ability of the council to manage the water resource efficiently. In terms of resource monitoring, an estimated 85% of takes by dairy farmers in the region are from groundwater. Effective monitoring of the condition of the region's groundwater resources is hampered by the lack of information and data about water takes. However, the usefulness of this metering and reporting would depend on the frequency of reporting.</p> <p>A key part of this is the ability to judge the impacts of cumulative effects. In catchments with high water demand and high existing levels of allocation, this information would be important to understanding the effects of new resource consents.</p>	<p>required.</p> <p>Including the RMA s14(3)(b) takes within a consent reduces the rights currently enjoyed because stock drinking water would be limited to the consent volume. This may be difficult to comply with – for example cattle will drink more water during hot weather. Allocation limits would need to reflect absolute peak daily demand, rather than 9 out of 10 year maximums that are generally applied to irrigation. It would be unethical and unreasonable to restrict drinking water to thirsty cattle due to limits in allocated volume.</p> <p>Implementation costs:</p> <p>Similar to Option 2, although more dairy farmers would be required to have consents under Option 3.</p> <p>Significant education costs to ensure consents are applied for. These costs can be reduced by working with industry to identify unauthorised users.</p>
	Summary of efficiency: Moderate	
<p><b>OPTION 4: Controlled activity volume limited to 50m<sup>3</sup>/property/day</b></p>	Effectiveness	
	<p>Option 4 recognises the complexity of dealing with unauthorised takes for both dairy farming and horticulture, and deals with all unauthorised takes on a volume basis, rather than by industry. This option would bring all takes of up to 50m<sup>3</sup>/property/day into the consenting regime through a streamlined and non-notified process. Unauthorised takes above this volume would be required to make application through the regular route (as in Option 1).</p>	

Policy Option	RMA s32 test
	<p>This approach is deemed to carry a high risk, mainly in relation to the large number of horticultural water takes expected to be involved, and the temporal nature of those takes. The Bay of Plenty region has a large number of horticulture blocks relative to other regions. Around one-quarter of the New Zealand's horticulture businesses are in the Bay of Plenty.<sup>126</sup> This means that:</p> <p>A large number of properties are involved in the horticultural sector in the region. BOPRC best estimate is that around 31% of kiwifruit properties have resource consents for water or a water connection. The number of unauthorised takes may be as high as 200 as not all kiwifruit properties irrigate</p> <p>Horticulture blocks tend to be smaller than livestock farming, and so the volume of water in relation to area is likely to be large</p> <p>Council knowledge about the location of horticulture blocks and the amount of water taken without resource consent is less certain than knowledge about dairy farms. This is important for assessing the likely impacts on water sources which may already be fully or over-allocated water sources</p> <p>Irrigation (by horticulture or agriculture) tends to peak at high levels in mid-summer when replenishment of water resources is at its lowest levels.</p> <p>NPSFM Objective B2 aims to avoid further over-allocation and phase out existing over-allocation. While the current allocation limits are considered conservative (10% of Q<sub>5</sub> 7 day low flow for surface water; 35% of average annual recharge for groundwater), future limits are yet to be set through the WMA process. Where these resource consents result in over-allocation (based on limits yet to be set), all users may face reductions under NPSFM Policy B6, which requires that regional councils set a defined timeframe and methods in regional plans by which over-allocation must be phased out.</p> <p>This approach contributes to achieving WQ O10 by bringing unauthorised water takes into the consenting regime. It contributes to Council's ability to give effect to the NPSFM in terms of freshwater accounting (Objective CC1 and Policy CC1) and indirectly contributes to NPSFM requirements for efficiency. For some water sources it is likely to increase over-allocation, and therefore be contrary to NPSFM Objective.</p> <p>This approach was discounted due to the high level of risk and the degree of complexity. An operational approach was considered to be a better way to address unauthorised takes in horticulture and this is being pursued outside of the Plan Change framework.</p> <p>Summary of effectiveness: Low</p>

<sup>126</sup> Statistics New Zealand (2012).



Policy Option	RMA s32 test	
	Efficiency	
	Benefits	Costs
	<p><b>Economic:</b></p> <p>Option 4 provides a shorter and simpler process (non-notified) with certain outcomes for dairy farmers and horticulturists taking unauthorised water.</p> <p>Bringing unauthorised takes into the consenting regime provides efficiency benefits. Consented users are required to meter and report water use, providing council with assurance that resource consents are not being breached, and encouraging technical efficiency – such as mending leaking infrastructure. The amount of water consented must be reasonable and justifiable.</p> <p>Unauthorised water users also benefit from becoming compliant with industry based requirements that demonstrate to consumers that production meets environmental standards.</p> <p><b>Social and cultural:</b></p> <p>Option 4 could be seen as more equitable, treating all unauthorised users in the same way.</p>	<p><b>Economic:</b></p> <p>Option 4 has the potential to impact on current authorised users, particularly as low flow rules are implemented and water use is restricted.</p> <p>Option 4 is not expected to change water use because the unauthorised water is already being taken. There is a risk that in fully or over-allocated catchments it potentially embeds over-allocation. The nature of irrigation, which tends to occur in summer months when water sources are more likely to be under pressure, makes embedding over-allocation a longer term concern. Closely related to this is NPSFM Objective B2, which requires that further over-allocation of fresh water is avoided and that existing over-allocation is phased out. While the current allocation limits are considered conservative, future allocation limits are unknown. Where these resource consents result in increasing over-allocation, consent holders in the catchment may be required to reduce in the future to achieve Objective B2 (phasing out of over-allocation) in the NPSFM. Option 4 may result in costs to current authorised users in the future.</p> <p><b>Social and cultural:</b></p> <p>The non-notification of resource consents in Option 4 raises concerns about the ability of the community to participate in decisions of import to them. This is likely to be a specific concern for Māori, particularly in areas recognised as being culturally significant waterways (e.g. Statutory Acknowledgement Areas).</p> <p><b>Implementation costs:</b></p> <p>Similar to Option 2.</p>

<b>Policy Option</b>	<b>RMA s32 test</b>
	Summary of efficiency: Not efficient

## Risk of acting or not acting

With regards to fresh water, there is sufficient information upon which to base the analysis as to the appropriateness of acting or not acting. There is sufficient information to demonstrate the scale and extent of the effects of resource use on the water resource.

The risk of acting in the manner proposed is that some costs will be imposed on local authorities and, in some cases, resource consent applicants.

The risk of not acting in the way proposed is that Waikato Regional Council would not be acting in accordance with Section 30(1)(a) of the Resource Management Act, which requires regional councils to set policies and methods for the integrated management of natural and physical resources. Acting in an integrated manner is particularly important due to the inter-connected nature of land and water. Further, not including policies and methods to implement the Objectives 3.13 and 3.1.4 would mean that the adverse effects of land use activities would continue to occur and result in the continued decline in the quality and availability of fresh water.

With regard to dairy farms in the region, Council has reasonable certainty about the extent of unauthorised dairy shed water takes through dairy shed discharge resource consents. Discharge information with respect to the number, location, source and volume can be interpreted to indicate the location and volume of these takes. Dairy shed takes are predictable, occurring daily throughout the milking season, with similar amounts per day. The risk of acting is that in some catchments these changes will lead to or increase over-allocation based on current default allocation levels. There also exists a risk associated with increasing intensification.

The risk of not acting is that unauthorised dairy shed takes continue unabated until individual WMAs work through processes that provision of allocation limits. The risk of acting is that in some cases the granting of resource consents will contribute to over-allocation in relation to limits that are yet to be established. This latter risk can be mitigated by policy that works to reduce over-allocation.

The following table summarises the appropriateness of the policy options to achieve WQ O10:

Policy Option	Effectiveness	Efficiency	Selected Option/s
<b>OPTION 1: Undertake compliance in accordance with existing rules (status quo)</b>	Low	Low	No
<b>OPTION 2: Unlimited controlled activity volume for dairy shed use (draft rules option)</b>	High	Moderate	Yes
<b>OPTION 3: Manage all dairy farm water use (drinking and dairy shed) as one take</b>	Moderate	Moderate	No
<b>OPTION 4: Limit controlled activity to 50m<sup>3</sup>/property/day</b>	Low	Low	No

Having regard to this information, and taking into account the benefits and costs, and the risks of acting or not acting, it is proposed that the most appropriate way of achieving WQ O10 is by inclusion of WQ P14 and WQ R4.

**WQ P14**

To provide an opportunity for existing users who require but do not have resource consents for their activities to become or remain authorised by:

- (a) Providing a more permissive activity status for applications to authorise those activities, where applications are lodged within 12 months of WQ R4 and WQ R5 becoming operative;
- (b) Providing information regarding the need for resource consent;
- (c) Working in conjunction with industry groups and representatives of unauthorised users to increase awareness and share information;
- (d) Providing opportunities for authorisation in preference to compliance action; and
- (e) Undertaking compliance when the period provided for those activities to become authorised expires.

**WQ R4****Controlled Activity – Take and Use of Water for Existing Dairy Shed Wash Down and Milk Cooling Purposes**

The take and use of surface water and/or groundwater for the purposes of dairy shed washdown and milk cooling is a Controlled Activity that does not require notification, subject to the following:

- 1 The take and use is not permitted by a rule in this regional plan.
- 2 The take and use is not prohibited by Rule 49.
- 3 A resource consent application is lodged within 12 months of this rule becoming operative.
- 4 The application information contains verifiable evidence of the existence of the take at the time of notification of this plan change, including but not limited to:
  - (i) Any consent to discharge dairy shed effluent; and
  - (ii) Evidence of the presence of a water pump on the property.and the volume and rate is proven to be the same or less than that occurring as at 18 October 2016.

Bay of Plenty Regional Council reserves its control over the following matters:

- (a) Rate and volume of take.
- (b) Measures to restrict or stop the take during periods of low flow or to enable flow monitoring by Council.
- (c) Metering and reporting requirements, including separate metering of any water taken under provisions of section 14(3)(b) of the Act.
- (d) Measures to achieve efficient use of water.

Advice Note:

- 1 This rule does not enable an additional volume to be added to an existing resource consent or permitted activity relating to the take and use of water on the same property.
- 2 No pump testing or ecological assessment is required.

- 3 The rate of take maybe reduced to the minimum required to achieve the daily volume. Storage maybe needed to enable higher rates of use.
- 4 Efficient use of water is 55 litres per cow per day.

## 8.8 Managing takes at low flows or low aquifer levels

### 8.8.1 Issues and objectives

**WQ I5** Continued abstraction of surface water during low flows may reduce surface water flows below that necessary to safeguard the mauri and life supporting capacity of water bodies.

**WQ O3** Manage the abstraction of surface water at a volume and rate that:

- (a) Safeguards the mauri and life-supporting capacity of the water body.
- (b) Maintains, ecological integrity significant ecological values, landscape values, recreational values, and tāngata whenua values associated with rivers and streams.
- (c) Maintains water quality relative to the values, objectives and limits of the water body.
- (d) Avoids or mitigates adverse effects on downstream environments, and existing uses of the water resource.
- (e) Meets the reasonably foreseeable needs of future generations.
- (f) Maintains flow variability to allow for ecological integrity and the flushing of stream systems to remove deposited sediment and growths of nuisance algae.

**WQ O6** The potential adverse effects of water abstraction during low surface water flows or low aquifer levels are avoided or mitigated to an acceptable level.

**WQ O7** Limits are set and applied for:

- (a) Instream minimum flows for surface water bodies to safeguard their life-supporting capacity, ecological integrity, significant ecological values, mauri, landscape values, recreational values, existing uses and take into account tāngata whenua values where relevant.
- (b) The total amount of water that can be taken from surface water bodies to ensure a reliable and accessible amount of water is available for users.
- (c) Groundwater, which takes into account:
  - (i) The interaction between groundwater and surface water;
  - (ii) Surface water flows in groundwater-fed streams and wetlands;
  - (iii) The prevention of aquifer contamination by saltwater intrusion; and
  - (iv) Water levels in aquifers.

Options considered

**Option 1 Recognise and provide for public health requirements in low flows/low aquifer levels (status quo)**

- Requires measure to ensuring instream minimum flow requirements are not breached.
- Recognises and provides for public health requirements.

**Option 2 Identify actions and priority water uses in low flows/low aquifer levels (preferred option)**

- Sets out actions during times of low flows or low aquifer levels
- Identifies priority during times of low flows or low aquifer levels
- Current default in the absence of WMAs

## 8.8.2 Summary of evaluation

The following table summarises the effectiveness and efficiency of the policy options to achieve Objectives WQ O3, WQ O6 and WQ O7

Policy Option	RMA s32 test		
<p><b>OPTION 1: Recognise and provide for public health requirements in low flows/low aquifer levels (status quo)</b></p>	Effectiveness		
	<p>The operative RWLP contains non-specific provisions about how takes are to be managed at low river and stream flows. Policy 80 is to use appropriate measures <i>'to restrict the take and use of water during ...drought events to ensure the instream minimum flow requirement is not breached as a result of abstraction, while recognising and providing for public health requirements</i> (p.98), with Methods 163 – establishing a Memorandum of Understanding with territorials and Medical Officer of Health regarding water management in drought events which provides water shortage advice at close to minimum flow requirements, and direction under s329 of the RMA when minimum flow requirements are reached. This approach does not establish priorities and WQ M9 has not been given effect.</p> <p>Beyond public health requirements, Option 1 does not clarify the approach that should be used in terms of priorities to achieve the best outcome in low flow periods. Further, specific minimum flows for individual streams have not been established, so these provisions have not been given effect. The current approach does not effectively deliver NPSFM requirement to set (and apply) environmental flows (B1).</p> <p>This approach is not effective because it doesn't provide sufficient direction. As such, it does not achieve the purpose of the RMA.</p>		
	Summary of effectiveness: Low		
	Efficiency		
	Benefits	Costs	
		<p>Economic: Implementation of low flows will impact on economic activity; however, under Option 1, low flows have not been implemented, and the lack of identification for priority uses beyond public health requirements has</p>	

		<p>meant no consideration has been given to if, when or how minimum flows would be given effect.</p> <p>Environmental, social, cultural:</p> <p>Option 1 fails to protect environmental, social and cultural effects in periods of low flow. In the longer term, this approach may also impact on the economic value of the resource through loss of water and environmental quality.</p>
<p>Summary of efficiency: Not efficient</p>		
<p><b>OPTION 2: Identify actions and priority water uses in low flows/low aquifer levels (preferred option)</b></p>	<p>Effectiveness</p>	
	<p>Identifying minimum flows is a requirement of the NPSFM (Policy B1) this policy is intended to provide response guidelines to water resource pressures.</p> <p>Option 2 provides clarity around how water takes will be managed during low river or stream flows as well as low aquifer levels – when, what actions are taken and what type of takes are protected from water take restrictions. These provisions would take effect:</p> <p>When a water shortage direction is issued (s329 RMA)</p> <p>When surface water flows or aquifer levels fall below minimum flows or levels set within WMAs.</p> <p>Section 329 of the RMA provides for Council issuing a direction where a serious temporary shortage of water exists, but does not stipulate priorities. Option 2 supports s329 by identifying priorities should such a direction be required.</p> <p>WQ P30 lists a range of actions to be taken during low flow. All users are required to take actions and reduce irrespective of their priority.</p> <p>A significant number of the policies relate to ensuring water is allocated within limits and then managed to ensure that it is not taken when low flows/low aquifer levels are reached. The Plan Change does not propose revised allocation limits; rather these will be determined through the WMA process. The Plan Change does provide for a secondary allocation of surface water that must cease when the flow reaches the Q<sub>5</sub> 7 day low flow. Managing these low priority takes requires Council to give effect to minimum flow provisions.</p> <p>Option 2 relies on Council establishing low flow levels (interim limits to be adopted), monitoring flows and then enforcing restrictions. Minimum flows will be established through the WMA process, or where these are not available</p>	



<p>giving effect will rely on water shortage direction under s329 of the RMA.</p> <p>Option 2 is designed to protect the economic, environmental social and cultural values and ensure efficient use of water at times of low environmental flow. It relies on establishment of effective minimum flows for rivers, streams, and aquifers, and should achieve the objective with a high level of effectiveness.</p>	
<p>Summary of effectiveness: High</p>	
<p>Efficiency</p>	
<p>Benefits</p>	<p>Costs</p>
<p>Economic:</p> <p>Option 2 supports the development of an operational plan by providing a list of priority uses, should it be necessary to restrict the consented take due to low stream flows or aquifer levels. This enables water users to plan for such an event knowing how it will impact their business/use. Current policy provides for direction in low flow events, but does not provide a hierarchy of uses.</p> <p>Environmental:</p> <p>This option provides environmental benefits by helping to safeguard the ecosystem processes and indigenous species including their associated ecosystems of fresh water (Objective B1, NPSFM).</p> <p>Cultural:</p> <p>Option 2 supports community values for water and supports role of Māori as kaitiaki.</p>	<p>Economic:</p> <p>Under Option 2 some users may incur costs when rivers and streams are at low flows and low flows are implemented. However, this option does ensure that essential water is supplied for uses such as animal drinking and sanitation and for survival of permanent crops.</p> <p>Implementation costs:</p> <p>Low flow levels will be determined through the WMA process, so will not significantly change Council processes until those flows are set. Option 2 requires Council to set of low flows (interim limits to be adopted), monitoring flows and then enforcing restrictions. The majority of the costs associated with this will fall with Council. Monitoring during low flows could involve significant staff time.</p>
<p>Summary of efficiency: Highly efficient</p>	

## Risk of acting or not acting

With regards to low flows, there is sufficient information upon which to base the analysis as to the appropriateness of acting or not acting. There is sufficient information to demonstrate the scale and extent of the effects of resource use on the water resource.

The risk of acting in the manner proposed is that some costs will be imposed on consent holders associated with the need to reduce or stop taking water in the event of a low flow.

The risk of not acting in the way proposed is that the Council does not address Policy B1 in the NPSFM, and does not provide certainty to water users. In the event of a low flow, there will be no clear action or direction.

The following table summarises the appropriateness of the policy options to achieve WQ O3, WQ O4 and WQ O8:

Policy Option	Effectiveness	Efficiency	Selected Option/s
<b><i>OPTION 1: Recognise and provide for public health requirements. Note that RWLP does not explicitly protect certain uses during low flow (status quo)</i></b>	Low	Low efficiency	No
<b><i>OPTION 2: Identify priority water uses (preferred approach)</i></b>	High	Highly efficient	Yes

Having regard to this information, and taking into account the benefits and costs, and the risks of acting or not acting, it is proposed that the most appropriate way of achieving WQ O1, WQ O3, WQ O6 and WQ O7 is by inclusion of WQ P29, WQ P30 and WQ P31:

**WQ P29-** To require water conservation procedures in accordance with WQ P30 and WQ P31 during times of low water flows or aquifer levels, specifically:

- (a) When surface water flows or aquifer levels fall below minimum flows or levels set within Water Management Areas under WQ P2.
- (b) When a water shortage direction is issued under section 329 of the Act.

**WQ P30** To take the following actions during times of low water flows or aquifer levels:

- (a) Advise abstractors and work with councils and industry groups to conserve water and limit non-essential use of water as far as practicable.
- (b) Provide water conservation advice to the community.
- (c) Work with water users and encourage support from the horticultural and agricultural sectors to encourage and support the use of rationing or rostering.
- (c) Require resource consent holders to cease abstraction in accordance with the minimum flows or levels specified as conditions on their consents.
- (d) Require non-consumptive users to ensure that the discharge from a dam/impoundment is equal to the inflow.

- (e) Consider the need to issue a water shortage direction under section 329 of the Act.

**WQ P31:** To give priority to water abstraction for the following uses during times of low water flows or aquifer levels:

- (a) Essential domestic drinking and sanitation requirements.
- (b) Reasonable animal drinking and sanitation needs.
- (c) Non-consumptive takes, provided that the discharge from a dam/impoundment is equal to the inflow.
- (d) Municipal water supplies, subject to the requirements of the Water Management Plan prepared in accordance with Schedule 7.
- (e) Crop and rootstock survival water.

Advice Note: This above list is not in order of priority. If a water shortage direction is issued under Section 329 of the Act, it is expected that all water users will reduce the volume of their takes.

## 8.9 Instream flows and allocation limits – resource consent considerations

An instream flow is the flow of water in a river or stream necessary to sustain aquatic life, water quality, recreational use, outstanding natural features or Maori cultural values. Previously referred to as the Instream Minimum Flow Requirement.

### 8.9.1 Issue and objectives

- WQ I1** The over-abstraction of surface water can degrade water quality and adversely affect ecological values, landscape values, recreational values, tāngata whenua values and existing uses.
- WQ I4** Over-abstraction of groundwater can degrade groundwater quality, and reduce water levels in aquifer systems and associated surface water bodies.
- WQ I5** Continued abstraction of surface water during low flows may reduce surface water flows below that necessary to safeguard the mauri and life-supporting capacity of water bodies.
- WQ I6** Water abstraction from streams and rivers can reduce stream flow variability, which is necessary to maintain instream ecological integrity and the flushing of stream systems to remove deposited sediment and growths of nuisance algae.
- WQ O1** Efficient allocation and use of water resources in the Bay of Plenty.
- WQ O3** Manage the abstraction of surface water at a volume and rate that:
  - (a) Safeguards the mauri and life-supporting capacity of the water body.
  - (b) Maintains, ecological integrity significant ecological values, landscape values, recreational values, and tāngata whenua values associated with rivers and streams.

- (c) Maintains water quality relative to the values, objectives and limits of the water body.
- (d) Avoids or mitigates adverse effects on downstream environments, and existing uses of the water resource.
- (e) Meets the reasonably foreseeable needs of future generations.
- (f) Maintains flow variability to allow for ecological integrity and the flushing of stream systems to remove deposited sediment and growths of nuisance algae.

**WQ 04** Manage the allocation and abstraction of groundwater at a volume and rate that does not:

- (a) Result in a sustained decline in groundwater levels.
- (b) Permanently or unsustainably lower water levels in streams or rivers where groundwater and surface water bodies are linked to an extent that is contrary to WQ 03.
- (c) Adversely affect groundwater quality in aquifer systems, including taking into account the risk of saltwater intrusion.
- (d) Cause the mixing of water between different aquifers where those aquifers are not naturally connected.

**WQ 05** Land use changes, including urban growth and land use intensification, are planned to account for water resource limitations of the location, particularly in areas with existing and projected high water demand, and limited water resources.

**WQ 07** Limits are set and applied for:

- (a) Instream minimum flows for surface water bodies to safeguard their life-supporting capacity, ecological integrity, significant ecological values, mauri, landscape values, recreational values, existing uses and take into account tāngata whenua values where relevant.
- (b) The total amount of water that can be taken from surface water bodies to ensure a reliable and accessible amount of water is available for users.
- (c) Groundwater, which takes into account:
  - (i) The interaction between groundwater and surface water;
  - (ii) Surface water flows in groundwater-fed streams and wetlands;
  - (iii) The prevention of aquifer contamination by saltwater intrusion; and
  - (iv) Water levels in aquifers.

- WQ 08** Decision-making and allocation of freshwater water resources in the Bay of Plenty recognises the:
- (a) Social benefits from the use of water for domestic, marae, or municipal water supply, including in particular essential drinking and sanitation requirements.
  - (b) Social, cultural and economic benefits that existing water takes contribute, which is often associated with significant investment.
  - (c) Social, cultural and economic benefits that new water takes can provide.

### 8.9.2 Options considered

**Option 1 Allocation limits of 10% Q<sub>5</sub> 7-day low flow for surface water, minimum flow of 90% of Q<sub>5</sub> 7-day low flow, and 35% of annual average aquifer recharge for groundwater (status quo)**

- The current allocation limits do not take account of the characteristics of or values of particular catchments and the water bodies.<sup>127</sup>

**Option 1A Maintain status quo allocation limits and strengthen policy enforcing limits (preferred option)**

- Maintain current allocation limits of 10% Q<sub>5</sub> 7-day low flow for surface water, minimum flow of 90% of Q<sub>5</sub> 7 day, and 35% of annual average aquifer recharge for groundwater
- Takes a precautionary approach until WMA limits are in place
- To generally decline resource consent applications where the water resource is over-allocated

**Option 2 Revise interim limits for surface and groundwater**

- Use current methodology for instream flows (RPS WQ 2A) and/or other approaches as appropriate
- Use of alternative methods of determining limits e.g. Environmental Flow Strategic Assessment Platform (EFSAP)
- Use Proposed NES on Ecological Flows and Water Levels (2008) for coastal groundwater aquifers
- Provide clarity for applications for resource consents in fully allocated catchments and aquifers
- Generally decline resource consent applications in fully allocated catchments
- Consider granting resource consent applications in under allocated catchments

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<sup>127</sup> Cooney Lees Morgan (2015)

### 8.9.3 Summary of evaluation

The following table summarises the effectiveness and efficiency of the policy options to achieve WQ O1, WQ O3, WQ O4, WQ O5, WQ O7 and WQ O8:

Policy Option	RMA s32 test
<p><b>OPTION 1: Allocation limits of 10% Q5 7-day low flow for surface water, minimum flow of 90% of Q<sub>5</sub> 7-day, and 35% of annual average aquifer recharge for groundwater (status quo)</b></p>	Effectiveness
	<p>Clarity about water available for allocation is important to people seeking resource consents and for Council in managing the resource. As the WMAs are established, communities will work together to establish values that will help to determine the quantity of water to be allocated from waterbodies. In the interim Council must determine whether to work with current limits or to establish new limits.</p> <p>Under Option 1 (the status quo) surface water allocation is limited to 10% of Q<sub>5</sub> 7-day low flow, meaning that the instream limit is 90% of Q<sub>5</sub> 7-day low flow, except for the Waitahanui catchment which currently has a specific limit. These surface water limits are identified in the RWLP. Numeric limits for groundwater allocation limits are not identified in the RWLP, and Council's current practice relies on the Proposed National Environmental Standard on Ecological Flows and Water Levels (2008)<sup>128</sup> which provides a default allocation of 35% of average annual recharge, or 15% of average annual recharge for coastal aquifers.</p> <p>The RWLP provides little guidance for new resource consent applications and as a result decisions are made on a case-by-case basis. Council's current practice is to notify such applications and generally the resource consents are granted. Currently about 62% of surface water bodies and 21% of monitored groundwater aquifers are allocated above the default allocable flows,<sup>129</sup> although it should be noted that much of that allocation was made prior to the operative RWLP being adopted.</p> <p>The RPS Policy WQ2A requires setting and applying in stream flows and allocation limits for taking fresh water – including ground water WQ2A(c). Except in the case of Waitahanui Stream, limits have remained at default levels. The WMA community process will now determine these.</p> <p>The current approach, which does not clearly identify the process when catchments and aquifers are deemed to be over-allocated is susceptible to 'death by 1000 cuts' because the incremental effects of additional allocation is difficult to identify. While future limits maybe more generous this is an unknown. Continuing with the status quo is a risk for anyone who applies for and gets a consent, and then finds that their allocation is reduced if the allocable flow is reduced through the WMA process. Option 1 is also a risk in respect to the NPSFM Objective B2, to avoid further over-allocation, and Policy B5, to ensure that no decision will likely</p>

<sup>128</sup> MfE (2008)

<sup>129</sup> BOPRC (2013e)

Policy Option	RMA s32 test	
	<p>result in future over-allocation. NPSFM Policy B6 requires Council to phase out over-allocation to meet freshwater objectives.</p> <p>WQ O3 and WQ O4 require that Council manage the abstraction of surface and groundwater at environmentally sustainable levels that for surface water, maintain identified significant values including ecological, landscape, and tāngata whenua values and interest (see above for full wording). WQ O7 requires limits to be set for instream flows that safeguard their life-supporting capacity and to take into account tāngata whenua and other values where relevant, and to set groundwater limits taking into account interactions between groundwater and surface water, the sustainability of groundwater-fed streams and wetlands, the prevention of aquifer contamination and saltwater intrusion, and water levels in aquifers.</p> <p>The values under WQ O3 will be decided in the WMA process and it is not possible to know whether Option 1 will meet those or not. Given that the limit is uncertain because of the lack of direction in the RWLP, the risk of not meeting the WMA limits increases with each new resource consent granted in an over-allocated catchment. The situation is somewhat similar for groundwater resources, where WQ O4 requires abstraction to be environmentally sustainable. WQ O7 requires the setting of limits for surface and groundwater. Option 1 is considered not to be effective in achieving these objectives.</p>	
	Summary of effectiveness: Low	
	Efficiency	
	Benefits	Costs
	<p>Option 1 provides benefits to water users applying for resource consents in over-allocated catchments, because it can be difficult to evaluate the incremental effect of small increases in allocation.</p>	<p>Under Option 1, the costs of applying for resource consents in over-allocated catchments can be high. Applications are notified, and in the case of groundwater can have a high level of information required. For the applicant the process is potentially uncertain, although in practice resource consents tend to be granted.</p> <p>This approach has potential economic, environmental, social and cultural costs where the current allocation is higher than that determined based on community values.</p>
	Summary of efficiency: Low	

Policy Option	RMA s32 test		
<p><b>OPTION 1A: Maintain status quo allocation limits and strengthen policy enforcing limits (preferred option)</b></p>	Effectiveness		
	<p>Under Option 1A, the current allocation limits are maintained (10% of Q<sub>5</sub> 7-day low flow for surface water and 35% of annual average recharge for groundwater aquifers). The policy is strengthened by the addition of a precautionary approach where there is uncertainty about the level of effects of a proposed abstraction on the environment. This will take the form of ‘generally declining’ applications for resource consents in fully- or over-allocated surface water catchments and groundwater aquifers. Option 1A provides for specific circumstances where such resource consent applications can be granted and will not impact on applications in catchments or aquifers below full allocation, where resource consent applications will be ‘generally granted’. The interim limits have been chosen to protect the water resource until the local WMA processes are completed and as such Option 1A represents a holding action.</p> <p>Option 1A will provide greater clarity about allocation limits for council officers processing resource consents, and for applicants and the community. Stricter resource consent processes will apply for new consent applications to take water in fully allocated catchments, including more information required from the consent applicant; and if granted, shorter consent terms and/or stricter conditions.</p> <p>The NPSFM Objective B2 is to avoid further over-allocation, and Policy B5 requires councils to ensure that no decision will likely result in future over-allocation. Option 1A supports this by halting the practice of granting resource applications in catchments currently deemed to be over-allocated. Option 1A also supports NPSFM Policy B6 by potentially reducing this need.</p> <p>Option 1A is considered to be effective in achieving WQ O3 and WQ O4 because they support current allocation limits until the new limits are set through the WMA process, and in this way will also contribute to achieving WQ O7.</p>		
	Summary of effectiveness: High		
	Efficiency		
	Benefits	Costs	
	<p>Economic:</p> <p>Option 1A supports and respects the WMA process. It potentially avoids costs associated with clawing back over-allocation. It is a “hold the line” approach in the interim until WMA limits are set.</p>	<p>Economic:</p> <p>Individuals who may have had their resource consent applications granted under the status quo now may not, or may need to provide a greater level of information to support the application, or look to alternative sources for water or accept constraints such as less reliable access.</p>	



Policy Option	RMA s32 test	
	Potentially an easier process for consent applicants in under-allocated catchments.	Implementation costs for Council: May require more information and science support to assess applications in fully-allocated catchments.
	Summary of efficiency: Moderate	
<b>OPTION 2: Revise interim limits for surface and groundwater</b>	Effectiveness	
	<p>Option 2 recognises that the current allocation limits for surface and groundwater may be conservative, and there may be public pressure to increase those limits prior to the WMA process completion.<sup>130</sup></p> <p>Revising the surface water allocation limits prior to the WMA community process establishing values implies that Council already knows the community values. Given the importance central government has placed on the community process, pre-empting it by unilaterally revising values is not a viable option.</p> <p>Current research on the condition of the groundwater resources states that there is insufficient data about water taken to enable sound interpretation. The Council programme of research is designed to improve information about the resource, and metering and reporting of consented takes will assist in interpreting monitoring results and informing future limits for groundwater.</p> <p>Currently Council does not have sufficient knowledge of community values to proceed with any revision of current limits. Option 2 is not considered to be effective in meeting WQ O3, which requires that abstraction is at a volume and rate that maintains community values in rivers and streams. In the absence of the groundwater information referred to above, Option 2 may not be effective in achieving WQ O4 and WQ O7.</p>	
	Summary of effectiveness: Unknown	

<sup>130</sup> CooneyLeesMorgan (2015)

Policy Option	RMA s32 test	
	Efficiency	
	Benefits	Costs
	<p>Economic: Potentially economic benefits where limits are increased and more water is made available in fully and over-allocated catchments and aquifers.</p>	<p>Given the lack of information about community values and the limits that will come from those, it is not possible to say what the costs will be with any degree of certainty. In situations where the limit is higher than the community values dictate, social, cultural, environmental and economic wellbeing would be impacted.</p>
	Summary of efficiency: Unknown	

## Risk of acting or not acting

Surface and groundwater limits will be set as a result of values and objectives established in the WMA process. This is a lengthy process, expected to be completed in 2024/25, with different WMAs being started and completed over 2-3 year periods within that larger timeframe. Currently the council works on a 10% of Q<sub>5</sub> 7-day low flow for surface water, and a default limit of 35% of average annual recharge for all aquifers in the region. The risk of acting to strengthen current limits for surface and groundwater by generally declining applications except in specific circumstances means that some resource consent applications will be declined. However, this approach recognises the WMA process and the importance of community values, and reduces the risk associated with reductions in consented water quantity in future and compromising social, economic, cultural and environmental wellbeing. A conservative approach reduces the risk of future claw back, which can be disruptive and expensive.

The risk of not acting means resource consents continue to be granted in over-allocated catchments. This ignores the NPSFM in respect to working through community values, potentially compromising cultural, economic and ecological values.

The following table summarises the appropriateness of the policy options to achieve Objectives WQ O1, WQ O3, WQ O4, WQ O5, WQ O7 and WQ O8:

Policy Option	Effectiveness	Efficiency	Selected Option/s
<b>OPTION 1: Allocation limits of 10% Q<sub>5</sub> 7-day low flow for surface water, minimum flow of 90% of Q<sub>5</sub> 7-day, and 35% of annual average aquifer recharge for groundwater (status quo)</b>	Low	Low	No
<b>OPTION 1A: Maintain status quo allocation limits and strengthen policy enforcing limits (preferred option)</b>	High	Moderate	Yes
<b>OPTION 2: Revise interim limits for surface and groundwater</b>	Unknown	Unknown	No

Having regard to this information, and taking into account the benefits and costs, and the risks of acting or not acting, it is proposed that the most appropriate way of achieving WQ O3, WQ O4, WQ O7, WQ O8 is by inclusion of WQ P5, WQ P6, WQ P7, WQ P9, WQ 10, WQ P11 and WQ P18.

**WQ P5** To use the following interim allocation limits, until permanent limits are set through sub-regional plans within each Water Management Area:

- (a) Instream flows: 90% of Q<sub>5</sub> 7 day low flow for each river or stream.
- (b) Allocation limit for surface water: 10% of Q<sub>5</sub> 7 day low flow for each river or stream.
- (c) Allocation limit for groundwater: 35% of the long-term average annual recharge for each aquifer.

Advice Note: Information on the assessment of the limits and current allocation status is available at Council's offices and on its website.

- WQ P6** To provide for the harvesting of water during periods of high river or stream flow where:
- (a) The flow upstream of the take is above the median flow.
  - (b) The additional take, combined with all other harvesting takes, does not compromise the achievement of WQ O3.
  - (c) The take is not upstream of a hydroelectric power scheme identified in Schedule 11, unless the flow into the dam of the hydroelectric power scheme exceeds the flow allocated to the dam operator (where applicable).
  - (d) It will result in social, cultural, economic or environmental benefits.

**WQ P7** To take a precautionary approach to water allocation (including through the imposition of short-term durations and robust review conditions), where there is uncertainty about the level of effects a proposed abstraction may have on the environment. This may include adaptive management conditions (where the allowable abstraction is linked to surface water flows or aquifer levels) on any consent granted, where the allocated volume of water is at or exceeding the interim limits in WQ P5.

**WQ P10** To generally decline applications to take and use surface water or groundwater, where the water resource is allocated above the limits identified in WQ P5 unless the application is:

- (a) A renewal of an existing authorised take that is:
  - (i) At the same or lesser rate and volume of take; and
  - (ii) Assessed as a reasonable and efficient rate and volume of take; or
- (b) For the harvesting of surface water under WQ P6; or
- (c) For secondary allocable flow under WQ P8(a); or
- (d) Supported by a detailed assessment of environmental effects which demonstrates:
  - (i) That the proposed take is reasonable, efficient and will meet WQ O3 or WQ O4;
  - (ii) Consideration has been given to alternative water supplies, rates of take and timing of take;
  - (iii) Water conservation measures are proposed for times of low water flows or aquifer levels; and
  - (iv) The extent to which the proposed take will result in social, cultural, ecological or economic benefits.

Advice Note: Adverse effects on aquifer characteristics include reduction in aquifer recharge, sustained reduction in aquifer water level and changes to water chemistry or quality. With regard to the Tauranga Geothermal Resource (Tauranga and Kaituna-Maketū-Pongakawa WMAs), additional consideration may be required in relation to Chapter 7 of this regional plan. Where a groundwater take may have an effect on stream flow, the associated allocation should also be reflected in freshwater quantity accounting.

**WQ P18**

When considering any application the consent authority must have regard to the following matters:

- (a) The extent to which the change would adversely affect safeguarding the life-supporting capacity of fresh water and of any associated ecosystem; and
- (b) The extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of fresh water and of any associated ecosystem resulting from the change would be avoided.

This policy applies to:

- (i) Any new activity; and
- (j) Any change in the character, intensity or scale of any established activity

that involves any taking, using, damming or diverting of fresh water or draining of any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any fresh water, compared to that which immediately preceded the commencement of the new activity or the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out).

This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management takes effect on 1 July 2011.

Advice Note: This policy was inserted to meet the requirements of the National Policy Statement for Freshwater Management 2011 (Now the National Policy Statement Freshwater Management 2014.)

**WQ P11**

To consider granting an application to take and use surface water or groundwater, that will not result in the total allocation exceeding the interim limits identified in WQ P5, provided that:

- (a) The proposed rate and volume of take are reasonable and efficient.
- (b) In the case of surface water, the take does not result in localised adverse effects including on fish or entrainment and river bed or bank erosion.
- (c) In the case of groundwater:
  - (i) The take does not result in adverse localised adverse effects, including bore interference;
  - (ii) If applicable, the potential for saltwater intrusion can be avoided or mitigated to an acceptable level; and
  - (iii) If applicable, adverse effects on the Tauranga Geothermal Resource or associated surface water bodies, can be avoided or mitigated to an acceptable level.

Advice Note:

- 1 Adverse effects on aquifer characteristics include reduction in aquifer recharge, sustained reduction in aquifer water level and changes to water chemistry.
- 2 With regard to the Tauranga Geothermal Resource (Tauranga and Kaituna-Maketū-Pongakawa WMAs) additional consideration may be required in relation to Chapter 7 of this regional plan.

**WQ P9** To integrate the management of groundwater and surface water resources to:

- (a) Recognise the interrelationship between adjoining bodies of water.
- (b) Manage abstraction from aquifers that have a direct or partial connection to surface water.
- (c) Avoid adverse impacts from the abstraction of groundwater on associated values and uses of linked surface water.
- (d) Support freshwater accounting.

## 8.10 Allocation in catchments with hydroelectric power schemes

This Plan Change streamlines WQ P19 to improve its clarity and readability. The existing constraints to new allocations above hydroelectric power schemes remain in place (with the exception of water takes for milk cooling and dairy shed use). WQ P2 remains unchanged.

### 8.10.1 Issue and objectives

**WQ I1** The over-abstraction of surface water can degrade water quality and adversely affect ecological values, landscape values, recreational values, tāngata whenua values and existing uses.

**WQ O2** Allocation of water resources in the Bay of Plenty recognises and maintains the generation capacity of hydroelectric electricity generation as a renewable energy source.

**WQ O8** Decision-making and allocation of freshwater water resources in the Bay of Plenty recognises the:

- (a) Social benefits from the use of water for domestic, marae, or municipal water supply, including in particular essential drinking and sanitation requirements.
- (b) Social, economic and cultural benefits that existing water takes contribute, which is often associated with significant investment.
- (c) Social, economic and cultural benefits that new water takes can provide.

### 8.10.2 Options considered

**Option 1** **Manage water allocation in surface water bodies with existing hydroelectric power schemes (status quo)**

- The current approach is to manage water allocation on surface water bodies where there are existing hydroelectric power schemes until existing resource

consents listed in Schedule 11 (lawfully existing hydroelectric power schemes) come in for renewal (WQ P19).

**Option 2 Amended package of provisions (preferred option)**

- Streamlining Policy 69 into two separate policies one protecting the generating capacity of hydroelectric power schemes (HEP), the second addressing the take and use of water upstream of existing hydroelectric power schemes.
- Develop a map to show the extent of influence of HEP scheme.

### 8.10.3 Summary of evaluation

The following table summarises the effectiveness and efficiency of the policy options to achieve WQ O2 and WQ O8:

Policy Option	RMA s32 test
<p><b>OPTION 1: Manage water allocation in surface water bodies with existing hydroelectric power schemes (status quo)</b></p>	Effectiveness
	<p>Under Option 1, the policy guidance is that further water allocation in surface water bodies upstream of existing hydro power schemes (listed in Schedule 11 of RWLP) should be prevented and/or limited until the expiration current resource consents held by hydro energy companies. The plan is silent about what will happen when the HEP resource consents come in for renewal.</p> <p>The NPSREG requires decision makers to recognise and provide for the national significance of renewable electricity generation, requiring that regional policy statements and district plans provide for development, operation, maintenance and upgrading of new and existing hydro-electric power generation activities. Option 1 does not provide clarity in relation to the requirements of the NPSREG.</p> <p>The RPS recognises the importance of electrical energy through hydro resources, stating that supporting and facilitating the development of renewable energy sources across the region is a key requirement for the RPS to address (p.37), and the main future renewable energy resources in the region are likely to be from geothermal, hydro, biomass and solar (p.37). RPS policies in the Energy and Infrastructure section specifically recognise renewable energy.</p> <p>The NPSFM recognises hydroelectric power generation as a (additional) national value: <i>The freshwater management unit is suitable for hydro-electric power generation.</i> The NPSFM Objective B3 and Policy B2 refer to achieving efficiency of allocation and use. Efficiency would suggest that there may be some potential for seasonal benefits to be gained across water users, such as the higher summer water requirements for dairy farming<sup>131</sup>, and the high winter requirements for hydro-electricity responding to high power consumption from April to September.<sup>132</sup></p> <p>The Bay of Connections Energy Strategy<sup>133</sup> recognises the region’s competitive advantages of renewable and sustainable energy – hydro-electric forms a part, which also includes geothermal, biofuel and solar energy options. The Strategy refers to enabling, supporting and promoting the development of renewable energy opportunities in the region.</p> <p>WQ O2 in the RWLP is ‘allocation of water resources in the Bay of Plenty recognises hydroelectric electricity generation as a renewable energy source.’ This has not changed in the Plan Change. The status quo is effective in achieving WQ O2 and WQ O8.</p>

<sup>131</sup> Dairy cows are typically milked in New Zealand from October-December through to April-May ([www.godairy.co.nz/life-on-the-farm/a-year-on-the-farm](http://www.godairy.co.nz/life-on-the-farm/a-year-on-the-farm)).

<sup>132</sup> Electricity Authority (2015).

<sup>133</sup> Bay of Connections (2016).



Policy Option	RMA s32 test	
	Summary of effectiveness: Moderate	
	Efficiency	
	Benefits	Costs
	Option 1 benefits power companies with existing schemes listed in Schedule 11 by protecting their rights to water upstream of dams identified in Schedule 11. It also benefits other existing consent holders upstream of the schemes by protecting their rights to water in accordance with their resource consents. It is consistent with the RPS Renewable Energy and Infrastructure policies.	No explicit provision for the take and use of water upstream of the HEP on expiry of those existing consents, meaning there is lack of certainty for existing and potential users.
	Summary of efficiency: Moderate	
<b>Option 2: Amended package of provisions (preferred option)</b>	Effectiveness	
	<p>Under Option 2, revised WQ P19 recognises the on-going importance of maintaining existing HEP capacity by not allowing new takes to establish, unless (for Wheao, Aniwhenua and Matahina) the flow into Matahina Dam exceeds 160m<sup>3</sup> per second. Confirming the on-going rights of HEP generators to water is consistent with the NPSREG and the RPS. WQ P20 similarly acknowledges the on-going rights of other users above the schemes to renew their consents and for water that is currently allocated but not renewed to be made available to other consumptive users. The inclusion of a map highlighted the area of influence of the HEP schemes will assist plan users to understand where future water use is constrained by the schemes.</p> <p>The NPSFM recognises hydroelectric generation as a national value.</p> <p>Option 2 is considered to be effective in achieving WQ O2 in recognising and maintaining the operation of hydro-electric generation and the benefits provided. Except for confirming the on-going rights, beyond the expiry of current consents there is little change to this policy.</p>	
	Summary of effectiveness: High	

Policy Option	RMA s32 test	
	Efficiency	
	Benefits	Costs
	<p>Provides explicit provision for the take and use of water upstream of the HEP on expiry of existing consents, giving certainty to existing and potential users.</p> <p>Inclusion of maps and more explicit policy gives greater transparency to rights of respective water users.</p>	None identified.
	Summary of efficiency: Highly efficient	

## Risk of acting or not acting

With regards to hydro-generation, there is sufficient information upon which to base the analysis as to the appropriateness of acting or not acting. There is sufficient information to demonstrate the scale and extent of the effects of resource use on the water resource.

The proposed changes are relatively minor, and it is considered that there is little or no risk associated with acting.

The risk of not acting in the way proposed is that Council will compromise its ability to give effect to NPSREG, where decision makers are required to recognise and provide for the national significance of renewable electricity generation, requiring that regional policy statements and district plans provide for development, operation, maintenance and upgrading of new and existing hydrogenation activities

The following table summarises the appropriateness of the policy options to achieve WQ O2, WQ O8 and WQ O11:

Policy Option	Effectiveness	Efficiency	Selected Option/s
<b>OPTION 1: Status quo</b>	Moderate	Moderate	No
<b>OPTION 2: Amended package of provisions</b>	High	High	Yes

Having regard to this information, and taking into account the benefits and costs, and the risks of acting or not acting, it is proposed that the most appropriate way of achieving WQ O2 and WQ O8 is by inclusion of WQ P19 and WQ P20.

**WQ P19** To recognise the importance of maintaining existing renewable electricity generation capacity by not allowing any new taking or diversion of surface water or shallow groundwater connected to surface water upstream of the hydroelectric power schemes listed in Schedule 11 at all times unless:

- (a) For the Wheao, Aniwhenua and Matahina hydroelectric power schemes the flow into Lake Matahina is greater than 160 cubic metres per second; or
- (b) The take is a controlled activity under WQ R4; or
- (c) WQ P20 applies.

Advice Note: The upstream extent of hydroelectric power schemes listed in Schedule 11 is shown in Maps WQ 2 and WQ 3.

**WQ P20** To enable the reasonable and efficient taking and use of water upstream of existing hydroelectric power schemes listed in Schedule 11 provided that:

- (a) Upon the expiry of existing resource consents for the taking or diversion of water upstream of the schemes, the consents may be renewed:
  - (i) At the same or a lessor volume of take;
  - (ii) At the same or a lessor rate of take; and
  - (iii) Having regard to the matters set out in WQ P16.

- (b) Surface water or shallow groundwater water that is allocated to a resource consent that expires and is not renewed or has its allocation reduced by a review or renewal on the basis of reasonable and efficient use requirements or technical efficiency, may be available for reallocation to other users:
  - (i) At the same or a lesser volume of take;
  - (ii) At the same or lesser rate of take; and
  - (iii) Having regard to the matters set out in WQ P16.
- (c) Any water released from the hydroelectric power schemes may be available for allocation downstream, subject to the protection of any instream and recreational flow requirements specified in the resource consents for the hydroelectric power scheme and where the downstream abstractors accept that the reliability of the released water is subject to the consented operating regime for the scheme.

Advice Note:

1. Other provisions within this Part II continue to apply to all applications to take water within the catchments of existing hydroelectric power schemes.
2. Takes of water for milk cooling and dairy shed washdown above the Matahina dam need to obtain resource consent in accordance with WQ R4.
3. Policy 81 and Table 18 apply to the release of water from dams.
4. The upstream extent of hydroelectric power schemes listed in Schedule 11 is shown in Maps WQ2 and WQ3.

## 8.11 Provisions for Water Management Areas (WMA)

Most of the issues and objectives identified in this Plan Change are relevant for the WMAs. The exceptions the regional issues of measuring and reporting WQ I7) and the unauthorised taking of water (WQ I9). Regional solutions are sought for these two issues. The main issues and objectives relevant to WMAs are set out below.

### 8.11.1 Issues and objectives

- |              |   |
|--------------|---|
| <b>WQ I1</b> | The over-abstraction of surface water can degrade water quality and adversely affect ecological values, landscape values, recreational values, tāngata whenua values and existing uses. |
| <b>WQ I2</b> | Increasing demand for water in the Bay of Plenty is placing pressure on streams, rivers, springs and groundwater.   |
| <b>WQ I3</b> | Increasing demand for water in the Bay of Plenty is placing pressure on streams, rivers, springs and groundwater.   |

- WQ I4** Over-abstraction of groundwater can degrade groundwater quality, and reduce water levels in aquifer systems and associated surface water bodies.
- WQ I5** Continued abstraction of surface water during low flows may reduce surface water flows below that necessary to safeguard the mauri and life-supporting capacity of water bodies.
- WQ I6** Water abstraction from streams and rivers can reduce stream flow variability, which is necessary to maintain instream ecological integrity and the flushing of stream systems to remove deposited sediment and growths of nuisance algae.
- WQ I8** The ability to provide for the growing social and economic needs of people is dependent on water being available.
- WQ I10** Inadequate recognition of tāngata whenua values and interests in freshwater management.
- WQ O1** Efficient allocation and use of water resources in the Bay of Plenty.
- WQ O3** Manage the abstraction of surface water at a volume and rate that:
- (a) Safeguards the mauri and life-supporting capacity of the water body.
  - (b) Maintains, ecological integrity significant ecological values, landscape values, recreational values, and tāngata whenua values associated with rivers and streams.
  - (c) Maintains water quality relative to the values, objectives and limits of the water body.
  - (d) Avoids or mitigates adverse effects on downstream environments, and existing uses of the water resource.
  - (e) Meets the reasonably foreseeable needs of future generations.
  - (f) Maintains flow variability to allow for ecological integrity and the flushing of stream systems to remove deposited sediment and growths of nuisance algae.
- WQ O4** Manage the allocation and abstraction of groundwater at a volume and rate that does not:
- (a) Result in a sustained decline in groundwater levels.
  - (b) Permanently or unsustainably lower water levels in streams or rivers where groundwater and surface water bodies are linked to an extent that is contrary to WQ O3.
  - (c) Adversely affect groundwater quality in aquifer systems, including taking into account the risk of saltwater intrusion.
  - (d) Cause the mixing of water between different aquifers where those aquifers are not naturally connected.

- WQ 07** Limits are set and applied for:
- (a) Instream minimum flows for surface water bodies to safeguard their life-supporting capacity, ecological integrity, significant ecological values, mauri, landscape values, recreational values, existing uses and take into account tāngata whenua values where relevant.
  - (b) The total amount of water that can be taken from surface water bodies to ensure a reliable and accessible amount of water is available for users.
  - (c) Groundwater, which takes into account:
    - (i) The interaction between groundwater and surface water;
    - (ii) Surface water flows in groundwater-fed streams and wetlands;
    - (iii) The prevention of aquifer contamination by saltwater intrusion; and
    - (iv) Water levels in aquifers.
- WQ 08** Decision-making and allocation of freshwater water resources in the Bay of Plenty recognises the:
- (a) Social benefits from the use of water for domestic, marae, or municipal water supply, including in particular essential drinking and sanitation requirements.
  - (b) Social, economic and cultural benefits that existing water takes contribute, which is often associated with significant investment.
  - (c) Social, economic and cultural benefits that new water takes can provide.
- WQ 09** Integrated management of freshwater resources within WMAs that reflects:
- (a) Tāngata whenua values and aspirations.
  - (b) Community values and aspirations.
  - (c) Scientific research and matauranga Māori.
  - (d) Understanding of the relationship between freshwater quantity and quality.
- WQ 011** Where water shortage is a significant problem potential solutions are explored so the allocation and use of water is improved over time by enabling:
- (a) Water storage and managed aquifer recharge.
  - (b) The transfer of water take consents.
  - (c) Water harvesting.

### 8.11.2 Options considered

**Option 1 No guidance for WMA processes (status quo)**

- No policies to guide WMA processes and requirements

**Option 2 Policies to guide WMA processes and requirements (preferred option)**

- Identification of WMAs established in the region
- Work with co-governance partners, tāngata whenua, city and district councils and communities to identify freshwater values, objectives and limits
- Provide guidance on methods for phasing out over-allocation

### 8.11.3 Summary of evaluation

The following table summarises the effectiveness and efficiency of the policy options to achieve Objectives WQ O1, WQ O3, WQ O4, WQ O7, WQ O8, WQ O9 and WQ O11:

Policy Option	RMA s32 test	
<b>OPTION 1: No guidance for WMA processes (status quo)</b>	Effectiveness	
	The status quo was established prior to the NPSFM, and provides little to guide the WMA process. Option 1 will therefore not be effective in achieving the Objectives of the Plan Change, and in particular WQ O9, of integrated management of freshwater resources in the WMAs.	
	Summary of effectiveness: Low	
	Efficiency	
	Benefits	Costs
	Not evaluated because this policy does not meet the needs for WMA guidance.	
	Summary of efficiency: Not efficient	
<b>OPTION 2: Policies to guide WMA processes and requirements (preferred option)</b>	Effectiveness	
	This Plan Change introduces WQ P1 and WQ P2 to establish a framework in which to guide WMA processes and requirements. These policies have been developed based on requirements of the NPSFM. WQ P2(f) is aligned with the requirements of the RPS WQ 2A to set and apply instream flows and allocation limits for taking freshwater.	
	The WMA provisions will result in the removal of all provisions that relate to the setting of Instream Minimum Flow Requirements (including Schedule 7 Waitahanui Stream) as these are now redundant.  The assumption with the policies supporting the WMA process is that it each will reach a shared vision across a range of stakeholders with different interests for limit setting. The process is lengthy as Council works through the nine WMAs, and so reaching decisions on limits based on values will take time. The regional framework will help focus the development of this vision, enabling local values to be reflected in the management of water allocation while supporting a consistent management approach.	



<p>Option 2 provides clear and direction guidance about where WMAs are to be established and the requirements to give effects to the NPSFM. WQ P2 in particular collates the requirements of the NPSFM and RPS into one policy, essentially providing a 'checklist' for consistency for each WMA group. Option 2 will be effective in achieving WQ O1, WQ O7, WQ O8, WQ O9 and WQ O11. It makes explicit the actions that are to be under taken in the region wide plan change and those to be addressed at a local level.</p>	
<p>Summary of effectiveness: High</p>	
<p>Efficiency</p>	
<p>Benefits</p>	<p>Costs</p>
<p>Option 2 provides for a framework to guide the WMA process. The framework will provide consistency in application and results across catchments, and will reduce the costs of the community process, which are a cost to ratepayers.</p> <p>The WMA process is designed to lead to limits for water quantity that reflect the economic, environmental, social and cultural aspirations of the community.</p>	<p>Option 2 represents a change in the way we look at limits, with a greater level of community involvement and collaboration. The process is likely to be expensive for ratepayers and may lead to some confusion because of the need to review the provisions, particularly in respect to limits, through the WMA process.</p> <p>Implementation costs for Council:</p> <p>This work is part of WMA but the matters to be addressed by each WMA are identified in the Plan Change. This approach, which ensures consistency of approach, should decrease economic costs for Council relative to Option 1.</p>
<p>Summary of efficiency: Highly efficient</p>	

## Risk of acting or not acting

The risk of acting in the manner proposed is that this work is taking place in advance of the WMA process, and some areas that should be included in the regional approach may be inadvertently excluded, or there may be a slight mismatch of requirements, or additional actions are identified in a WMA. Subsequent plan changes, either WMA or regionally based are not restricted by this approach.

The risk of not acting in the way proposed is that the Council will not be giving effect to the NPSFM, and will not be supporting the WMA process. The costs of not acting would be very high, as individual WMAs sought to address regional water quantity issues at the WMA level.

Given this, Council considers it has sufficient information to act in the way described in Option 2.

The following table summarises the appropriateness of the policy options to achieve WQ O7, WQ O8, WQ O9 and WQ O11:

Policy Option	Effectiveness	Efficiency	Selected Option/s
<b><i>OPTION 1: Status quo – No new policies to guide WMA processes and requirements</i></b>	Low	Not efficient	No
<b><i>OPTION 2: Proposed policies to guide WMA processes and requirements</i></b>	High	Highly efficient	Yes

Having regard to this information, and taking into account the benefits and costs, and the risks of acting or not acting, it is proposed that the most appropriate way of achieving WQ O7, WQ O8, WQ O9 and WQ O11 is by inclusion of WQ P1, WQ P2 and WQ P3:

**WQ P1** Establish freshwater management units and for each of these freshwater values, freshwater objectives and environmental flows and levels applying within the following Water Management Areas:

- Tauranga Harbour
- Kaituna, Maketū, Pongakawa and Waitahanui
- Rotorua Lakes
- Tarawera
- Rangitaiki
- Whakatāne and Tauranga
- Ohiwa Harbour and Waiotahi
- Waioeka and Otara
- East Coast

**WQ P2**

Work with co-governance partners, tāngata whenua, city and district councils and the community, within each WMA, to identify freshwater management units, that include all freshwater bodies in the WMA, and within in each of these to deliver (a) to (m) below:

- (a) Evaluate:
  - (i) Surface water and groundwater resource quantities;
  - (ii) Water quality, and the suitability of surface and groundwater quality to support various values and uses;
  - (iii) The capacity of surface and groundwater resources to meet expected future water demand; and
  - (iv) Information needs for the purposes of water accounting.
- (b) Identify tāngata whenua values and interests relating to freshwater.
- (c) Identify social, economic and environmental values relating to freshwater.
- (d) Establish freshwater objectives taking into consideration:
  - (i) The current state of the freshwater management unit, and its anticipated future state on the basis of past and current resource use;
  - (ii) The limits that would be required to achieve the freshwater objectives;
  - (iii) Any choices between values that would be required to achieve them;
  - (iv) Any implications for resource users, including implications for actions, investments, ongoing management changes and any social, cultural or economic implications;
  - (v) Timeframes required to achieve them; and
  - (vi) Other matters relevant and reasonably necessary to give effect to the objectives.
- (e) Set environmental flows and levels for rivers, streams, lakes and aquifers:
  - (i) Based on the freshwater values and objectives; and
  - (ii) That reflect tāngata whenua values and interests.
- (f) Set water allocation and water quality limits for rivers, streams and aquifers based on the freshwater values and objectives, that have regard to:
  - (i) The reasonably foreseeable impacts of climate change;
  - (ii) The connection between water bodies;
  - (iii) The connection between freshwater bodies and coastal water;
  - (iv) The connection between land use, water quantity and water quality;
  - (v) The connection between groundwater and low temperature geothermal resources, where applicable;
  - (vi) The level of reliability for abstraction from rivers and streams;
  - (vii) Whether water is to be allocated to a particular type of use or value; and

- (viii) The protection of significant values of wetlands and outstanding freshwater bodies.
- (g) Consider the status of new takes under section 14(3)(b) of the Act and permitted activity takes within fully allocated catchments, and the extent to which these as well as existing takes under section 14(3)(b) and permitted activities should be accounted for within limits.
- (h) Identify opportunities to incorporate mātauranga and tikanga Māori into fresh water planning, management and decision making.
- (i) Identify methods to avoid or phase out over-allocation of water.
- (j) Identify opportunities to enhance water availability in areas under abstraction pressure.
- (k) Identify opportunities to improve the efficient allocation and use of water, including:
  - i) Metering and reporting;
  - ii) Shared use and management of water such as water user groups and rostering; and
  - iii) Community awareness and education.
- (l) Identify specific actions to manage water allocation, including triggers for water take restrictions during times of low water flows or aquifer levels.
- (m) Consider initiating a collective review of resource consents, in accordance with section 128(b) of the Act, once a rule imposing environmental flows and levels is made operative.

**WQ P3**

Take steps to phase out over-allocation, where applicable, by 1 October 2027, by:

- (a) Encouraging voluntary reductions in allocation.
- (b) Reviewing resource consents to determine reasonable and efficient use requirements and whether any efficiency gains can be made, including through altering the volume, rate or timing of take.
- (c) Rostering users or reducing the rate of take.
- (d) Encouraging the establishment of water user groups and voluntary agreements between water users, provided that does not enable an increase in the actual volume of water abstracted.
- (d) Directing applicants to consider alternative sources including water harvesting, storage or roof water.
- (e) Shared reduction applied to all users of the water resource, including permitted activity volumes via a plan change.

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# Appendices

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# Appendix 1 – Resource Management Act – Section 32

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Requirements for preparing and publishing evaluation reports

- (1) An evaluation report required under this Act must—
  - (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
  - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
    - (i) identifying other reasonably practicable options for achieving the objectives; and
    - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
    - (iii) summarising the reasons for deciding on the provisions; and
  - (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
- (2) An assessment under subsection (1)(b)(ii) must—
  - (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
    - (i) economic growth that are anticipated to be provided or reduced; and
    - (ii) employment that are anticipated to be provided or reduced; and
  - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
  - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- (3) If the proposal (an amending proposal) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—
  - (a) the provisions and objectives of the amending proposal; and
  - (b) the objectives of the existing proposal to the extent that those objectives—
    - (i) are relevant to the objectives of the amending proposal; and
    - (ii) would remain if the amending proposal were to take effect.
- (4) If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.
- (5) The person who must have particular regard to the evaluation report must make the report available for public inspection—
  - (a) as soon as practicable after the proposal is made (in the case of a standard or regulation); or
  - (b) at the same time as the proposal is publicly notified.

(6) In this section,—

**objectives** means,—

- (a) for a proposal that contains or states objectives, those objectives:
- (b) for all other proposals, the purpose of the proposal

**proposal** means a proposed standard, statement, regulation, plan, or change for which an evaluation report must be prepared under this Act

**provisions** means,—

- (a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:
- (b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.

## Appendix 2 – Resource Management (Measurement and Reporting of Water Takes) Regulations 2010

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The Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 (national water metering regulations) require the metering of all consented takes over 5 L/s.<sup>134</sup> These regulations require water users to:

- Take continuous measurements
- Keep daily records of cubic metres taken (regional councils may give written approval for weekly records)
- Keep records specifying 'zero' when no water is taken
- Keep records in an auditable format
- Use a water measuring device or system that is
  - Suited to the qualities of water it is measuring
  - Sealed and tamper proof
  - Installed where water is taken
  - Accurate to within a specified level
  - Verified as accurate by a person who is qualified
  - Able to provide data in a form suitable for electronic storage
- Provide records to the regional council, in writing, for the period 1 July to 30 June for each year of the resource consent, within one month of the year ending

The national water metering regulations apply to all water takes greater than 5 L/sec, and apply immediately to all consents granted on or after 10 November 2010 unless it is for a renewal of a previous consent. For renewals and consents granted before 10 November 2010, the compliance deadlines are:

- 20 L/second or more: by 10 November 2012
- 10 L/sec up to 20 L/sec: by 10 November 2014
- 5 L/sec up to 10 L/sec: by 10 November 2016

### Other relevant legislation and regulation

The Bay of Plenty Regional Policy Statement Policies WQ1A promotes efficient water uses, and Policy WQ 8B(e) requires consent holders to measure and report the actual amount of water taken.

The National Policy Statement Freshwater Management Policy CC1 requires regional councils to:

- establish and operate a freshwater quantity accounting system
- maintain a freshwater accounting system at levels commensurate with the significance of the freshwater quantity issues

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<sup>134</sup> Ministry for the Environment <http://www.mfe.govt.nz/node/18135>. Unconsented takes, consented takes if <5L/s, consented takes for geothermal or coastal water, and non-consumptive takes do not require metering. Also see: <http://www.mfe.govt.nz/publications/fresh-water/measuring-and-reporting-water-takes-introduction-resource-management>

Policy CC2 requires every regional council to take reasonable steps to ensure information gathered in accordance with Policy CC1 is available to the public, regularly and in a suitable form.



## Appendix 3 – NPSFM Evaluation

Evaluation of how the NPSFM is given effect to in the Plan Change.

<p><b>Objective A1</b></p> <p>To safeguard:</p> <ul style="list-style-type: none"> <li>(a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and</li> <li>(b) the health of people and communities, at least as affected by secondary contact with fresh water;</li> </ul> <p>in sustainably managing the use and development of land, and of discharges of contaminants.</p> <p><b>Objective A2</b></p> <p>The overall quality of fresh water within a region is maintained or improved while:</p> <ul style="list-style-type: none"> <li>(a) protecting the significant values of outstanding freshwater bodies;</li> <li>(b) protecting the significant values of wetlands; and</li> <li>(c) improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.</li> </ul> <p><b>Policy A1</b></p> <p>By every regional council making or changing regional plans to the extent needed to ensure the plans:</p> <ul style="list-style-type: none"> <li>(a) establish freshwater objectives in accordance with Policies CA1-CA4 and set freshwater quality limits for all freshwater management units in their regions to give effect to the objectives in this national policy statement, having regard to at least the following: <ul style="list-style-type: none"> <li>(i) the reasonably foreseeable impacts of climate change;</li> <li>(ii) the connection between water bodies; and</li> <li>(iii) the connections between freshwater bodies and coastal water; and</li> </ul> </li> <li>(b) establish methods (including rules) to avoid over-allocation.</li> </ul>	<p>Achieving Objective A1 requires setting limits for both water quality and quantity, and to develop a range of methods to achieve them. It requires a holistic, or whole of catchment, response using a variety of tools and methods. PC9 is focussed on water quantity at a region-wide scale in the interim until more specific limits are set through the WMA process. A conservative approach has been taken in setting the interim allocation limits (WQ P5).</p> <p>In accordance with Policy E1, Council has a programme of implementation for the NPSFM that involves the progressive development of the Plan.</p> <p>In relation to Objective A2, the third requirement is the improvement of quality in over-allocated water bodies. In the NPSFM, over-allocation occurs where the resource has been allocated (either in terms of water extracted and/or used, or an amount of contaminant discharged) beyond a limit or to the extent that a freshwater objective for a water body is no longer being met. PC9 provisions provide a more robust regime for managing water allocation than present and will be re-evaluated as part of the WMA process. The policies have been drafted to differentiate between over and under-allocated catchments such that in over-allocated catchments resource consent applications will generally be declined. It is noted that as part of the WMA limit setting process it may be determined that the region-wide provisions are already sufficient to achieve the outcomes sought (and therefore give effect to the NPSFM) such that there is no need to replace the region-wide limits with more specific limits.</p>
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<p><b>Policy A2</b></p> <p>Where freshwater management units do not meet the freshwater objectives made pursuant to Policy A1, every regional council is to specify targets and implement methods (either or both regulatory and non-regulatory), in a way that considers the sources of relevant contaminants recorded under Policy CC1, to assist the improvement of water quality in the freshwater management units, to meet those targets, and within a defined timeframe.</p>	
<p><b>Objective B1</b></p> <p>To safeguard the life-supporting capacity, ecosystem processes and indigenous species, including their associated ecosystems of fresh water, in sustainably managing the taking, using, damming or diverting of fresh water.</p> <p><b>Objective B2</b></p> <p>To avoid any further over-allocation of fresh water and phase out existing over-allocation.</p> <p><b>Objective B3</b></p> <p>To improve and maximise the efficient allocation and efficient use of water.</p> <p><b>Policy B1</b></p> <p>By every regional council making or changing regional plans to the extent needed to ensure the plans establish freshwater objectives in accordance with Policies CA1-CA4 and set environmental flows and/or levels for all freshwater management units in its region (except ponds and naturally ephemeral water bodies) to give effect to the objectives in this national policy statement, having regard to at least the following:</p> <ul style="list-style-type: none"> <li>(a) the reasonably foreseeable impacts of climate change;</li> <li>(b) the connection between water bodies; and</li> <li>(c) the connections between freshwater bodies and coastal water.</li> </ul> <p><b>Policy B2</b></p> <p>By every regional council making or changing regional plans to the extent needed to provide for the efficient allocation of fresh water to activities, within the limits set to give effect to Policy B1.</p>	<p>These provisions relate to water quantity.</p> <p>In implementing Objective B1 what is required to achieve safeguarding will be catchment specific hence at a region-wide level a conservative approach has been taken to instream minimum flows (WQ P5) and a precautionary approach to allocation where there is uncertainty around effects (WQ P7).</p> <p>Avoiding future over-allocation while phasing out any existing over-allocation is a specific component of PC9. The policies have been drafted to differentiate between over and under-allocated catchments such that in over-allocated catchments resource consent applications will generally be declined thus achieving implementation of Policies B5 and B6. To support PC9 an allocation status report has been prepared. The accounting requirements (Part CC) will be further used at the next stages when limits are considered for FMUs.</p> <p>Policy guidance is provided regarding the criteria for the transfer of water permits (WQ P23). To improve and maximise the efficient allocation of water a series of rules, permitted to restricted discretionary, are included.</p> <p>The proposed rules along with the policy guidance will provide for the efficient use of water within the conservative interim allocation limits that have been set in accordance with Policy B1.</p> <p>While target-setting for addressing over-allocation within specified timeframes is to be done at a freshwater management unit scale (in accordance with Policies A1 and B6), a policy framework has been established to phase out over-allocation by October 2027, where applicable.</p>

<p><b>Policy B3</b></p> <p>By every regional council making or changing regional plans to the extent needed to ensure the plans state criteria by which applications for approval of transfers of water take permits are to be decided, including to improve and maximise the efficient allocation of water.</p> <p><b>Policy B4</b></p> <p>By every regional council identifying methods in regional plans to encourage the efficient use of water.</p> <p><b>Policy B5</b></p> <p>By every regional council ensuring that no decision will likely result in future over-allocation – including managing fresh water so that the aggregate of all amounts of fresh water in a freshwater management unit that are authorised to be taken, used, dammed or diverted does not over-allocate the water in the freshwater management unit.</p> <p><b>Policy B6</b></p> <p>By every regional council setting a defined time frame and methods in regional plans by which over-allocation must be phased out, including by reviewing water permits and consents to help ensure the total amount of water allocated in the freshwater management unit is reduced to the level set to give effect to Policy B1.</p>	
<p><b>Objective C1</b></p> <p>To improve integrated management of fresh water and the use and development of land in whole catchments, including the interactions between fresh water, land, associated ecosystems and the coastal environment.</p> <p><b>Policy C1</b></p> <p>By every regional council managing fresh water and land use and development in catchments in an integrated and sustainable way, so as to avoid, remedy or mitigate adverse effects, including cumulative effects.</p>	<p>These provisions of the NPSFM seek to ensure that the use and development of land is managed in a way that takes into account its effects, including cumulative effects, on water quality. This Plan Change does not directly address water quality however the policy framework (WQ P2) sets out what is required to be included through the Water Management Areas process.</p>

<p><b>Objective CA1</b></p> <p>To provide an approach to establish freshwater objectives for national values, and any other values that:</p> <ul style="list-style-type: none"> <li>(a) is nationally consistent; and</li> <li>(b) recognises regional and local circumstances.</li> </ul> <p><b>Policy CA1</b></p> <p>By every regional council identifying freshwater management units that include all freshwater bodies within its region.</p>	<p>Policies CA1 to CA4 contain a prescriptive process (the National Objectives Framework - NOF) on how freshwater objectives are to be established. This includes identifying freshwater management units and then values for each unit. The Plan Change sets out the Water Management Areas (WQ P1) and process (WQ P2) but does not go any further. As the focus of this Plan Change is on water allocation, other potential catchment issues such as water quality are only addressed to the extent necessary to provide for water allocation and the Plan does not make comprehensive provision for them.</p>
<p><b>Objective CC1</b></p> <p>To improve information on freshwater takes and sources of freshwater contaminants, in order to:</p> <ul style="list-style-type: none"> <li>(a) ensure the necessary information is available for freshwater objective and limit setting and freshwater management under this national policy statement; and</li> <li>(b) ensure information on resource availability is available for current and potential resource users.</li> </ul> <p><b>Policy CC1</b></p> <p>By every regional council:</p> <ul style="list-style-type: none"> <li>(a) establishing and operating a freshwater quality accounting system and a freshwater quantity accounting system for those freshwater management units where they are setting or reviewing freshwater objectives and limits in accordance with Policy A1, Policy B1, and Policies CA1-CA4; and</li> <li>(b) maintaining a freshwater quality accounting system and a freshwater quantity accounting system at levels of detail that are commensurate with the significance of the freshwater quality and freshwater quantity issues, respectively, in each freshwater management unit.</li> </ul>	<p>The requirement for Council to establish and operate freshwater quality and quantity accounting systems under these provisions of the NPSFM takes effect on 1 August 2016.</p> <p>This Plan Change is limited to freshwater takes. WQ P26 requires permitted activity takes to be registered. WQ P24 requires the installation of water measuring devices and specifies reporting intervals to provide detailed and timely information about actual water use. WQ P25 requires freshwater management units (where objectives have been set) to establish, maintain and make publicly available a freshwater quantity accounting system.</p>

<p><b>Objective D1</b></p> <p>To provide for the involvement of iwi and hapū, and to ensure that tāngata whenua values and interests are identified and reflected in the management of fresh water including associated ecosystems, and decision-making regarding freshwater planning, including on how all other objectives of this national policy statement are given effect to.</p> <p><b>Policy D1</b></p> <p>Local authorities shall take reasonable steps to:</p> <ul style="list-style-type: none"> <li>(a) involve iwi and hapū in the management of fresh water and freshwater ecosystems in the region;</li> <li>(b) work with iwi and hapū to identify tāngata whenua values and interests in fresh water and freshwater ecosystems in the region; and</li> <li>(c) reflect tāngata whenua values and interests in the management of, and decision-making regarding, fresh water and freshwater ecosystems in the region</li> </ul>	<p>These provisions generally seek to provide for the involvement of iwi and hapū and consideration of tāngata whenua values and interests in the management of freshwater. Consultation has occurred as part of developing the Plan Change (section 4 s32 report). Bay of Plenty Iwi Management Plans have been reviewed and reported on with regard to freshwater planning. Feedback from and implications for Māori have been considered. (refer report: Region-wide Water Quantity Plan Change: Summary of Māori feedback on Draft Plan Change and resulting changes in provisions (BOPRC 2016a)).</p>
<p><b>Policy E1</b></p> <ul style="list-style-type: none"> <li>(a) This policy applies to the implementation by a regional council of a policy of this national policy statement.</li> <li>(b) Every regional council is to implement the policy as promptly as is reasonable in the circumstances, and so it is fully completed by no later than 31 December 2025.</li> <li>(ba) A regional council may extend the date in Policy E1(b) to 31 December 2030 if it considers that: <ul style="list-style-type: none"> <li>(i) meeting that date would result in lower quality planning; or</li> <li>(ii) It would be impracticable for it to complete implementation of a policy by that date.</li> </ul> </li> <li>(c) Where a regional council is satisfied that it is impracticable for it to complete implementation of a policy fully by 31 December 2015, the council may implement it by a programme of defined time-limited stages by which it is to be fully implemented by</li> </ul>	<p>The implementation of the NPSFM in relation to region wide water allocation is part of Council's programme of staged implementation provided for under Policy E1, which was formally adopted by the Council on 14 December 2015.</p>

<p>31 December 2025 or 31 December 2030 if Policy E1(ba) applies.</p> <p>(d) Any programme of time-limited stages is to be formally adopted by the council by 31 December 2015, and publicly notified.</p> <p>(e) Where a regional council has adopted a programme of staged implementation, it is to publicly report, in every year, on the extent to which the programme has been implemented.</p> <p>(f) Any programme adopted under Policy E1(d) by a regional council is to be reviewed, revised if necessary, and formally adopted</p>	
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## Appendix 4 – Iwi and Hapū Management Plans

Twenty-four Iwi and Hapū Management Plans contained provisions directly relevant to this Plan Change. Those plans are listed in the table below. The report on these is:

- Bay of Plenty Regional Council (2016). Region-wide Water Quantity Plan Change: Review of Iwi and Hapū Management Plans.

<b>Iwi/Hapū Management Plans within the Mauao Constituency</b>
<ul style="list-style-type: none"> <li>• Matakana and Rangiwāea islands Hapū Management Plan (2012)</li> <li>• Nga Aukati Taonga o Tapuika me Waitaha (1993)</li> <li>• Nga Taonga Tuku Iho: Pirirakau Hapū Environmental Management Plan (2004)</li> <li>• Ngāi Te Ahi Hapu Management Plan (2013)</li> <li>• Ngāi Tamawhariua Hapu Management Plan (2015)</li> <li>• Ngāti Pūkenga Iwi ki Tauranga Trust Iwi Management Plan (2013)</li> <li>• Ngāti Tapu Ngāi Tukairangi Hapū Management Plan (2014)</li> <li>• Ngāti Whakaue ki Maketū Iwi Resource Management Plan Phase 2 (2011)</li> <li>• Tapuika Environmental Management Plan (2014)</li> <li>• Tauranga Moana Iwi Management Plan (2016)</li> <li>• Te Mahere a Rohe mo Ngāti Rangitihī - Ngāti Rangitihī Iwi Environmental Management Plan (2012)</li> <li>• Te Awanui Tauranga Harbour Iwi Management Plan (2008)</li> <li>• Te Awaroa Ngāti Kahu Hapu Environmental Management Plan (2011)</li> <li>• Te Mana Taiao O Ngāi Tamarawaho Hapu Management Plan (2014)</li> <li>• Te Whatu Natural Resources Environment Management Manual (2002)</li> <li>• Waitaha Iwi Management Plan (2014)</li> </ul>
<b>Iwi/Hapū Management Plans within the Kohi Constituency</b>
<ul style="list-style-type: none"> <li>• Ngāti Manawa Environmental Scoping Report (April 2007)</li> <li>• Ngāti Whare Iwi Management Plan (19 March 2011)</li> <li>• Tawharau o Nga Hapū o Whakatōhea (1993)</li> </ul>
<b>Iwi/Hapū Management Plans within the Ōkurei Constituency</b>
<ul style="list-style-type: none"> <li>• Ngāti Rangiwewehi Iwi Management Plan (2008)</li> <li>• Te Taiao o Te Whatuoranganuku. Ngāti Tamateatutahi-Ngāti Kawiti Hapū Environmental Management Plan (2015)</li> <li>• Te Rautaki Taiao a Raukawa – Raukawa Environmental Management Plan (2015)</li> <li>• Te Tūāpapa o nga wai o Te Arawa / Te Arawa Lakes Trust Cultural Values Framework (2015)</li> <li>• Tūhourangi Tribal Authority Enhanced Iwi Environment Resource Management Plan (2011)</li> </ul>

Refer to the review of iwi and hapū management plans<sup>135</sup> for the individual assessments of these plans.

<sup>135</sup> Bay of Plenty Regional Council (2016e).

## Appendix 5 – Summary of Feedback

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### **Region-wide Quantity Plan Change: Summary of feedback on Draft Plan Change and resulting changes to provisions**

Bay of Plenty Regional Council  
5 Quay Street  
PO Box 364  
Whakatane 3158  
NEW ZEALAND

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# Part 1: Introduction

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## 1.1 Report Purpose

This report:

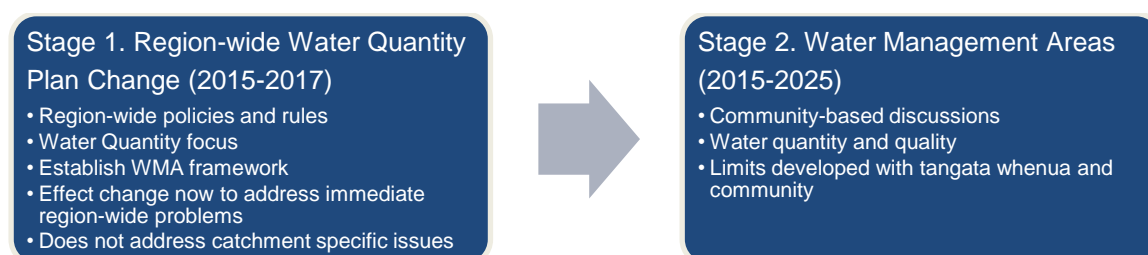
- provides a summary of verbal and written feedback following consultation with the community on the Draft Region-wide Water Quantity Plan Change (Draft Plan Change)
- incorporated information provided in the Summary of Māori Feedback report<sup>136</sup>
- provides responses to feedback, including changes to policies, methods and rules where applicable

Changes made as a result of feedback from Māori, the wider community, and workshops with Councillors is summarised in this report, and has helped to inform the policy process and contributed to the Section 32 evaluation.

## 1.2 Plan Change overview

The National Policy Statement for Freshwater Management 2014 will change freshwater management. The Bay of Plenty Regional Policy Statement also directs changes in freshwater management. Council must set region-wide allocation limits for freshwater, improve allocation (and avoid over-allocation) and ensure efficient use.

The Draft Plan Change was released on 21 August 2015. It aims to improve water allocation and use across the region through changes to policies and rules in the Regional Water and Land Plan (RWLP). The Plan Change precedes the more detailed community discussions within Water Management Areas (WMA), which will result in further changes to the RWLP.



**Figure 13 Freshwater Futures Programme overview**

The Draft Plan Change involves changes within Chapter 5.1 (water quantity policies), Chapter 9.6 (rules), Schedule 7 and Definition of Terms. It includes a number of new or amended Issues, Objectives, Policies, Methods and Rules. Section 3 of this report will provide a breakdown of those changes via topic.

The Draft Plan Change was publically released on 21 August 2015. The three-month period for feedback closed on 1 December 2016.

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<sup>136</sup> BOPRC (2016). Region-wide Water Quantity Plan Change: Summary of Māori feedback on Draft Plan Change and resulting changes to provisions. File reference A2394488.

## Part 2: Engagement with the community

### 2.1 Engagement overview

<b>Engagement period</b>	21 August 2015 – 1 December 2015  <i>In response to requests from Iwi, the public and Komiti Māori for additional time, the deadline for feedback was extended from 2 October to 1 December 2015.</i>
<b>Purpose of engagement</b>	To gain feedback on the Draft Plan Change, particularly new provisions <sup>137</sup> , prior to formalising a Proposed Plan Change.
<b>Challenges with engagement</b>	Ensuring: <ul style="list-style-type: none"> <li>• messaging about the issues/concerns raised and the reasons for the Plan Change is clear</li> <li>• information about the Draft Plan Change is clear and is distributed effectively</li> <li>• people have the opportunity to discuss the potential implications of the Draft Plan Change and provide feedback</li> <li>• clarity between the two stages – the Draft Plan Change and the WMA process</li> <li>• clarity around this process and other Council events and processes occurring at the same time e.g. establishment of the WMA community groups, Lake Rotorua nutrient rules, Rena consent hearing.</li> </ul>
<b>Engagement materials</b>	<ul style="list-style-type: none"> <li>• Three fact sheets available online and at public meetings: <ul style="list-style-type: none"> <li>□ Factsheet 1 – Overview</li> <li>□ Factsheet 2 – What is in the Draft Plan Change</li> <li>□ Factsheet 3 – Implications for Maori</li> </ul> </li> <li>• The Draft Plan Change (clear copy and marked up version)</li> <li>• All supporting / technical documents were available on a dedicated Draft Water Quantity Plan Change webpage (<a href="http://www.boprc.govt.nz/environment/water/freshwater-futures/water-quantity-plan-change/">http://www.boprc.govt.nz/environment/water/freshwater-futures/water-quantity-plan-change/</a>)</li> </ul>
<b>Methods of engagement</b>	Community meetings and targeted engagement (including sector / industry / Iwi Authorities / Hapu / Māori Land Trusts and Incorporations).
<b>Dissemination of information</b>	Through a dedicated webpage, emails and media releases.

<sup>137</sup> Provisions – policies and methods including rules

## 2.2 Schedule of meetings and presentations

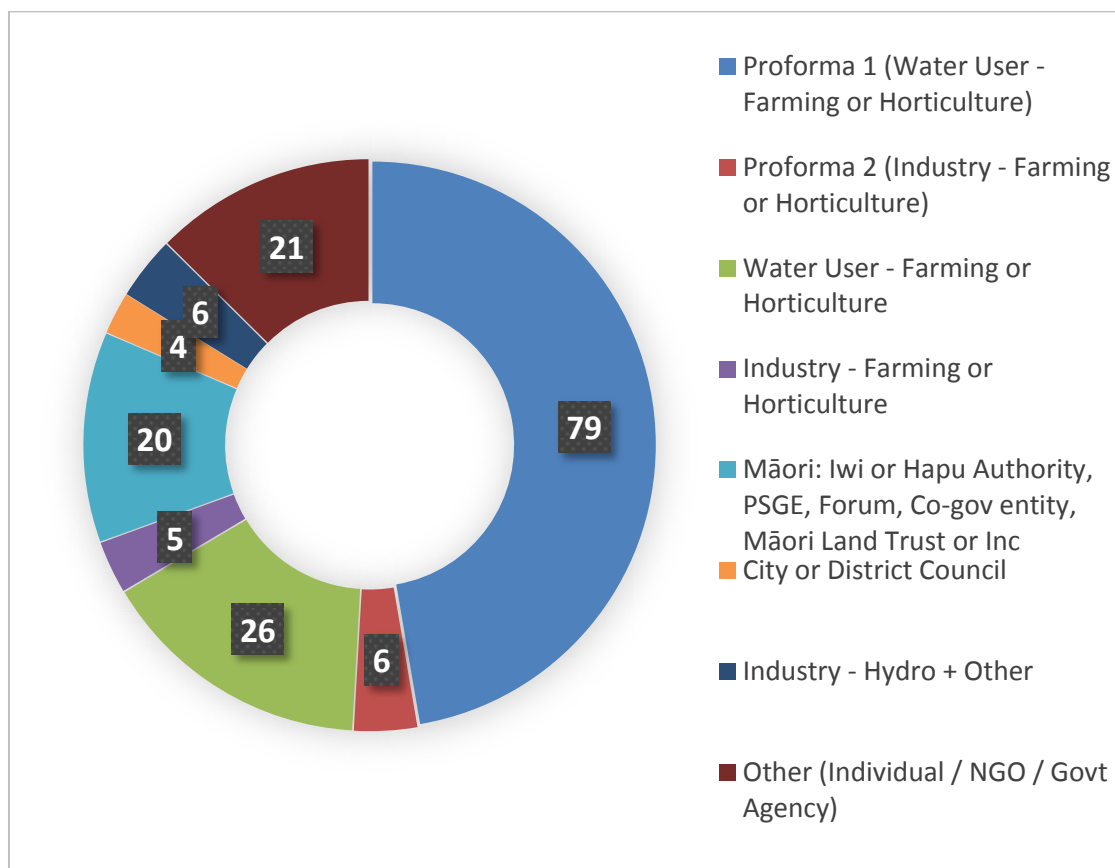
The following is a schedule of all meetings and presentations held over the engagement period.

Date of Meeting	Type and Location of Meeting
28 August	Hui with iwi authority, marae and land trust representatives, Rotorua
8 September	Community Meeting, Te Puna
9 September	Hui with Māori Land block and Ngāi Te Rangi representatives, Mount Maunganui
10 September	Presentation to Māori Growers Forum, Mount Maunganui
15 September	Hui with Tuhoe Executives and Staff, Taneatua
16 September	Hui with CNI Iwi Land Management Ltd, Whakatāne
16 September	Community Meeting, Kiwi360
21 September	Hui hosted by Manaaki Te Awanui Trust, Tauranga
22 September	Coast Community Board, Tōrere
23 September	Community Meeting, Whakatāne
1 October	Komiti Māori Hui, Rotorua
1 October	Hui with Ngāti Rangiwewehi / Te Tahuhu o Tawakeheimoa Trust, Rotorua
5 October	Rural Professionals Meeting, Rotorua
6 October	Rural Professionals Meeting, Whakatāne
6 October	Rural Professionals Meeting, Tauranga
7 October	Te Maru o Kaituna River Authority Meeting, Tauranga
9 October	Hui with iwi authority, marae and land trust representatives, Rotorua
14 October	Community Meeting, Galatea
19 October	Hui with Māori Investments Ltd, Pūtauaki Trust, Ngāti Tūwharetoa Holdings Ltd and Ngāti Tūwharetoa (BOP) Settlement Trust, Kawerau
20 October	Meeting with Federated Farmers, Edgecumbe
3 November	Hui with Ngāti Whakahemo representatives, Mount Maunganui
5 November	Hui with Tapuika Iwi Authority representatives, Te Puke
9 November	Hui with Ngāti Pūkiao representatives, Maketu
16 November	Meeting with Rotorua Lakes Council staff, Rotorua
16 November	Federated Farmers Meeting, Rotorua
17 November	Fonterra / Dairy Industry Meeting, Awakeri
18 November	Presentation to SmartGrowth Implementation Committee, Tauranga
20 November	Presentation to WBOPDC Te Arawa ki Takutai & Tauranga Moana Partnership Forums, Tauranga
24 November	Community Meeting, Waiotaha
24 November	Community Meeting, Te Kaha
25 November	Regional Water Advisory Panel Meeting
1 December	Presentation at Rabobank NZ Client Function, Te Puke

## Part 3: Key feedback themes

Feedback was provided via channels including by telephone, in person/at a meeting, post, and email. A feedback form was developed, comprising 11 specific questions relating to the Draft Plan Change. The majority of submitted feedback was received using on this form.

In total, 172 pieces of written feedback were received from consent holders, industry groups, Iwi Authorities, Māori Land Trusts, interest groups and local authorities. Half of the responses were farmer or grower-based pro-forma feedback forms.



**Figure 14 Sources of written feedback (excludes five late responses)**

A number of topics within the Draft Plan Change received a lot of feedback, both positive and negative. Sections 3.1 to 3.7 of this report provide a summary of feedback regarding specific 'hot topics'. Sections 3.8 and 3.9 summarise feedback relating to other topics and matters outside of the Draft Plan Change.

### 3.1 Special rule for existing municipal supplies

The Draft Plan Change introduces a new ‘controlled activity’ rule for municipal water supply takes to acknowledge the special role they have for communities. This would mean that all applications to renew consents for existing municipal takes must be granted. Council would reserve control over a number of matters, including measures to avoid adverse effects on mauri and tāngata whenua values and interests.

This section summarises feedback received in relation to two specific questions.

#### 3.1.1 Feedback question: Should existing consents for municipal water supply takes have guaranteed right of renewal?

Category	Comments
In favour of this rule but conditional	<ul style="list-style-type: none"> <li>Requirements for storage (in particular rain water tanks), efficient use, recycling and efforts to minimise wastage (including education programme).</li> <li>No adverse environmental effects (“they still need to demonstrate their usage is not causing detrimental effect to the water source”).</li> <li>That the water is not taken away from existing consent holders.</li> <li>That the water is not used for irrigation or industrial uses or piped to areas outside of the applicable catchment.</li> </ul>
Local Authority feedback <sup>138</sup>	<ul style="list-style-type: none"> <li>Supportive of rule and Water Management Plan requirement.</li> <li>WDC would like clarification of how “effectiveness and efficiency of the distribution network to minimise water loss” will be assessed.</li> <li>RLC is not averse to a controlled activity status so long as it is clear that any resource consent application should go hand in hand with working with our iwi regarding future renewals for water takes prior to lodging resource consent.</li> </ul>
Not supportive of Rule	<ul style="list-style-type: none"> <li>Concern about equity: <ul style="list-style-type: none"> <li>Councils should go through the same process as other large scale consent holders. Same rule for all.</li> <li>It is a special rule privilege.</li> <li>This right should be for all consent holders provided the core activity hasn’t changed.</li> </ul> </li> <li>Clarity on what type of activities apply with a municipal take: <ul style="list-style-type: none"> <li>Municipal water needs to be broken down into its different users and different rights given to different users. Industrial, amenity and recreational users should not have the same rights as domestic users.</li> <li>Clarify definition of municipal supply and how it differs from domestic water use. Look at policy 80B and consider marae use.</li> <li>Concern for use of municipal supplies used for irrigation and industrial users.</li> <li>Concerns about water banking, and the use of water for other purposes.</li> <li>This elevates a priority right for freshwater for commercial and industrial activities in the urban areas whether or not this is an efficient allocation or use. We are also aware of horticultural users</li> </ul> </li> </ul>

<sup>138</sup> Rotorua Lakes Council, Whakatāne District Council, Western Bay of Plenty District Council, and Tauranga City Council.

Category	Comments
	<p>connected to reticulated supplies.</p> <ul style="list-style-type: none"> <li>□ What is the definition of municipal supply – this could be similar to what marae supply technically is.</li> <li>• Ensure tāngata whenua are involved in the development of any water take application from Councils in a meaningful way.</li> <li>• New municipal takes should be considered as Discretionary Activities.</li> <li>• Any priority (which should be limited to essential drinking and sanitation needs) must be determined by the community at a Water Management Area.</li> </ul>

There were also a few comments about terminology used within the information sheet and feedback form:

- Use of “controlled activity” is a preferred term than “guaranteed right of renewal”
- Priority for renewal should not be confused with a “guaranteed right of renewal”. Provisions in the Plan Change should guide how priority is to be determined.

One respondent raised an important point about unintentional conflict with Clauses 2 and 3 of Rule 41C:

- Clause 2 of Rule 41C restricts the rate and volume of water to that authorised by the existing (expiring) water permit.
- Clause 3 requires a Water Management Plan that meets the requirements of Schedule 7 to be provided with the consent application.
- Schedule 7 clearly anticipates that the amount of water required will / may increase as the population served by the supply increases, and such an increase is therefore expected to be deemed to be ‘reasonable’.
- Rule 41C does appear to anticipate that additional rates or volumes can be allocated as one of the matters of control is: b) the rate and volume of water to be taken.

### 3.1.2 Feedback question: Are the Water Management Plan requirements in Schedule 14<sup>139</sup> Schedule 7 of the Discussion Document adequate to ensure that municipal takes are efficient?

Category	Comments
Yes	<ul style="list-style-type: none"> <li>• No additional comment x 7.</li> <li>• All local authorities who provided feedback were supportive of the Water Management Plan requirement.</li> </ul>
Yes with clarification / amendments	<ul style="list-style-type: none"> <li>• Item (c)<sup>140</sup> only applies to times of water shortage, but should also apply at all times. Should include measures to reduce overall demand.</li> <li>• Should include plans for phasing in metering of all domestic premises.</li> <li>• RPS Policy WQ7B needs to be implemented<sup>141</sup>.</li> </ul>

<sup>139</sup> The draft plan change/discussion document referred erroneously referred to Schedule 14, when it was intended to be schedule 7.

<sup>140</sup> Schedule 7(c) – “how the water supplier will manage water used by all sector at times of water shortage when restrictions are being placed on all consented uses of water”

Category	Comments
	<ul style="list-style-type: none"> <li>• Māori need to be included in all of this criteria.</li> <li>• Need to encourage collection of grey water and re-use in urban areas (including requirements under the building act for new developments).</li> <li>• Buildings should be required to have rain collection and storage for own usage.</li> <li>• Metering of all users should be a requirement.</li> <li>• Water shortages: <ul style="list-style-type: none"> <li>□ enforceable steps are taken to prioritise sectors of municipal supply and reduce consumption for non-essential uses.</li> <li>□ the different municipal users need to have different prioritisations applied dependent on their use is e.g. domestic taking priority over industrial but industrial not taking priority over crop survival and capital root stock survival water.</li> </ul> </li> </ul>
No	<ul style="list-style-type: none"> <li>• It does little to demonstrate the municipal supply is being taken or used efficiently – 4 additions recommended.</li> <li>• Every house should have its own rain water collection and storage facilities for their own usage.</li> <li>• Any initiative that impinges on Maori as kaitiaki and their right to self-determination and customary right over their lands and resources should be abandoned. Instead, Maori should be resourced to monitor and manage their water resources.</li> <li>• Who is ultimately accountable for breaches of municipal consents? The urban users only have their water meters recorded quarterly and estimated. Strongly oppose best practise to be regulation but “good” practise is ok.</li> </ul>

#### Response

- Added new Policy 69B to recognise the essential nature of domestic, marae and municipal water supply in support of rule for municipal takes
- Addition to rule to give Council control over extent of consultation with Maori
- Minor strengthening of management plan requirements.
- New definition of municipal water supply.

### 3.2 Water metering and reporting

The draft provisions introduce new metering and reporting rules for all consented takes to account for water use. Specifically:

- All consented water takes would have a water meter that records daily use. The cost of installing and maintaining a meter will be met by the water user.
- All takes larger than 5L/s will require electronic reporting of use e.g. telemetry, except where there are practical difficulties such as a lack of cell phone coverage.

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<sup>141</sup> When applying for land use and/or subdivision consent the applicant shall consider alternative sources of water, and where reasonable, implement water conservation measures and the benefits of water collection and reuse and/or recycling

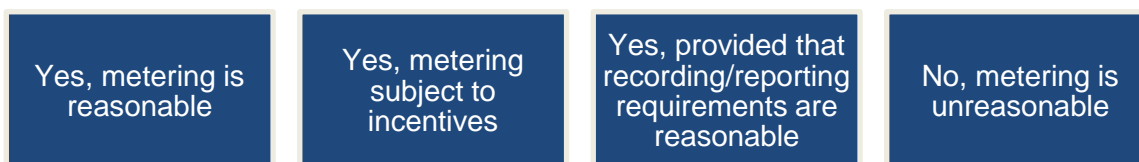


### 3.2.1 Feedback question: How reasonable is it for all consented takes to have a water meter installed and for all takes larger than five litres to report water use electronically (e.g. telemetry)?

#### The feedback question

1. It was evident in some of the feedback that there were issues with the wording and associated interpretation of the question:
  - There was an error in question e.g. “takes larger than five litres” – should have been L/s, e.g.
    - *“5 litres is small (drinking water for 2 people per day), 10 litres is more significant and should be the minimum.”*
  - The question was confusing. It essentially contained three questions: Should all consented takes be metered? Should there be electronic reporting? If so, what is the threshold – 5 L/s? As a result, it was difficult to determine which part of the question was being responded to. E.g.
    - *“Meters are a good thing but not convinced 5 litres has to be minimum”*
  
2. There were some negative comments about metering of water in general. It is possible that the messaging and communications material did not clarify the minimum requirements already in place for metering and reporting under the national water metering regulations.

#### Feedback themes



Category	Comments
Yes, metering is reasonable	<ul style="list-style-type: none"> <li>• A lot of support for metering to encourage efficient use and reduce wastage.</li> <li>• This information shall be made available to Ngati Rangiwewehi on request.</li> <li>• Water usage should be monitored and measured, in both Urban and Rural Districts. Own Bore owners are metered and also have a fair volume calculated, for their activity.</li> </ul>
Agree to metering, subject to incentives	<ul style="list-style-type: none"> <li>• “As the data is required by the Regional Council there must be more of an incentive for this process. Should the Regional Council consider the requirement of metering as a given the procurement of such a large number of meters should provide the opportunity for economies of scale and price reductions from supplies”.</li> <li>• Cost should be borne by the council for an initial period of 10 years</li> <li>• Will there be a reduced compliance fee for those landowners who provide continuous telemetry monitoring?</li> </ul>
Agree to metering and	<ul style="list-style-type: none"> <li>• Provided that:               <ul style="list-style-type: none"> <li>□ the frequency is reasonable and cost is not excessive</li> <li>□ the information and raw data is publicly available.</li> </ul> </li> </ul>

Category	Comments
reporting, subject to conditions	<ul style="list-style-type: none"> <li>□ The metering verification rules are revised (15-20mm meters have shown to be accurate for up to 15 years)</li> <li>• “It is not practical (cost vs value of daily information 365 days per year) to expect all users &gt; 5 litres / sec to install telemetric measuring equipment that adds value to Council on just a few of the days per year. The Regulations only require annual reporting.”</li> <li>• “It is not reasonable to have a "one size fits all" policy on metering and reporting of water use”. Suggested use of stepped recording and reporting requirements depending on use. <ul style="list-style-type: none"> <li>□ Low volume users - an annual estimate of water use should be easily verified by physical evidence.</li> <li>□ Should only be used for large takes over say 1500 m3 / 24 hours</li> <li>□ Water meters for commercial / industrial consented water takes uses.</li> <li>□ Water takes in over allocated catchments.</li> <li>□ Where the manager of the property is living some Km distance from the meter, or the meter is in a remote place difficult for the Council staff to get to.</li> <li>□ Electronic reporting should only apply to takes greater than 10 L/s (70+ pieces of feedback to this effect) – other respondents suggested 15 L/s, 20 L/s or 100 L/s.</li> </ul> </li> <li>• Recording frequency - some preferred weekly recording, others preferred monthly averaging of water takes.</li> <li>• Reporting frequency - Instead of daily reporting, some preferred monthly reporting, others preferred three monthly reporting. One respondent suggested weekly reporting over a specified period (1 Feb to 31 May) with monthly reporting outside of that period.</li> <li>• Methods of reporting – Suggested use of web based data entry by user or uploading of data from XLS files or in Council specified format.</li> <li>• Record accuracy is more important than the speed at which the council receives the data.</li> <li>• Revised metering verification rules (15-20mm meters have shown to be accurate for up to 15 years.</li> <li>• Short term construction dewatering should be exempt from metering.</li> </ul>
Metering and reporting is not reasonable	<ul style="list-style-type: none"> <li>• Metering &amp; water accounting requirement not supported - can use measured, estimated and modelling.</li> <li>• Undue cost on farmers for no reason, waste of money.</li> <li>• “Consent holders should not be paying an arm and a leg for the so called "right" to use water”.</li> <li>• The current system works well. Why add substantial costs to the rural sector which cannot pass costs on?</li> <li>• Too cumbersome for a small orchard with low irregular usage for filling the occasional spray tank and drinking supplies for a few animals</li> <li>• No – “we have a consent but no irrigating has been done for over 17 years and we do not intend doing any irrigating in the future. We do not wish to relinquish our resource consent as it may be required in the future. We should not be required to install a water meter”.</li> </ul>

Response

- Significant change to requirements under Policy 73B by increasing the frequency of reporting especially for surface water takes
- Specified when meters are required for Permitted Activity takes
- Daily reporting required for all surface water takes over 2.5 l/s and groundwater takes over 5 l/s.

**3.3 Changes to permitted takes – groundwater**

The Draft Plan Change amends existing Rule 38 by reducing the permitted groundwater volume from 35m<sup>3</sup> to 15m<sup>3</sup> per property per day. There is no change to the volume for permitted surface water takes.

The Draft Plan Change also amends Rules 38 and 41, requiring both permitted surface and ground water takes to be registered with the Council. Some of these takes may be metered, on request.

**3.3.1 Feedback question: Do you support the reduction in the permitted groundwater limit from 35 m<sup>3</sup>/day to 15 m<sup>3</sup>/day?**

Yes, subject to conditions

- Evidence-based reason
- Reduction occurs later (e.g. after metering; WMA)
- Only relates to new takes

No

- Lack of evidence / justification
- Equity
- Implications of blanket reduction

Category	Comments
Yes	<ul style="list-style-type: none"> <li>• This is a reasonable change and should reduce wastage. But requires a process for reviewing this on an individual case by case basis if a valid argument for greater need is shown.</li> <li>• This will enable better accounting of water usage.</li> <li>• This appears to be reasonable to support a range of small-scale uses, such as on lifestyle blocks and some agricultural and horticultural uses</li> <li>• In principle yes but what is the science behind this reduction? What will 15m<sup>3</sup>/day do and how much will it alter what we already do?</li> <li>• Yes, provided that:               <ul style="list-style-type: none"> <li>□ the limits are supported by robust evidence</li> <li>□ there is on a Controlled Activity allocation of 50m<sup>3</sup>/day for any rural production activity (not just existing dairy shed use)</li> <li>□ t reduction is introduced later (not now) once the full results of metering can be meaningfully assessed.</li> <li>□ this only relates to new water takes e.g. grand-parent existing operations.</li> </ul> </li> </ul>
No	<ul style="list-style-type: none"> <li>• Lack of Evidence / Justification               <ul style="list-style-type: none"> <li>□ Council has not provided sufficient reasoning to justify the significant reduction in permitted activity volumes. Council needs to have a greater understanding of the groundwater resource first.</li> <li>□ It is not entirely clear how the maximum permitted take of 15 cubic metres per day, or both ground and surface water per property was</li> </ul> </li> </ul>

Category	Comments
	<p>arrived at.</p> <ul style="list-style-type: none"> <li>□ What is the basis and justification for the 15 m<sup>3</sup>/day (for both sources)?</li> <li>□ A science based decision needs to be the default.</li> <li>□ There is no evidence that 15m<sup>3</sup>/day is an adequate groundwater limit</li> </ul> <ul style="list-style-type: none"> <li>• Too draconian a measure / may be insufficient to run some businesses</li> <li>• Suggested alternatives - 20 m<sup>3</sup>/day, 25 m<sup>3</sup>/day</li> <li>• This also may need to be done on a catchment basis as the requirements are very different.</li> <li>• Equity - If there is essentially no limit for drinking water or domestic supply for large dairy farms then as a small horticultural user we should be able to take under 35m<sup>3</sup>/day. This amount allows a reasonable area to be irrigated at a time. A total annual take may be more practical as irrigation use generally occurs over a period of a few months.</li> <li>• Combining the volume of takes regardless of source is not supported. Has the effect of significantly reducing current permitted take from 50m<sup>3</sup>/day to 15m<sup>3</sup>/day.</li> <li>• Maori should not be dictated by a governing partner but instead should be resourced to set up their own monitoring and control system.</li> <li>• We have heaps of water under the ground and volumes flowing into the oceans. Why limit water further, this is not Saudi Arabia?</li> <li>• Implications of a blanket reduction <ul style="list-style-type: none"> <li>□ all dairy farmers in the region will require a consent, including numerous farmers who are compliant with the current provisions.</li> <li>□ This will come at a significant cost to farmers, in addition to the costs associated with the requirement to meter and register water takes.</li> <li>□ This would impose an unnecessary cost and investment on many land owners. They are not sure if reducing the groundwater take will have enough benefit to justify the cost. Many affected will not large operators.</li> <li>□ This is a direct contradiction to Council's desire to understand what is actually being used.</li> <li>□ This change will cause all avocado growers with more than 40 trees to shift to consented water takes and increase costs.</li> </ul> </li> </ul>
'Per property' Issue	<ul style="list-style-type: none"> <li>• A better allocation basis than a 'per property take' could be utilised.</li> <li>• Recommend replacing "property" with the more certain "title" – this is more certain and removes the risk of property amalgamation (including adding a lease block to an existing property) in an over allocated catchment resulting in decreased available permitted water</li> <li>• Needs to be based on land size + land use not one size fits all</li> <li>• The words 'per property' deleted as it bears little relevance purpose of the take (i.e. the 'activity'). It is very common for an activity to occur across more than one property title e.g. via lease agreements.</li> <li>• It should be based on property size not per property i.e. a large dairy farm or orchard would most likely require more than 15m<sup>3</sup> per day</li> <li>• The comparison of size of property may be more suitable for setting limits e.g. 1/2 hectare property or 300 hectares will have different possible needs. Any reductions need to be based on science and not opinions.</li> <li>• Need to keep it so that takes can be per title rather than per enterprise but all takes must be monitored if used for other than domestic use</li> <li>• Should be dependent upon the property size (or stock units) – not per property.</li> </ul>

### Response

- Reverted to operative plan volume of 35m<sup>3</sup>/property/day for properties of 5 ha or more
- Retained reduced volume of 15m<sup>3</sup>/property/day for properties less than 5ha.

### 3.3.2 Should permitted activities be registered and, if requested, metered?

#### Observation

1. The question was confusing as it essentially contained two questions e.g. should permitted activities be registered? Should permitted activities be metered on request? In some cases, it was difficult to ascertain what part of the question was being responded to e.g. “the cost of administration and monitoring may be greater than the perceived benefits”

<b>Registered</b> • Yes • No – justification	<b>Metering</b> • Yes - conditional • No – cost, onerous • Marae to be exempt	<b>Cost implication of changing existing rule</b> • water user • council
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Category	Comments
Register – Yes	<ul style="list-style-type: none"> <li>• The requirement to register permitted water takes will improve Council’s understanding of water availability. This will require additional financial and administrative support and capacity from Council.</li> <li>• Subject to a practical and cost effective process being established.</li> <li>• Yes, to enable the NPSFM to be implemented.</li> <li>• Municipal, commercial and industrial permitted activities should all be registered.</li> <li>• Criteria should be set requiring metering otherwise the activity has all the hallmarks of being discretionary.</li> </ul>
Register – No	<ul style="list-style-type: none"> <li>• What purpose would this service apart from add costs and bureaucracy?</li> <li>• Revenue gathering at its worst.</li> <li>• The cost of administration and monitoring may be greater than the perceived benefits.</li> </ul>
Metering on request – Yes	<ul style="list-style-type: none"> <li>• particularly in catchments where the resource is constrained</li> <li>• Where there are suspicions of over usage, meters should be installed by the Regional Council at their expense</li> <li>• On the condition that:               <ul style="list-style-type: none"> <li>□ Council provides reasonable notice prior to installing meters and requiring meter readings.</li> <li>□ Council investigates options and opportunities to develop efficient procedures and processes to offset costs where practical</li> <li>□ There are lower reporting/compliance standards due to costs</li> <li>□ We have a say in the meter type and costing</li> </ul> </li> <li>• Yes, unless they are domestic-only takes.</li> <li>• Yes, applicable for cowshed usage.</li> </ul>
Metering on	<ul style="list-style-type: none"> <li>• Metering and water accounting requirements are unduly onerous and</li> </ul>

Category	Comments
request – No	<ul style="list-style-type: none"> <li>not supported.</li> <li>Revenue gathering at its worst.</li> <li>It is expensive to meter permitted activities. The water take can be identified by multiplying the number of registered permitted activities by the water take limit.</li> </ul>
Exemption from metering	<ul style="list-style-type: none"> <li>marae and urupa (based on the infrequent use of marae).</li> <li>marae, however suggest an allocated an amount of water such as 15m<sup>3</sup>/day which will help in the data collection process.</li> </ul>
Cost implication of rule amendment	<ul style="list-style-type: none"> <li>Those with water takes under 15m<sup>3</sup>/day will face costs associated with demonstrating compliance with rule 38 which requires registration, installation of a meter, meter reading etc.</li> </ul>

#### Response

- Retained requirement to register Permitted Activity takes

### 3.4 Special rule for existing dairy shed use

This section relates to new Rule 41A. The Draft Plan Change introduces a new controlled activity rule to encourage existing dairy shed activities (milk-cooling, wash down) over 15m<sup>3</sup>/day to be authorised via a time-limited consent process (12 months from Proposed Plan notification). The rule, as currently drafted, does not require notification.

#### 3.4.1 Feedback question: Do you agree with the approach of special one-off provisions for existing dairy shed use? If not, why not? Do you prefer other solutions (please specify)?

<p>Conditional Support</p> <ul style="list-style-type: none"> <li>Longer timeframe</li> <li>Remove metering</li> </ul>	<p>Oppose</p> <ul style="list-style-type: none"> <li>Equity / fairness (RPS implications)</li> <li>What happens in an over-allocated catchment? (NPS implication)</li> <li>Implications for Hydro Catchments</li> </ul>	<p>Alternatives suggested</p>
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Category	Comments
Agree	<ul style="list-style-type: none"> <li>No problem with this / no real concern about controlled activity status.</li> <li>It a good thing to give enough time for farmers to come on board - however it is a very difficult financial climate at moment.</li> <li>Generally, support the rule, but consider that 12 months may be administratively difficult.</li> <li>Subject to: <ul style="list-style-type: none"> <li>Inclusion of 'measures to avoid adverse effects on existing users' in matter over which Council reserves it control</li> <li>Amend timeline to 24 months or stage implementation according to priority Water Management Areas.</li> <li>Extend timeframe under point (3) to 2 years</li> </ul> </li> </ul>

Category	Comments
	<ul style="list-style-type: none"> <li>□ Delete Advisory Note point (1) - Permitted activity volumes should be able to be taken above and beyond any consented volumes.</li> <li>□ Delete metering and reporting requirements and address once robust s32 evaluation has been completed against NPSFM accounting guidelines – does not support daily reporting.</li> </ul>
Disagree	<ul style="list-style-type: none"> <li>• What happens in an over-allocated catchment? Granting a consent in an over allocated catchment is contrary to the requirements of the NPS.</li> <li>• Equity / Fairness: <ul style="list-style-type: none"> <li>□ Why should a dairy farmer who dries off his cows for 60 days be able to take 15m<sup>3</sup> for the other 305 days as a controlled right when an orchardist does not have the same certainty of supply?</li> <li>□ It seems divisive to promote the status of an activity based on type of activity rather than yearly use.</li> <li>□ RPS seeks to provide for rural production activities. It does not differentiate between types of activities.</li> <li>□ One sector should not receive an advantage at the expense of other sectors</li> <li>□ It is inequitable to give priority to unauthorised users over those who follow the correct legal process<sup>142</sup></li> <li>□ Inconsistent application for water takes between users i.e. dairy activities, unregulated irrigators and municipal supply. Preferential treatment of some water user sectors over other is inherently unfair.</li> <li>□ Why should the dairy farmer or dairy shed operator have any less stringent requirements than the grower of horticultural crops?</li> <li>□ Has Council considered the resourcing needed to monitor, enforce and identify illegal takes?</li> <li>□ If there are special provisions of any description they should be distributed to Maori in recognition of and to encourage better partnership relations (Crown-Maori), Maori improved life quality and equity, Maori assertion of their exclusive rights and interests</li> </ul> </li> </ul>
Other solutions / alternatives	<ul style="list-style-type: none"> <li>• Industry advocacy suggestion: <ul style="list-style-type: none"> <li>□ All water users consented (irrespective of volume – better buy in from community)</li> <li>□ Review all consents for reasonable use (within 2 years of notification)</li> <li>□ Set limits with negotiated and consulted timeframe to phase out allocation.</li> <li>□ Establish priority in times of water storage and over allocation.</li> </ul> </li> <li>• Alternative: <ul style="list-style-type: none"> <li>□ Should only apply to catchments that are not fully allocated</li> <li>□ Restricted Discretionary activity for those that are fully allocated. These should be notified or at least subject to limited notification.</li> <li>□ Applicant to show that the take is not going to adversely affect the ecology or mauri. Depending on the size of the herd, it may need to be reduced over time</li> </ul> </li> <li>• If the take is currently unlawful, then special consideration could only be given if the source of water is not over-allocated. In over-allocated catchments, farmers could be given time to reduce their herds or</li> </ul>

<sup>142</sup> s104(2A) of the RMA – consideration of the value of an investment – only applied to an existing consent holder

Category	Comments
	<p>negotiate with other water users in the catchment who could be willing to transfer allocation</p> <ul style="list-style-type: none"> <li>• Should only seek to authorise existing unauthorised water takes that fit within the existing or interim allocation regimes for waterbodies</li> <li>• There are ways in which shed wash down water use can be reduced.</li> </ul>
Other	<ul style="list-style-type: none"> <li>• No information is provided on how many water users may be taking water without the appropriate authorisation or what volume of water is being abstracted.</li> <li>• The rigid definition of efficient use at 70 litres per cow per day is also likely to be problematic</li> <li>• Intent acknowledged but this will require additional financial and administrative support and capacity from Council. It also requires efficient procedures and processes to offset costs where practical to both Council and existing water users who will be impacted by the proposed rule</li> <li>•</li> </ul>

### 3.4.2 Feedback question: Should the dairy shed take applications be processed on a non-notified basis (without consultation)?

Category	Comments
Agree	<ul style="list-style-type: none"> <li>• A dairy shed should be non-notified</li> <li>• No one could be considered to be adversely affected by the application of these conditions.</li> </ul>
Disagree	<ul style="list-style-type: none"> <li>• This removes the ability for involvement in the process, especially for culturally significant waterways</li> <li>• Applications in fully or over-allocated catchments should be notified or at least subject to limited notification</li> </ul>

#### Response

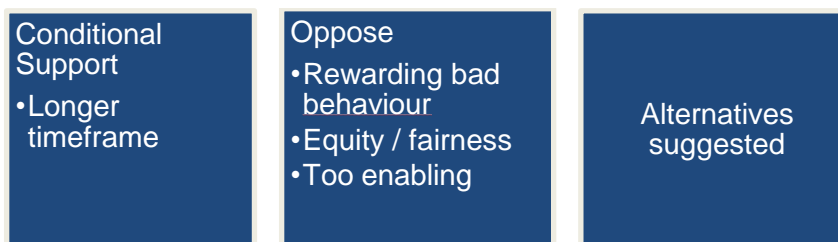
- Retained Rule 41A providing for existing unauthorised dairy shed takes to be granted resource consent as controlled activity subject to conditions.

## 3.5 Unauthorised irrigators

This section relates to new Rule 41E. The draft Plan change introduces a new restricted discretionary rule to encourage unauthorised irrigators to gain a resource consent. The new rule would only apply for 12 months from the date the Proposed Plan Change is operative after which any new applications would not have any special consideration.



3.5.1 **Feedback question: Do you agree with the approach of special one-off provisions for and unauthorised irrigators? If not, why not? Do you prefer other solutions (please specify)?**



Category	Comments
Agree	<ul style="list-style-type: none"> <li>• This should be for frost protection only as this is essential to protect the crop.</li> <li>• They should be allowed to continue as their business/ livelihood may be based on the ability to irrigate</li> <li>• Because the viability of their enterprise may be compromised</li> <li>• The softening of rules to encourage existing users who require, but do not have resource consent for their activities to become authorised is supported</li> <li>• Subject to:               <ul style="list-style-type: none"> <li>□ Inclusion of 'measures to avoid adverse effects on existing users' in matter over which Council reserves its discretion</li> <li>□ the same conditions applying to all other existing users</li> <li>□ the water user meeting normal consent conditions</li> <li>□ consent application in within 6 months not 12 months. Process to be completed within 18 months.</li> </ul> </li> <li>• Supportive of any approach which will encourage unauthorised users to participate and assist in resolving existing over allocation issues.</li> <li>• This is probably the only option for them to come forward, I agree they are not guaranteed all water</li> <li>• Trying to encourage those with unconsented takes to come forward needs buy in from water users. And gain trust and confidence and to contribute. They will be given time enough and this gives time to process the applications</li> <li>• Of course. Let people use water for irrigation. It will flow through to the community by way of prosperity. Why limit prosperity?</li> </ul>
Disagree	<ul style="list-style-type: none"> <li>• Why haven't these uses been addressed via enforcement action?</li> <li>• Does Regional Council know how many unauthorised irrigators there are in its region? If Council doesn't know, why don't they know? If Council does know, why hasn't something been done before now? And finally what is Council's 'Plan B' if this approach doesn't work as hoped? Aside from waiting until the 12-month timeframe runs out?</li> <li>• Unauthorised use               <ul style="list-style-type: none"> <li>□ This is rewarding illegal behaviour.</li> <li>□ They have no 'rights' if they have used water without consent.</li> <li>□ There are risks associated with encouragement of bad behaviour, which may result in some starting to take water illegally now, to get in the 'queue'.</li> <li>□ Has Council considered the resourcing needed to monitor, enforce and identify illegal takes?</li> <li>□ This area is probably the one where the most abuse of the resource can be had. Therefore, specify what or who the</li> </ul> </li> </ul>

Category	Comments
	<p>unauthorised irrigators are and request an estimated usage. This would also require an irrigation plan for the next three to five years.</p> <ul style="list-style-type: none"> <li>□ All unauthorised irrigators must apply for resource consent and be subject to the same requirements. It is of concern that council are unaware of the number of unauthorised irrigators.</li> <li>□ Such irrigators have had the 'benefit' of acquiring free water for who knows how long while others have endeavoured to meet their legal obligations and incurring cost to do so.</li> <li>□ Law breakers should not be rewarded. They should apply as new applicants and penalties for illegal takes increased. Water is a major issue and illegal taking and use should be severely penalised.</li> <li>□ Any current unauthorised user should go through exactly the same process as everyone else</li> </ul> <ul style="list-style-type: none"> <li>• Equity / Fairness: <ul style="list-style-type: none"> <li>□ One sector should not receive an advantage at the expense of other sectors</li> <li>□ It is unfair to give priority to unauthorised users over possible new applications especially in an over allocated area</li> <li>□ It is unfair to give unauthorised users an advantage.</li> <li>□ This is not acceptable when one considers that other developments, including development of some Māori and Treaty Settlement land are constrained by the lack of available water!</li> <li>□ concerns over “Special rules” that allow any one group to have preferential access to water that creates an advantage for them</li> <li>□ inconsistent application for water takes between users i.e. dairy activities, unregulated irrigators and municipal supply. Preferential treatment of some water user sectors over other is inherently unfair.</li> <li>□ If there are special provisions of any description they should be distributed to Maori in recognition of and to encourage better partnership relations (Crown-Maori), Maori improved life quality and equity, Maori assertion of their exclusive rights and interests.</li> <li>□ It is unclear why there is a difference in activity status for dairy shed takes and irrigation / frost protection takes. Likewise, for takes upstream of hydro-electric power schemes.</li> </ul> </li> <li>• This provision is too enabling.</li> <li>• Making irrigation and frost protection a restricted discretionary activity would seem to contradict the intent of the District Plan that was extensively consulted on (i.e. farming is a permitted activity).</li> </ul>
Unclear	<ul style="list-style-type: none"> <li>• A transition period is recommended. If the unauthorised / illegal take is significant there may be a question to ask if they should actually benefit from the legitimising of their activity.</li> <li>• Water is not endless, and thus if you choose to irrigate, you must pay for that water source, in fairness to all that don't irrigate, and if you allow irrigation, it must be available to all who want to irrigate. In regards to any Consent issued to Irrigate, if water resource become low, then their Consent to irrigate is cancelled until further notice to commence</li> <li>• On the face of it this action would tidy up messy areas. It also smacks of rewarding unauthorised persons. The ideal would be to provide a process to tidy up, which should include some form of penalty in the form of donation to local community group/organisation. Defaulters knowingly engaged in the activity should not get off, but could be</li> </ul>

Category	Comments
	<p>assisted to rectify the situation. Those unknowingly could be given leeway to fix the situation and make a contribution to some worthy cause.</p> <ul style="list-style-type: none"> <li>• The more permissive framework does not apply in cases of over-allocation.</li> </ul>
Other solutions / alternatives	<ul style="list-style-type: none"> <li>• Industry advocacy suggestion: <ul style="list-style-type: none"> <li>□ All water users consented (irrespective of volume – better buy in from community)</li> <li>□ Review all consents for reasonable use (within 2 years of notification)</li> <li>□ Set limits with negotiated and consulted timeframe to phase out allocation.</li> <li>□ Establish priority in times of water storage and over allocation.</li> </ul> </li> <li>• All unauthorised irrigation is identified and given a temporary consent. Meter to be installed. Then have 2-3 years to obtain a consent.</li> </ul>

### 3.5.2 **Feedback question: To qualify for these special rules, applicants must prove that they had an existing take. In what ways could an applicant prove that they were an existing water user?**

#### Proof of existing water use

- Pictures and GPS locations of the bore/take, set up of equipment, size of takes, estimates of usage and purpose of take and estimation of any on-site storage capacity.
- Through crop records and any other records.
- Existing infrastructure e.g. property is set up for irrigating it must be obvious they were water users.
- If the business has been owned and operated by the same ownership for the past 2 years and has been conducting the same business in the same manner it should be self-explanatory
- Metering over a period of 3-5 years.
- The presence of deep water wells, large pumps and irrigation infrastructure such as pipes and sprinklers are clear evidence. However, evidence of existing water use should not provide the basis for authorisation of unlawful use, unless perhaps if the water body is clearly under-allocated.

#### Response

- Deleted provisions relating to unauthorised irrigators due to Council and horticultural industry joint programme to address problem.

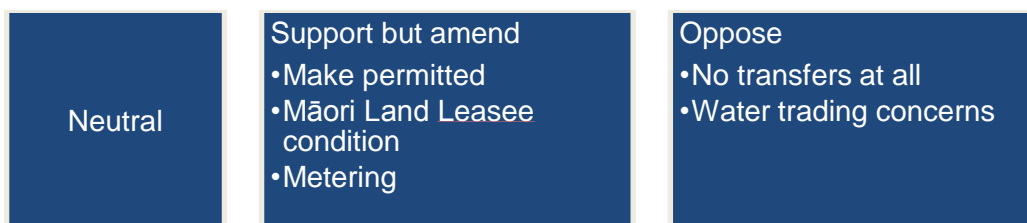
## 3.6 **Transfers**

Water permit transfers are already provided for by s136 of the RMA – these are currently processed as discretionary activities. The National Policy Statement for Freshwater Management (NPSFM) also directs Council to “state criteria by which applications for approval of transfers of water take permits are to be decided, including to improve and maximise the efficient allocation of water”.

This section relates to new provisions to provide further guidance on the transfer of water permits in particular:

- Amended Policy 73(e) – promote efficient use of freshwater by enabling the transfer of water permits
- New Policy 73A – Criteria within which transfers can occur.
- New Rule 41D – Controlled activity, provided that certain conditions are met.

Feedback received



Category	Comments
Neutral	<ul style="list-style-type: none"> <li>• Federated Farmers can see some merit in Council adopting a policy position on water transfers. If no such provision is made in the Plan, then permit transfers have to be considered by Council on a case-by-case basis through the process set out in s136 of the RMA. Supports the enabling controlled activity status and requirement under point 5 that the transferred amount is for no more than for the intended use.</li> </ul>
Support	<ul style="list-style-type: none"> <li>• Supports Rule 41D - Supports a rule for the transfer of water takes. This is considered an efficient method to manage the use and allocation of water and the rule gives effect to Policy WQ 1A of the RPS. <ul style="list-style-type: none"> <li>○ Supports a more enabling regulatory approach i.e. Permitted Activity status. The environmental effects and outcomes from a transfer of a water take are known as the take has already been approved; the consent conditions are already established.</li> <li>○ Suggests that a Controlled Activity status is not an 'enabling' approach to a method that can support an efficient use of water. The transaction is market driven and the market is discouraged where the consenting regime is difficult.</li> </ul> </li> <li>• Supports Rule 41D - Fonterra supports the more appropriate and enabling controlled activity status for this activity.</li> </ul>
Amend	<ul style="list-style-type: none"> <li>• Delete Policy 73A(c) as this is irrelevant for surface water (rate of take more important). This is a significant disincentive.</li> <li>• Rule 41D - Suggest amending the water transfer rule: <ul style="list-style-type: none"> <li>○ Longer term transfers (&gt;12 months) – retain a controlled activity status</li> <li>○ For short term transfers (&lt;12 month i.e. within season - transfers could be a permitted activity. Such an approach will help encourage the formation of water user groups to better utilize allocations through sharing, rostering and rationing arrangements.</li> </ul> </li> <li>• Rule 41D – This Plan Change does not protect the potential for a lessee to transfer a water permit for a period longer than their lease and, this could have detrimental impacts on the ability for tāngata whenua to utilize Maori Land. Amend: <ul style="list-style-type: none"> <li>○ Add the following condition: “does not exceed the lease period if the consent applicant is a lessee in relation to Maori Land”.</li> </ul> </li> </ul>

Category	Comments
Oppose	<ul style="list-style-type: none"> <li>• Oppose policy 73(e) – new take, new application</li> <li>• Oppose policy 73A - Water permit retracted new take new application for more effective compliance and monitoring</li> <li>• Oppose Rule 41D - No water transfers. To reduce over allocation all users including existing post the permissive consenting process</li> </ul>
Water Trading	<ul style="list-style-type: none"> <li>• Federated Farmers - We would have serious concerns with and warn against setting up a formal water transfer market and expect that the transfer of water needs to be really strongly linked to a 'reasonable use' test to stop someone 'buying up' all the excess water and then selling it back to potential users. The requirement of (f) should ensure that the end use is legitimate. This is an important component</li> <li>• Concerns that enabling water transfers enables water trading.</li> </ul>
Metering	<ul style="list-style-type: none"> <li>• Metering should be linked to a water trading system based on instantaneous demand and over time enable consents greater than the allowable allocation to be granted.</li> </ul>

### Response

- Revised Policy 73A to add consideration of surrender of a proportion of the allocated water in an over allocated resource
- New Permitted Activity rule 41E to provide for temporary transfers within a water user group.
- New Restricted Discretionary Activity Rule 41F for transfers where not permitted or controlled.

## 3.7 **Managing takes at low flows or aquifer levels**

The RWLP contains existing provisions about how takes are to be managed at low river or stream flows. The Draft Plan Change seeks to provide greater clarity around how water takes will be managed during low river or stream flows as well as low aquifer levels – what actions are taken and what type of uses are prioritised if water take restrictions are applied. These provisions take effect when:

- Surface water flows or aquifer levels fall below minimum flows or levels set within Water Management Areas or,
- A water shortage direction is issued (s329 RMA)

A range of tools are outlined in Policy 80A including water take restrictions, which is based around an existing RWLP method. Of particular significance is the introduction of new Policy 80B which gives priority of use for certain types of uses during water take restrictions: domestic and sanitation needs; animal drinking needs; non-consumptive takes and municipal water supplies.

## Feedback received



Category	Comments
General	<ul style="list-style-type: none"><li>Disagree with prioritising certain uses over others during water take restrictions – water restrictions should be equitable and apply to all water users. There should be no differential treatment.</li><li>Human health and safety above all other uses should always be the priority</li><li>Stock water supplies and hydroelectric schemes must be protected from water take restrictions</li><li>Need to take into account individual water sources – WMA discussion?</li><li>Water restrictions are not required for groundwater takes</li></ul>
Other uses that should be protected from water take restrictions:	<ul style="list-style-type: none"><li>crop and root stock survival</li><li>water for spray application</li><li>all consented takes</li><li>food processors</li><li>industrial use</li><li>marae</li></ul>
Uses that should be given lower priority	<ul style="list-style-type: none"><li>Municipal supply should not be afforded priority without control over the end use</li><li>Recreational, amenity and industrial uses</li><li>Irrigation</li></ul>

## Response

- Added survival water for crop and rootstock to the priority list under Policy 80B
- Added definition of crop and rootstock survival water.

## 3.8 Hydroelectric power schemes

The National Policy Statement Renewable Electricity Generation 2011 and the Regional Policy Statement both recognise the importance of renewable electricity generation and of maintaining or enhancing capacity. Plan Change 9 has retained the intent of existing policies, but clarified the rights of hydro electric generators and other water users at the expiry of existing consents.

### Feedback received

Category	Comments
Allocation	<ul style="list-style-type: none"><li>• No new water above schemes should be allocated</li><li>• Only those existing unauthorised water takes that fit within the instream flow and allocation limits for the applicable water body should be authorised – otherwise the potential exists for the Regional Council to authorise water takes that in catchments that are either fully, or over-allocated</li><li>• Do not prioritise hydro-electricity generation over other users of water</li></ul>
Unauthorised takes	<ul style="list-style-type: none"><li>• should not be provided with controlled activity status</li><li>• Support providing a way for those taking water above schemes to obtain consent</li></ul>

### Response

- Policy 69 was split into two separate provisions that recognise the importance of maintaining renewable electricity generation (Policy 69) from those relating to other uses upstream of the HEP schemes (Policy 69A).
- Maps included illustrating the upstream area of influence of HEP schemes.

## 3.9 **Water storage**

The Draft Plan Change included an objective, policies and a method to regarding water storage.

When seeking feedback on the Draft Plan Change, water storage was not identified as a key issue to be addressed, as it was considered uncontroversial. Despite this, many submitters made unprompted comments on water storage. The responses to this subject represent, by and large, a more unified viewpoint than on any other issue addressed by the Draft Plan Change. Water storage is supported in principle, and most feedback encourages Council to go further than the proposed draft provisions – advocating for greater Council encouragement and support for water storage than currently provided for, and in some cases the introduction of requirements to store water.

### Feedback received

Category	Comments
Support	<ul style="list-style-type: none"><li>• storage, re-use and efficient use need to become key parts of the Region's water management</li><li>• increase their support for storage and other efficiency and re-use measure</li><li>• provide a supportive regime for water harvesting and water storage devices to reduce pressure on freshwater resources, and to manage differences in water supply between seasons</li><li>• policies must facilitate the development of water infrastructure, including storage, especially in areas which are deemed to be approaching, or at, full allocation</li></ul>

General	<ul style="list-style-type: none"> <li>• the figure of 10% is arbitrary and may foreclose future storage or aquifer recharge options</li> <li>• domestic scale storage: should be an area promoted for new and existing dwellings.</li> <li>• a strategic plan to explore storage options could be advantageous in the future or encourage storage ie divert winter flushes to storage where possible and may help control flooding to some degree</li> <li>• flow and allocation regimes should be established that enable the storage of water at times when water bodies have relatively high flows/levels</li> </ul>
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Water storage is supported in principle, and most feedback encourages Council to go further than existing draft provisions – advocating for greater Council encouragement and support than currently provided for, and in some cases the introduction of requirements to store water.

Response

- Policy 80C amended to clarify Council’s role in helping to investigate options
- New method included to support initiatives by local communities, sector groups or tāngata whenua to identify and evaluate options to enhance water availability.

### 3.10 Water allocation limits

Avoiding further over allocation is a key policy in the NPSFM. The Draft Plan Change identifies interim limits to water allocation from rivers, streams and ground. These limits are to ‘hold the line’ until permanent limits that give fuller account of the range of values that both Māori and community have for water are set in the WMAs.

For streams and rivers the interim limit is a continuation of the default limit in the RWLP and for groundwater the limit identified by the Proposed National Environmental Standard for Ecological flows and water levels is proposed.

The Draft Plan Change gives effect to these limits with policies that require applicants to bring a level of information that’s commensurate with the quantity of the take and the current allocation status of the water resource. It requires a precautionary approach to water allocation where there is uncertainty and has a less onerous activity status for applications to take water that are within the limits.

Feedback received

Category	Comments
General	<ul style="list-style-type: none"> <li>• Provide secondary allocation limits</li> <li>• State that the interim limits are precautionary</li> <li>• Maintain the limits</li> <li>• Increase the amount of water available to allocate</li> <li>• Strengthen the policy framework by stating new allocation above the limits will not generally be granted unless it meets certain criteria</li> </ul>

Response

- Limits remain unchanged as this plan change purpose is to “hold the line” and subsequent plan changes based on involvement of iwi and communities will undertake a robust process to determine appropriate limits at Water Management Area scale



- Policies 68 (surface water proposals) and 70 (groundwater proposals) have been revised to address allocation on the basis of allocation status rather than whether the proposal relates to ground or surface water
- Policy 68 amended to state applications will generally be declined where allocation is already above the limits; Policy 70 is amended to state to consider granting an application that does not result in total allocation exceeding the interim limits. Policy 70 supports Rule 42A and reserves discretion on the effects of the proposed to localised effects on the resource or other users
- Precautionary approach retained in Policy 67A and amended to refer to adaptive management conditions
- Policy 67B amended to refer to secondary allocation.

### 3.11 Other topics

While this report is focused on key feedback themes, it is important to acknowledge the breadth of feedback in relation to the Draft Plan Change. This includes the following:

Category	Comments
General	<ul style="list-style-type: none"> <li>• Policy approach is too prescriptive, not targeted appropriately and overly reliant on regulation to meet statutory requirements. Results in unduly onerous requirements for the smaller water users.</li> <li>• Priority in rural catchments for rural production activities</li> <li>• Phase out date of over allocation</li> <li>• Use of seasonal allocation for surface water</li> <li>• Providing for short term emergency events and construction activities</li> <li>• Status of new 14(3)(b) takes when resource over-allocated</li> <li>• Secondary allocation limits</li> <li>• Frost Protection Water and Spray Tank Filling</li> <li>• Frost protection – determining limits</li> <li>• Greater integration between the objectives and policies of Chapters 4 and 5 of the Operative Plan</li> <li>• Consideration should be given to the use of repetitive clauses that mirror the RMA and other acts.</li> <li>• Abstraction from wetlands or affecting water levels in wetlands – relates only to surface water rule. Should also relate to groundwater rule.</li> <li>• Concerns about removal of Methods 159 and 178</li> <li>• Which provisions are superseded by sub regional plans – how these will take effect</li> <li>• Recognition of existing investment and the social and economic benefits associated with existing users.</li> <li>• Protection of Existing Users - Inconsistency in terminology e.g. Policy 73A(e) refers to “unacceptable adverse effects on existing users” while Rule 41E(b) directs that effects on existing takes be “minimised”.</li> <li>• Renewals of existing consents where interim limit is exceeded</li> <li>• Term of consent – review v renewal, RPS direction</li> </ul>

Rules	<ul style="list-style-type: none"> <li>• Most of these proposed rules are very important to implement as soon as possible, if they are not they will lead to a rush of applicants to get a consent before the new rules are passed into law</li> <li>• Concern about exclusion of mesh screening and intake velocities from the permitted takes in Rules 41, 41A and 42.</li> <li>• Efficiency and effectiveness of blanket rather than targeted rules (for example, in changing permitted activity volumes).</li> <li>• None of the rules include a requirement for financial contributions</li> </ul>
Efficiency of use	<ul style="list-style-type: none"> <li>• Greater support and direction for water storage</li> <li>• Reuse of non-potable water and roof water collection</li> <li>• Storage, re-use and efficient use need to become key features of the region's water policies.</li> <li>• Consideration should be given to reward those who install water storage solutions. For example, a subsidy on water storage tanks installed for domestic or business use.</li> <li>• Should provide a supportive regime for water harvesting and water storage devices to reduce pressure on freshwater resources, and to manage differences in water supply between seasons.</li> </ul>
Specific Māori / Iwi / Tāngata matters	<ul style="list-style-type: none"> <li>• Consents associated with leased Māori owned land</li> <li>• The impact on iwi Māori of water plan changes is a significant issue. Access to water is considered a birth right – a kaitiaki role charged with keeping the water pure and uncontaminated for future generations.</li> <li>• There should be some way for Maori interests and values to be acknowledged and to also have a determination in the management of fresh water in this region.</li> <li>• Consultation time and that the BOPRC Maori Unit was not fully engaged at the outset.</li> <li>• Role of Iwi Environmental Management Plans as a guiding factor in the Plan Change.</li> <li>• Will there be a document that outlines issues for Iwi/tāngata whenua.</li> <li>• Maori should also be equal partners in the decision making. As kaitiaki and a history of managing resources in a sustainable manner prior to colonisation, Maori matauranga and kaitiakitanga should not simply just be recognized and/or consulted but rather resourced and provisioned allocated that allow Maori to engage their sovereign and customary right in manner they feel appropriate and respectful.</li> <li>• Consideration needed regarding the issues and constraints associated with developing Māori Land.</li> <li>• Opposition to greater recognition of the role of tāngata whenua in freshwater management</li> </ul>

Plan Change and consent processes	<ul style="list-style-type: none"> <li>• Notification of applications – addressing cultural concerns in the plan</li> <li>• Cultural Impact Assessments - Tāngata Whenua issues should be addressed at the Plan Change level so that a clear and robust process is established for the consenting framework (as opposed to cultural impact assessments for every consent application)</li> <li>• The consultation process as part of applying for a consent needs to be clearly defined in a language a layman can understand, limited in the time which may be taken to grant the consent, and strict and limited controls on the cost to the applicant</li> <li>• Existing consent holders must have an automatic right to renew water they have previously been using. New suppliers and increases in supplies should only be granted if there is excess available.</li> <li>• Some of your questions and issues are very difficult for the general public to understand which puts us at a disadvantage.</li> </ul>
Consistency with NPSFM and/or RPS	<ul style="list-style-type: none"> <li>• There are no enabling objectives for water use – the focus is entirely on a negative suite of objectives about water quality and quantity. As above this is inconsistent with the RPS and does not give effect to the NPSFM.</li> <li>• Unclear how Objective D1 and Policy D1 (tāngata whenua roles and interests) of the NPSFM is reflected in the Draft Water Quantity Plan Change</li> </ul>

### 3.12 Matters outside of the scope of the Plan Change

Matters out of scope of the Draft Plan Change included the following:

- Water quality
- Iwi rights and interests in freshwater (i.e. national level discussions)
- Concerns about co-management and co-governance of water with Māori
- Drilling and bore rules should be reordered e.g. Drilling rules should come first followed by existing bores then new bores.
- Water use charging (TLA matter)
- Geothermal energy resources
- Impact of grand parenting on land based discharges
- Integration between the objectives and policies of Chapters 4 and 5 of the Operative Regional Water and Land Plan.

*“Whatever we do with our water resources, has to be fair, transparent, and sustainable to future requirements”*

- Feedback provider



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# **Region-wide Water Quantity Plan Change: Summary of Māori feedback on Draft Plan Change and resulting changes to provisions**

***Abridged version (appendices not included)***

Bay of Plenty Regional Council  
5 Quay Street  
PO Box 364  
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NEW ZEALAND

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# Part 1: Introduction

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## 1.1 Report purpose

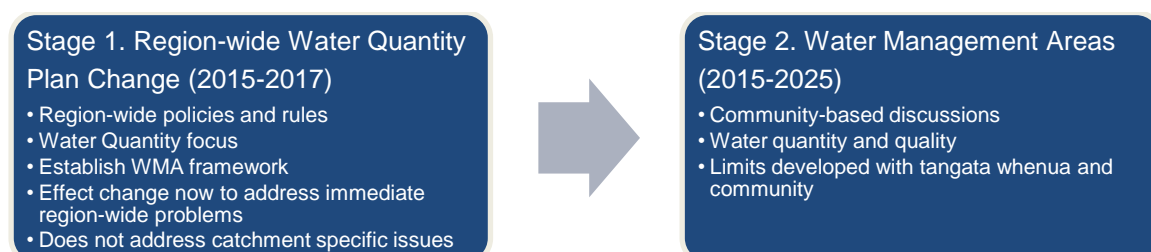
This report:

- provides a summary of verbal and written feedback following consultation with Māori on the Draft Region-wide Water Quantity Plan Change (Draft Plan Change) in 2015
- includes an assessment of the key implications of the Draft Plan Change for Māori
- provides feedback from RDD Committee meetings, Komiti Māori meeting and workshops held in February, May and June 2016
- provides responses to feedback including changes to policies, methods, and rules, where applicable.

The feedback summarised in this report has helped to inform the policy process and has contributed to the Section 32 evaluation.

## 1.2 Plan Change overview

The Draft Plan Change was released on 21 August 2015. It aims to improve the way water is allocated and used across the region, through changes to policies and rules in the Regional Water and Land Plan (RWLP). It will precede the more detailed community discussions within Water Management Areas (WMA), which will result in further changes to the RWLP.



**Figure 15. Freshwater Futures Programme Overview**

## Part 2: Engagement with Maori

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### 2.1 Overview

<b>Engagement period</b>	21 August 2015 – 1 December 2015 <i>In response to requests from Iwi, the public and Komiti Māori for additional time, the deadline for feedback was extended from 2 October to 1 December 2015.</i>
<b>Purpose of engagement</b>	To: <ul style="list-style-type: none"><li>• Gain feedback on the Draft Plan Change, particularly new provisions<sup>143</sup> before anything is formalised in a Proposed Plan Change.</li><li>• Understand the potential implications of the Plan Change</li></ul>
<b>Methods of engagement</b>	Community meetings and targeted engagement (individual / clustered meetings / hui)
<b>Challenges with engagement</b>	Ensuring: <ul style="list-style-type: none"><li>• clear messaging about the issues/concerns raised and the reasons for the plan change.</li><li>• clear information about the Draft Plan Change distributed effectively.</li><li>• people feel they have had an appropriate opportunity to discuss the potential implications of the Draft Plan Change and provide feedback.</li><li>• clarity between the two stages – Draft Plan Change and WMAs.</li><li>• clarity around this process and other Council events and processes happening at the same time e.g. Lake Rotorua nutrient rules, Rena consent hearing.</li></ul>

### 2.2 Target audience for Māori engagement

This was guided by the following:

- Resource Management Act, which requires consultation with tāngata whenua – through Iwi Authorities – in the development of a Proposed Plan Change.
- National Policy Statement for Freshwater Management, which requires Council to take reasonable steps to involve iwi and hapū to ensure that tāngata whenua values and interests are identified and reflected in the management of freshwater.
- The Draft Plan Change itself, comprising changes that may have implications for Māori, particularly Māori Land Trusts (i.e. farmers, horticulturists).

For this reason, Māori engagement on the Draft Plan Change primarily targeted Iwi and Hapū, Post-Settlement Governance Entities, Co-Governance Forums and Māori Land Trusts.

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<sup>143</sup> Provisions – policies and methods including rules

## 2.3 Communications

All Iwi and hapū authorities on Council's database were provided with a copy of the public notice, the draft plan change and fact sheets. The public notice was included in all major Bay of Plenty newspapers, in the August Komiti E-Panui (circulated 20 August) and on a dedicated webpage<sup>144</sup>. The public notice included the dates of all community meetings, which were open to the public, including Iwi authorities and Māori Land Trusts.

Fact sheets were prepared, which were available online and at public meetings:

- Factsheet 1 – Overview
- Factsheet 2 – What is in the Draft Plan Change
- Factsheet 3 – Implications for Maori

The Implications for Māori Factsheet was prepared specifically to summarise some of the ways the changes may affect Māori, as kaitiaki and land managers (i.e. farmers, kiwifruit growers). Refer to Appendix 1 for a copy of this factsheet.

## 2.4 Schedule of meetings and presentations

Five community meetings were held, some of which were attended by Iwi authorities and Māori Land Trust representatives. The following is a schedule of all meetings specifically arranged with Māori over the engagement period.

Date of meeting	Type and location of meeting
28 August	Hui with iwi authority, marae and land trust representatives, Rotorua
9 September	Hui with Māori Land block and Ngāi Te Rangi representatives, Mount Maunganui
10 September	Presentation to Māori Growers Forum, Mount Maunganui
15 September	Hui with Tuhoe Executives and Staff, Taneatua
16 September	Hui with CNI Iwi Land Management Ltd, Whakatāne
21 September	Hui hosted by Manaaki Te Awanui Trust, Tauranga
22 September	Coast Community Board, Tōrere
1 October	Komiti Māori Hui, Rotorua
1 October	Hui with Ngāti Rangiwewehi / Te Tahuhu o Tawakeheimoa Trust, Rotorua
7 October	Te Maru o Kaituna River Authority Meeting, Tauranga
9 October	Hui with iwi authority, marae and land trust representatives, Rotorua
15 October	Workshop Te Maru o Kaituna, Tauranga
19 October	Hui with Māori Investments Ltd, Pūtauaki Trust, Ngāti Tūwharetoa Holdings Ltd and Ngāti Tūwharetoa (BOP) Settlement Trust, Kawerau
3 November	Hui with Ngāti Whakahemo representatives, Mount Maunganui
5 November	Hui with Tapuika Iwi Authority representatives, Te Puke
9 November	Hui with Ngāti Pīkiao representatives, Maketu
20 November	Te Arawa partnership meeting – Western Bay of Plenty District Council

<sup>144</sup> <http://www.boprc.govt.nz/environment/water/freshwater-futures/water-quantity-plan-change>



## 2.6 Change in deadline for feedback

The original deadline for feedback was 2 October. Concerns were raised that the consultation timeframe was inadequate for Māori to appropriately consider and provide feedback on the draft plan change. A timeframe extension was requested.

In response to requests from Iwi, the public and Komiti Māori for additional time, the deadline for feedback was extended from 2 October to 1 December 2015.

## 2.7 How feedback was provided

Feedback was provided via different channels including by telephone, in person / at a meeting, post or email. A feedback form was also developed, comprising 11 specific questions relating to the Draft Plan Change.

22 pieces of written feedback was received from:

- Water Users (e.g. consent holders) and Māori Land Trusts<sup>145</sup>
- Iwi Authorities and Post-Settlement Governance Entities e.g. Tuhoē Te Uru Taumatua, CNI Land Management
- A Co-Governance Forum e.g. Te Maru o Kaituna (Iwi Representatives)
- A Council Forum e.g. Western Bay of Plenty District Council Partnership Forums (Te Arawa Ki Takutai and Tauranga Moana)

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<sup>145</sup> Two of which were provided on farmer/grower-based pro-forma feedback forms

## 2.8 Key feedback themes from Māori engagement

Feedback was invaluable in relation to the potential impacts of the Draft Plan Change for Māori. While there was support for the general intention of the Draft Plan Change, a lot of feedback was received were raised in relation to:

### The fairness of Special Rules

- Municipal Takes
- Existing Dairy Shed Use
- Unauthorised Irrigators

### Special Rule for Municipal Takes

- Where also used for commercial, farming and horticulture
- Implications for Municipal Takes on Maori Land / from significant waterways
  - Water banking

### Special Rule for Existing Dairy Shed Use

- Process within Overallocated status
- Non-notification status

### Special Rule for Unauthorised Irrigators

- Rewarding bad behaviour
- Unfairness given challenges for future Māori Land and Treaty Settlement Land development

Reduction in permitted groundwater take volume (from 35m<sup>3</sup>/day to 15m<sup>3</sup>/day).

- Supportive by some
- Some concerned about lack of justification

Reassurance that water takes for marae and urupā will not require water meters

How the new conditions for permitted takes (e.g. registration) will be monitored and enforced

Enabling water transfers will encourage water trading

### Cost implications for Māori Land Trusts

- requiring resource consents
- compliance and administration costs
  - metering

Involvement in long term limit setting via Water Management Areas

### Consultation on Draft Plan Change

- Lack of prior engagement or communication
- Feedback period too short

### Adequacy of Draft Plan Change to meet requirements:

- NPS for Freshwater Management
- Treaty Settlements - Statutory Acknowledgement Areas
- Iwi Management Plan considerations
- Mataatua Declaration for Water

## Part 3: Implications of the Plan Change on Māori

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The following provides an evaluation of the implications of key components of the Draft Plan Change on Māori, both as kaitiaki, lessors and land managers (e.g. dairy farmers, horticulturalists). This includes consideration for the development of Māori Land and flexibility for recently returned Treaty Settlement Lands with potential for diversification of land use activities, subject to the availability of water.

Changes made as a result of feedback from Māori and the community and workshops with Councillors is briefly summarised below under headings *Response* and *Comment*.

### 3.1 3.1 Use of Special Rules (municipal supplies and unauthorised takes)

#### Overview

The Draft Plan Change introduces a number of special rules for territorial local authorities and individual sectors (dairy farming and horticulture).

#### Feedback

There was some support of the intent to provide for existing municipal takes and account for unconsented takes. However, there was also a lot of opposition to the use of special rules to benefit select groups. Key reasons:

- Fairness and equity were the key reasons, particularly given the challenges of developing Māori Land and Treaty Settlement Land which relies on access to water.
- Most felt that all water users should be treated equally. It is important not to create solutions that benefit a few at the expense of everyone else.
- One hui attendee raised the point that there are major contradictions within the Draft Plan Change e.g. the use of interim limits that are conservative and take a cautious approach to allocation while guaranteeing water for certain groups.

Refer to Appendix 2H for raw feedback relating to the introduction of special rules within this Draft Plan Change.

#### Implications of Special Rules

##### **Implications on Māori, as kaitiaki**

- Inequity and fairness of certain sectors and groups benefitting from special rules
- Enables a better understanding of the extent and cumulative impact of unconsented takes

##### **Implications on Māori, as land owners, lessors and developers**

For existing dairy farmers and horticulturists:

- Will benefit those who meet the criteria for the special rules for dairy shed use and unauthorised irrigation

For Māori Land Trusts with underutilised land and settled Iwi with commercial redress land

Inequity and fairness of certain sectors and groups benefitting from special rules

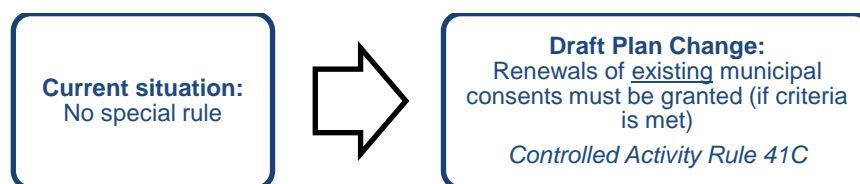
Response:

- deleted special rule for horticultural irrigation

Comment:

- see comments under 3.2 and 3.3

### 3.2 3.2 Special rule for existing municipal supplies



Overview

The Draft Plan Change introduces a new ‘controlled activity’ rule for municipal water supply takes to acknowledge the special role they have for communities. This would mean that all applications to renew consents for existing municipal takes must be granted. All other processes remain the same e.g. affected party assessment, notification determination, subject to a hearing and potentially an appeal.

All new municipal takes or existing takes for a larger volume and/or rate of take would continue to be processed as a discretionary activity.<sup>146</sup> This means that the application may be granted, subject to conditions, or declined.

A review of existing resource consents revealed that 28 are due to expire within the next 10 years. Only some of these would be likely to take advantage of the draft rule because in many cases the territorial authority will seek to increase the volume of water taken.

Feedback

Some feedback providers conditionally supported this rule given the importance for communities. Most feedback was in opposition to this rule, particularly for takes within over allocated catchments. Key reasons include fairness and equity; water banking and inefficient water use.

Some feedback raised concern about aspects that have not been changed – such as the piping of water to other areas, use of municipal water for industrial and irrigation purposes.

Implications of this special rule for existing municipal supplies

**Implications on Māori, as kaitiaki**

- Recognises role of such takes for communities and provides certainty of outcome to local authorities and ratepayers
- Inequity and unfairness relating to:
  - local authorities benefitting from special rules
  - other users connected to municipal supplies (e.g industry, irrigation) having the same benefits as domestic use
- Concerns about inefficient water use. While the new rule would require a comprehensive Water Management Plan to be developed, it doesn't

<sup>146</sup> This is currently the case for existing municipal take renewals

**Implications on Māori, as land owners, lessors and developers**

- address current concerns about efficiency.
  - Concerns about existing water banking as well as piping water to other areas (e.g. Waiari Water Supply example).
  - Discourages Council from engaging authentically with Iwi (i.e. joint venture opportunities with tāngata whenua)
  - May cause issues with the Taniwha Springs take i.e. potentially removes incentive for Council to find an alternative water source.
- For existing dairy farmers and horticulturists:
- Will only benefit those who are connected to a municipal supply scheme
- For Māori Land owners with land capable of diversified land use and settled Iwi with recently returned commercial redress land
- Same as that outlined within the ‘Implications for Māori, as kaitiaki’
  - Concerns about existing water banking and water being piped outside of the catchment. Within fully allocated catchments, this constrains land use change or intensification and potentially locks out new water users

Response:

In consideration of these implications the following Advisory Note (underlined) was added to Draft Rule 41C and recommended to the RDD Workshop of 28 June 2016. The Advice Note adds clarification to controlled activity reserve (g):

*(g) The extent to which the applicant has consulted with and taken into account Māori values.*

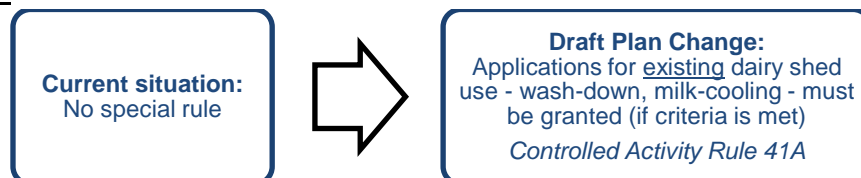
Advisory Note: *Māori values include those of the owners of Māori owned land, if the water source is on such land.*

Comments:

- The advice note provides for owners (their trustees or other agents) of Māori land upon which a municipal water source is located, to be parties to consultation with the applicant of new or renewed consents.
- The consultative process provides opportunities to discuss matters including concerns raised in feedback to the Draft Plan Change document.
- The advice note confirms that Māori values include those of the Māori land owners in addition to iwi authorities

### 3.3 Special rule for existing dairy shed use

Overview



This section relates to new Rule 41A. The draft Plan change introduces a new controlled activity rule to encourage existing dairy shed activities (milk-cooling, wash down) over 15m<sup>3</sup>/day to be authorised via a time-limited consent process (12 months from Proposed Plan notification). The rule, as currently drafted, does not require notification.

## Feedback

Some feedback providers supported the intent of this rule as a mechanism to account for unconsented takes. A lot of concern about fairness and equity associated with special rules for specific groups and the non-notification status of the draft rule.

## Implications of special rule for existing dairy shed use

<b>Implications on Māori, as kaitiaki</b>	<ul style="list-style-type: none"><li>• Enables all unconsented use within a catchment to be accounted for.</li><li>• Inequity and unfairness relating to special rules – advantage of specific sectors having preferential access to water.</li><li>• Non-notification status which means that consultation will not be required. This raises concerns about the ability of Māori to participate in the consent process, particularly in areas recognised as being culturally significant waterways (e.g. Statutory Acknowledgement Areas).</li></ul>
<b>Implications on Māori, as land owners, lessors and developers</b>	<p>For existing dairy farmers:</p> <ul style="list-style-type: none"><li>• Will benefit those who meet the criteria for the draft rule.</li></ul> <p>For Māori Land owners with land capable of diversified land use and settled Iwi with recently returned commercial redress land</p> <ul style="list-style-type: none"><li>• Inequity and unfairness of certain sectors and groups benefitting from special rules, particularly when the development of some Māori and Treaty Settlement land is constrained by the lack of available water.</li></ul>

## Response:

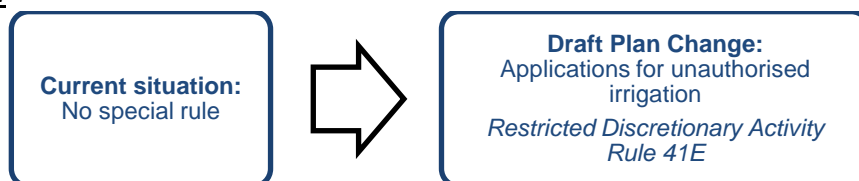
- Rule 41A Controlled – Take and use of water for existing dairy shed wash down and milk cooling purposes retained

## Comments:

- These are relatively small scale takes on large properties
- New requirements for metering and reporting water use on properties where total water use exceeds Permitted activity volume (but does not require resource consent due to part of the water being used for stock drinking water) will ensure Council has more information about these takes

## 3.4 3.4 Special rule for unauthorised irrigators

### Overview



This section relates to new Rule 41E. The draft Plan change introduces a new restricted discretionary rule to encourage unauthorised irrigators<sup>147</sup> to gain a resource consent. The new rule would only apply for 12 months from the date the Proposed Plan Change is operative after which any new applications would not have any special consideration.

<sup>147</sup> Includes irrigation of pasture, crops and orchards

## Feedback

A few feedback providers supported the intent of this rule as a mechanism to account for unconsented takes. A shorter timeframe (6 months) for the rule to apply was suggested. Most feedback expressed significant concern about this rule, in particular that Council is rewarding bad behaviour through the introduction of a special rule, rather than utilising other tools such as compliance, enforcement and water efficiency requirements.

## Implications of special rule for unauthorised irrigators

### **Implications on Māori, as kaitiaki**

- Enables all unconsented use within a catchment to be accounted for.
- Inequity and unfairness relating to special rules – advantage of specific sectors having preferential access to water.
- Rewards bad behaviour

### **Implications on Māori, as land owners, lessors and developers**

For existing dairy farmers and horticulturists:

- Will benefit those unauthorised irrigators who meet the criteria for the draft rule.

For Māori Land owners with land capable of diversified land use and settled Iwi with recently returned commercial redress land

- Inequity and unfairness of certain sectors and groups benefitting from special rules, particularly when the development of some Māori and Treaty Settlement land is constrained by the lack of available water.

## Response:

- Draft Rule 41E has been deleted.

## Comments:

- Council has worked with the industry to develop an operational solution and unauthorised irrigators are currently in the process of seeking resource consent for their water use.
- This addresses most issues about unfairness and inequity of certain sectors and groups benefitting from special rules.

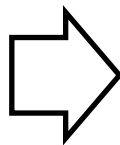
## 3.5 **Water metering and reporting**

### Overview

The RWLP currently requires the installation of a meter in special circumstances e.g. within a fully allocated catchment. The national water metering regulations,<sup>148</sup> introduced in 2010, require a water meter for all consented takes over 5 litres per second.

#### **Current situation:**

- Method 167 – water meter required in specific circumstances
- Water Regulations - All consented takes >5L/s require a meter



#### **Draft Plan Change (Policy 73B):**

- Metering – All consented takes (including those <5L/s)
- Recording – Daily recording of use
- Reporting – In a suitable format for electronic storage and reported annually (< 5L/s) or daily (> 5L/s)

<sup>148</sup> Resource Management (Measurement and Reporting of Water Takes) Regulations 2010. See Appendix 2 for more information on these regulations.

The draft provisions introduce new metering and reporting requirements for all consented takes to improve knowledge and efficiency of water use. Specifically:

- All consented water takes, regardless of rate of take, to have a water meter recording daily use. Installation and maintenance costs met by the water user.
- All takes larger than 5L/s will require electronic reporting of use e.g. telemetry, except where there are practical difficulties such as a lack of cell phone coverage.

#### Feedback

There was a lot of support for the new metering and reporting requirements, provided that the associated costs were reasonable. Suggestions were included such as when electronic reporting should occur (e.g. for larger takes) and ensuring that marae and urupa water use is exempt from metering.

#### Implications of water metering and reporting

The national water metering regulations already require water meters for consented takes over 5L/s. Therefore, this section only considers the implications of water meter requirements for consented takes less than 5L/s and electronic reporting requirements for consented takes over 5L/s.

#### **Implications on Māori, as kaitiaki**

- Enables all consented use within a catchment to be accounted for and encourages greater efficiency of water use.

#### **Implications on Māori, as land owners, lessors and developers**

For existing dairy farmers and horticulturists:

- Greater understanding of actual water use
- Cost of water meters for those consented takes less than 5L/s
- Cost of setting up electronic reporting for those consented takes greater than 5L/s
- Benefit of electronic reporting – greater convenience as manual recording or reporting is required

For Māori Land owners with land capable of diversified land use and settled Iwi with recently returned commercial redress land:

- Future costs associated with metering and reporting requirements once resource consents are obtained

#### Response:

- revised metering requirements have been drafted
- surface water takes requiring resource consent with a rate of take exceeding 2.5 l/s must report water use daily
- groundwater takes with a rate of take exceeding 5 l/s must report daily
- all other takes requiring resource consent must meter and report monthly
- properties where the total water use exceeds the permitted activity volume, but do not require resource consent due to the take being allowed for the purpose of stock drinking water, must meter and report monthly

#### Comments:

- better information supports better water management
- increased costs associated with daily reporting
- marae, urupa and papakainga will not require metering unless in the case of papakainga there are more than 30 households.<sup>149</sup>

<sup>149</sup> 30 households relates to the quantity of water required, which is based on average household water use as per Tauranga City Council website.



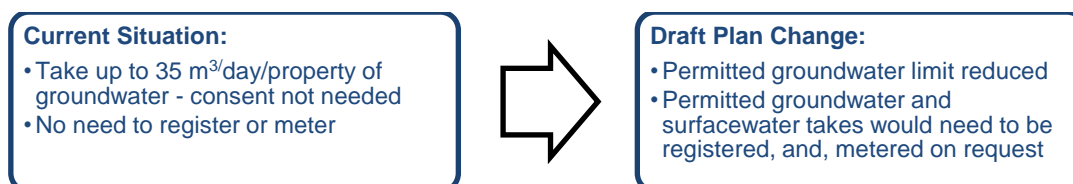
## 3.6 Changes to Permitted Activity takes

### Overview

The RWLP currently permits the taking of water without the need for resource consent, up to the following limits:

- groundwater - up to 35m<sup>3</sup> property per day (Rule 38)
- surface water - up to 15m<sup>3</sup> property per day (Rule 41)

*Note: This amount excludes water taken for an individual's domestic use or stock water requirements, which is already permitted by right via s14(3)(b) of the RMA.*



The Draft Plan Change:

- amends existing Rule 38 by reducing the permitted groundwater volume from 35m<sup>3</sup> to 15m<sup>3</sup> per property per day. No change is proposed to the permitted surface water limit of 15m<sup>3</sup> per property per day.
- introduces new requirements for all permitted takes e.g. the need to be registered with the Council. Some of these takes may be metered, on request.

### Feedback

Some feedback providers supported the reduction in permitted groundwater limit while others questioned the reasoning and justification for a blanket reduction in permitted limit. There was support for the registration of permitted takes and reassurances sought that marae and urupa water use would not be subject to metering. Specific comments were received about how permitted takes would be monitored and the need for Council to look at permitted limits based on property size or stock units.

### Implications of Permitted Activity takes

#### Implications on Māori, as kaitiaki

- Enables all water use within a catchment to be accounted for and ensures compliance with permitted limits.
- Implications for marae and papakainga that are not connected to a municipal supply – will need to register permitted take
- If marae and urupa water use required meters – financial cost of water meters

#### Implications on Māori, as land owners, lessors and developers

For existing dairy farmers and horticulturists:

- Those who take small volumes of water<sup>150</sup> (e.g. less than 15m<sup>3</sup>/day) – will need to register permitted take
- Those who take groundwater for small scale use (e.g. more than 15m<sup>3</sup>/day and less than 35m<sup>3</sup>/day) will need to obtain a resource consent. This has financial cost implications e.g. consent processing, administration and monitoring fees. It would also trigger the water meter requirements for consented takes.

For Māori Land owners with land capable of diversified land use and settled Iwi with recently returned commercial redress land

- same as existing dairy farmers and horticulturists

<sup>150</sup> Other than for an individual's domestic use or stock water requirements

#### Response:

- A new rule has been added that allows properties of 5 hectares or greater to continue to take up to 35m<sup>3</sup>/property/day as a permitted activity.
- Properties where the total water use exceeds the permitted activity volume, but do not require resource consent due to the take being allowed for the purpose of stock drinking water must meter and report monthly.

#### Comments

- Addresses concerns about the inequity of large properties having the same limit as small properties.
- Some dairy farms that would have required resource consent under draft rules will now fit under permitted activity rules.

### 3.7 Transfers

#### Overview

The National Policy Statement for Freshwater Management (NPS-FW) directs Council to “state criteria by which applications for approval of transfers of water take permits are to be decided, including to improve and maximise the efficient allocation of water”.

Accordingly, the Draft Plan Change introduces new provisions to provide further guidance on the transfer of water permits, in particular:

- Amended Policy 73(e) – To promote efficient use of freshwater by enabling the transfer of water permits
- New Policy 73A (e)(iii) – Criteria within which transfers can occur. This includes ensuring the transfer does not result in unacceptable adverse effects on tāngata values and interests.
- New Rule 41D – Controlled activity, provided that certain conditions are met.
- New Rule 41D (f) – Controlled activity, provides for ‘*The potential effect of the transfer on existing users; on springs or surface water bodies and their values (including water quality); and on tāngata whenua values.*

#### Overview of feedback

Feedback providers stated that the criteria for transfers is too enabling and should be tightened e.g. transfers can't occur unless strict criteria are met. There were a lot of concerns that enabling water permit transfers will lead to water banking, water trading and corporatisation of water. There is concern that if a water permit is in a lessee's name it may be transferred away from the land when the lease expires. This could be addressed in a lease document, which would fall outside the jurisdiction of Council and is beyond the scope of the new rule. Staff are gathering information about the extent of this issue.

#### Implications of transfers

Water permit transfers are already provided for by s136 of the RMA. These are currently processed on a case by case basis, using s136 to guide such processes.

Therefore, this section only considers the implications of having new provisions within the RWLP to provide greater guidance and control for transfer applications.

**Implications on Māori, as kaitiaki**

- Transfers meeting the requirements of the rule cannot be declined under the controlled activity status
- It is unclear who would assess New Rule 41D(f)

**Implications on Māori, as land owners, lessors and developers**

- For existing dairy farmers and horticulturists:
- Same as for other land owners that manage their land and do not lease it to another users
- For Māori Land owners that lease their land:
- Where a water permit is in a lessee’s name, it may be transferred away from the land, or sold to a transferee when the lease expires. While this issue may be addressed in a lease document, resolution of the issue does not fall within the scope of the new rule as it is beyond the jurisdiction of Council

Response:

- Policy 73A(e)(iii) ‘does not result in unacceptable adverse effects on tāngata whenua values and interests’ has been deleted – now dealt with in rules 41D and 41F
- Rules 41D and 41F include “the potential effect of the transfer on .... tāngata whenua values”
- New Draft Rule 41E Permitted Activity – Temporary Transfer of Water Permits to Take and Use Water does not require consultation, but both the transferor and transferee must have resource consent.

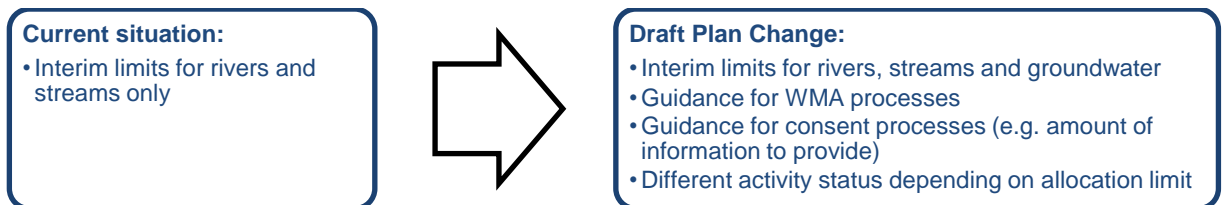
Comments:

- potential for water banking addressed by efficiency of allocation provisions
- Council does not have a role in determining any financial transaction between parties regarding the transfer of water
- risk of transfer of water away from Māori owned land unknown, but currently unsure if there are any resource consents for irrigation held by lessees on Māori-owned land

### 3.8 Interim limits and over-allocation

Overview

The RWLP currently includes interim limits for rivers and streams. There are no numeric limits for groundwater allocation.



The Draft Plan Change includes interim limits for rivers, streams and groundwater. These will be a ‘line in the sand’ until permanent limits are set within WMAs. It also provides guidance for WMAs and greater guidance for consent processed, particularly within ‘over allocated consented’ catchments where a greater level of information will need to be provided by new and existing consent applicants.

While over allocation will primarily be addressed at the WMA-level, this Draft Plan Change seeks to ensure that further over allocation of consented volumes is avoided.

## Feedback

No specific feedback was provided with regards to interim limits, WMA guidance or guidance for consent processes, other than a suggestion for an applicant to explore alternative water sources within fully consent-allocated catchments. General comments were received about over allocation and WMA's, mostly in relation to the composition and operation of community groups and why certain WMA's were prioritised over others.

## Implications of interim limits and over-allocation

### **Implications on Māori, as kaitiaki**

- Assists Māori as kaitiaki by reinforcing existing limits and helping avoid future over allocation.

Note: The next step in the Freshwater Futures project (localised work in the Water Management Areas) will cover the identification of supportable water allocation and water quality limits which will require significant effort, research and engagement by kaitiaki. This plan change effectively reinforces existing limits.

### **Implications on Māori, as land owners, lessees and developers**

For existing dairy farmers and horticulturists:

- Future intensification in areas where the water is already allocated at or above limits likely to be more difficult if it requires water

For Māori Land owners with land capable of diversified land use and settled Iwi with recently returned commercial redress land

- For new allocation within an over allocated catchment, more information (especially technical evidence) to support a consent application. This has cost implications for the new applicant and may prevent intensification.
- Alternative sources of water may need to be explored where water is in short supply. This includes:
  - transferring water from one user to another
  - restricting water takes at times of low stream flow
  - establishing a water user group to manage allocated water collectively

## Response:

- Policies relating to the status of applications to take water have been revised for clarity but reinforce the principle that new applications in over-allocated resources will generally be declined.

## **3.9 Recognition of role of Maori in freshwater management**

### Overview

This Draft Plan Change seeks to recognise the role that tāngata whenua have to play in fresh water management and decision making, not only as kaitiaki but also land owners, lessors and developers. It introduces specific provisions that:

- recognise the social benefits from the use of water for marae and urupa
- recognises the social, cultural and economic benefits of existing and new water takes
- ensure that fresh water planning, management and decision making - through WMAs - incorporate tāngata whenua values, interests and aspirations as well as matauranga and tikanga Māori
- ensure that resource consent applications to take water (including transfers) provide information about any adverse effects on Maori cultural values and interests

- recognise the value of Iwi and Hapu Management Plans
- recognise the value of consultation with tāngata whenua
- recognise the role of specialists in kaitiakitanga and matauranga Māori such as kaumatua and Pūkenga

#### Māori Land tenure

Māori Land is subject to the Māori Land Act 1993. It is taonga tuku iho held in perpetuity and multiply owned by the Māori Land owners, as tenants in common that are subject to preferred classes of alienee, and while very difficult to alienate by way of sale is often leased and used by persons other than the Māori Land owners.

These tenure circumstances are yet to be considered in the context of the Region-wide Water Quantity Plan Change.

#### Provision for Māori relationships

Provision for the relationships of Māori as kaitiaki, and for Māori interests as Māori land owners, lessors, developer's and as settled iwi with recently returned commercial redress land is yet to be considered in the context of the Region Wide Water Quantity Plan Change.

#### Feedback

A lot of feedback sought greater recognition of Māori values and interests.

#### Response:

- advice note added to Rule 41C (municipal water takes) to confirm Māori values include those of the owners of Māori land if the take is on such land or from springs owned by Māori
- Method 172 updated to strengthen recognition of the value of involving iwi and hapū to identify the extent of cultural impacts associated with resource consent applications
- revision to paragraph 3 section 5.1 *"The NPSFM recognises that tāngata whenua have particular values and interests in fresh water. Therefore it is important that fresh water decision making reflects these values and interests. ~~It is anticipated that the Water Management Area processes will be the key mechanism by which this recognition is given. A key element of the WMA process will be working with tāngata whenua to determine how this can best be achieved.~~"*
- replacement of the term "tāngata whenua values and interests" with "tāngata whenua values" throughout the document, except where it relates to actions in water management areas

#### Comments:

- The regional framework provides overall and overarching guidance on these matters. Catchment and location specific recognition is expected through the WMA processes, which will be better able to reflect the different values and aspirations of different iwi and hapū throughout the region.
- Tāngata whenua are assessors of cultural impacts. Their assessments will be part of the process for consenting water takes.
- Tāngata whenua are landowners and managers. They will be applicants for resource consents and subject to assessments of cultural impacts and all other matters required in an assessment of environmental effects.

- Settled iwi are tāngata whenua that hold treaty settlement legislation, are partners in co-governance fora, holders of statutory acknowledgements of their relationships with places and resources (including water resources). They have a status greater than the public generally.
- Regional policy recognises that only tāngata whenua can identify and evidentially substantiate their relationships and that of their culture and traditions with their ancestral lands, waters sites waahi tapu and other taonga. Regional policy also adopts an integrated approach that includes using consultation in the identification and resolution of resource management issues. The role of Māori in this context is to be involved in processes of assessment of cultural impacts of applications for resource consent relating to water, as a means of contributing to council decisions, including in freshwater management.
- The Plan Change underpins the necessity for the role of Māori (as outlined above) to be clearly identified so their advice can be taken into account in the implementation of instruments in the regional water and land plan, including those arriving via the plan change and the WMA process.

## Part 4: Summary

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The feedback provided by Maori on the Draft Plan Change was analysed to determine the implications of the draft provisions on Maori. The implications were assessed and considered in relation to draft provisions. In some cases changes were made in the provisions in the Proposed Plan Change to reflect feedback. These changes are outlined in this report, plus comments regarding feedback.

The information in this report contributed to the development of the evaluation report required by Section 32 of the RMA.

In addition to specific consideration of implications for Māori, all feedback received during the consultation period was reviewed and informed the preparation of the Proposed Plan Change. The Feedback Summary Report is available on Council's website.

*“Whatever we do with our water resources, has to be fair, transparent, and sustainable to future requirements”*

*- Feedback provider*

## **Implementation Requirements Region wide Water Quantity Plan Change**

### **Purpose:**

The purpose of this report is to identify the nature of the tasks that will be required to support the implementation of the Draft Plan Change and includes comment on the type of cost (at a high level) associated with the tasks.

The Plan Change will be a step change not only by Council but also water users. Successful implementation will require significant support of water users by Council from communications and advisory perspective to ensure water users understand their responsibilities can identify the opportunities and respond accordingly. Equally Council's role in making better information available to users, managing incoming data and ensuring the integrity of plan provisions (consents and compliance) will need to be identified and resourced. The Council already have a team of Land Management Officers that provides support and advice to the community and similar roles may be needed for water management. The report assumes that the implications of implementing existing Plan provisions have already been considered. Increased requirements for Council have been identified in the following areas:

- communications and provision of advisory information to water users, regarding both current and future (WMA) requirements
- support for water users groups and to improve water efficiency
- consent processing, including greater requirements science and involvement of Māori
- compliance monitoring including proactive compliance of potential water users not recorded as having consent
- accepting processing and making available data and information about water
- environmental monitoring (especially low flows but also aquifers levels)
- ensuring that every policy/objective, rule and method is assigned someone to deliver/champion
- if communities request information and support in investigating solutions to water storage.

## **SUMMARY OF KEY MATTERS**

### **Measuring and reporting**

The National Policy Statement for Freshwater Management (NPS-FM) requires that regional councils establish freshwater accounting systems for both water quantity and quality. The term 'freshwater accounting' refers to collecting information about the existing water use and the pressures of the freshwater resources being managed. To do this, freshwater accounting must be carried out for both water quality and quantity. All water taken from the water body (surface water and groundwater) must be quantified. This includes:

- water taken under resource consent (both the total amount allocated within the consent and the amount of water that is actually taken)
- takes that are permitted
- takes that do not require a resource consent, such as stock water under RMA s14(3)(b)

A robust accounting system is needed to enable timely and effective management of surface water and groundwater. Significantly increased levels of metering and reporting require systems to accept, process and make available data. The NPSFM

also requires that information gathered is available to the public in a suitable form. The cost of setting up and maintaining an accounting system is likely to be significant. Council will need to consider the extent to which costs are recovered through s36 RMA.

Ensuring the integrity of data provided by metering will create extra requirements for Council if it is to be managed to meet the National Environmental Standards: Water Meter Data. These include:

- ensuring appropriate meter verification is carried out
- a minimum of annual site inspections
- data processing and preservation requirements

### **Allocation limits and managing takes at low flows and low aquifer levels**

To date Council has relied on allocation limits to protect minimum flows in streams and with the exception of a very small number of resource consents has not identified minimum flows for resource consents or taken action to reduce the taking of water during periods of low flows. At the core of the NPSFM is the principle that water is allocated within limits and then managed to ensure that those limits are given effect. From a water quantity perspective this will require that a limit to allocation is in place and that water is not taken when low flows/low aquifer levels are reached.

The Plan Change does not propose revised allocation limits or minimum flows, as these will be determined through the WMA process, and will not significantly change Council practice regarding minimum flows before those limits are set. The exception will be that in fully allocated streams where new consents may be granted to take water above a particular flow rate. In these situations Council will need to be able to identify when minimum flows are being approached and require the user to stop abstraction.

This will require a more extensive flow monitoring network, modelling to enable flows at measured sites of take can be estimated and a compliance monitoring system that ensure those required to stop takes are advised and monitored. The system need to achieve this will be more fully utilised once WMA limits are set and all water users can be expected to manage to minimum flow requirements.

### **Water Management Area provisions**

Policy 64A sets out the matters that will be addressed through the WMA process. Those matters are not considered in this Implications report.

### **Consent Considerations**

There will be an initial significant education cost to ensure those that need consent, and do not currently hold one, apply. There will then be ongoing compliance costs. It is possible that there will be an initial peak in the number of applications.

Processing of new or renewal consents will require Council to hold, maintain and provide information on allocation as the basis for decision making around consent application. The accounting system will help with this but support from science will also be required.

Permitted activities will need to be registered however, as no consent is required, there is no ability to recover costs unless water users apply for Certificates of Compliance. If requested by Council, water usage data will need to be supplied.

Water meter data that is supplied to Council will need to be managed and compliance determined.



## **Resources**

Implementation will require additional staff resources, especially in the short term as revised provisions are given effect.

Table 1 summarises high level cost implications to Council of revised provisions.

	Provision	Comment	Council Cost Implication
Policies	WMAs (64 & 64A)	This work is part of WMA but the matters for each WMA to address are identified in the Plan Change	
	Allocation and management of water resource (64B, 67B, 72, 74)	Matters to be considered when processing consent applications – renewal or new applications	Phasing out over allocation will require education over time Consent reviews will generally only occur post WMA limit setting, unless provided for in consent, in which case cost is to consent holder.
	Consenting (67, 67A, 68, 68AA, 69, 70, 75, 78, 78A, 79)	Implementation of policies through rule provisions and when consents processed	Consent processing is cost recoverable with the exception of 1 hour pre-application advice or where broader issues are being considered Likely to be an initial peak in consent applications
	Accounting system (76, 76A)	Initial set up cost could be significant. Ongoing cost of establishing and maintaining a quantity accounting system not likely to be fully cost recoverable. Will require a step change in managing water allocation.	
	Efficient use (73, 73B)	Water metering requirements covered under Rules User groups costs covered under Method 171	
	Low flows (66, 80, 80A, 80B)	Requires setting of low flows (interim limits to be adopted), monitoring flows and then enforcing restrictions	Majority of costs to fall with Council, although may be recovered under s 36 charges. Infrastructure and models needed to ensure Council can ascertain when low flows or aquifer levels occur and to communicate requirements to consent holders. During low flows could involve significant staff time
	Investigations (80C)	Promote and help investigate where possible, water availability options	Unknown cost - will depend on whether there are requests
Methods	Long-Term Strategic overview (156, 157, 158)	Requirement to prepare and present information and support water users including from the Accounting System	Largest cost will be providing up to date information on water availability and allocation Cost of supporting community initiatives on solutions in water short areas is unknown
	Regulatory (165)	Applicants will be required to use a scientific method to assess groundwater-surface water interactions	Unknown cost – is a science issue: expect that Council will need to lead development of agreed methods so there is a standard approach
	Consent Applications (167, 171, 172, new method)	Establishment of water user groups Recognise value of tāngata whenua consultation	Supporting tāngata whenua involvement, water user groups and investigations in water short areas will require time and expertise
Rules	RMA s14(3) use right for personal and stock use	Need to account for as part of NPS	Council will need to use models to estimate use so total allocation can be managed. Metering requirements and assessing of incoming data will require time and expertise.

Permitted activities Rule 38, 38A groundwater Rule 41 surface water Rule 42 dewatering	No consents required Compliance cost – ongoing for Council and water users (if reporting requested)	Permitted activities not cost recoverable May increase compliance as takes are to be registered and records supplied (if requested) Significant education will be required
Controlled Activities Rule 41A, 41B, 41C, 41D Restricted Discretionary Rule 42A, new rule for transfers	Consenting cost Compliance cost - ongoing for Council with supply of records - water users: requirement to meter and supply records	Significant education cost to ensure consents are applied for, records supplied and transfers enabled. Reduced costs for applications that relate to under allocated resources. Need to streamline consent processing for dairy shed. Will need systems to accept and utilise data
Discretionary Activities Rule 43	No significant change, but probably increased complexity of requirements including science, metering and involvement of tāngata whenua.	

**Table 1 Summary of cost implications to Council of revised provisions**

## DETAILED ASSESSMENT

The following tables assess the implication requirements of the Plan Change primarily on Council but resource users are also considered.

### Policies

Provision	Policy 64 work in WMA's
<b>Council</b>	<ul style="list-style-type: none"> <li>will set minimum flows which must be given effect, requiring more intensive monitoring of actual flows and requirement for a process to implement restrictions</li> <li>greater enforcement requirements to implement any restrictions imposed</li> <li>if initiated, a collective review of resource consents to give effect to minimum flows once the minimum flow/aquifer rules are operative. S128(b) RMA costs are solely borne by Council</li> </ul>
<b>Resource users</b>	<ul style="list-style-type: none"> <li>surface water users learn to adapt to minimum flow requirements</li> </ul>
<b>Notes</b>	This work is part of WMA process but the matters for each WMA to address are identified in the Plan Change.
Provision	Policy 64B Phase out over allocation by 1 October 2027
<b>Council</b>	<ul style="list-style-type: none"> <li>setting up and supporting water user groups</li> <li>extent of this policy will only become obvious once WMA limits have been set</li> <li>potentially major workload once WMA limits set and when 2026 consents expire as there may be significant clawback required</li> <li>need to ensure good records kept in advance to support process</li> <li>identify options/solutions in situations where major clawback required</li> <li>reviewing resource consents is a cost borne by Council and cannot be done until the relevant rule is operative</li> <li>increased communications to assist resource users understanding of how and why</li> </ul>
<b>Resource users</b>	<ul style="list-style-type: none"> <li>reduction in the volume or rate of water available</li> <li>need to be kept informed early to enable adaption</li> <li>likely to drive formation of water user groups which could have positive benefits</li> </ul>
<b>Notes</b>	Phasing out over allocation may be controversial. There is a risk that the 1 October 2027 date is not met. Will generally occur when new or renewal applications are lodged.
Provision	Policy 66 – interim limits
<b>Council</b>	<ul style="list-style-type: none"> <li>Limits identified are consistent with those currently used by consents team. Other policies (67A, 68, 68AA, 70 and 70AA) give greater effect to these limits and implications are addressed under these policies</li> </ul>
<b>Resource users</b>	<ul style="list-style-type: none"> <li>difficulties obtaining water for new developments where resource is over allocated</li> </ul>
<b>Notes</b>	The proposed limits represent the status quo. Limits could be challenged through new consent applications that demonstrate a greater quantity of water can be allocated without having adverse effects. Will occur when new or renewal applications are lodged.

	See Policy 67B
<b>Provision</b>	<b>Policy 67 – water harvesting</b>
<b>Council</b>	<ul style="list-style-type: none"> <li>educational requirements to ensure water user community aware of opportunity</li> <li>greater flow measuring data required, model to apply measured sites to actual sites</li> </ul>
<b>Resource users</b>	<ul style="list-style-type: none"> <li>cost of building storage</li> </ul>
<b>Notes</b>	Water harvesting also normally requires water storage. Storage is a solution 'of last resort' given the cost.
<b>Provision</b>	<b>Policy 67A – precautionary approach</b>
<b>Council</b>	<ul style="list-style-type: none"> <li>increased need for scientific audit to review assessments of environmental effects of take</li> <li>increases probability of declining new consent applications and therefore increases risk of Environment Court appeal</li> </ul>
<b>Resource users</b>	<ul style="list-style-type: none"> <li>increased cost of application in over allocated or highly allocated resources</li> <li>applicants consider alternatives in over allocated or highly allocated resources</li> </ul>
<b>Notes</b>	Could cause debates over whose responsibility it is to have information about water resources
<b>Provision</b>	<b>Policy 67B – second tier water (low reliability)</b>
<b>Council</b>	<ul style="list-style-type: none"> <li>greater flow measuring data required, model to apply measured sites to actual sites</li> <li>greater compliance to ensure takes follow policy/consent conditions (more restrictive)</li> <li>scientific assessment of alternative limits proposed by applicants</li> </ul>
<b>Resource users</b>	<ul style="list-style-type: none"> <li>construction of on-site storage</li> <li>will have to accept reduced reliability of supply - inability to grow sensitive crops or undertake certain activities' due to unreliability of supply</li> </ul>
<b>Notes</b>	Infrastructure and system required for flow measuring and compliance will be fully realised once WMA limits set and applied.
<b>Provision</b>	<b>Policy 68 Managing surface water allocation over allocated resources</b>
<b>Council</b>	<ul style="list-style-type: none"> <li>more information and science support to assess applications especially in fully allocated resources</li> </ul>
<b>Resource users</b>	<ul style="list-style-type: none"> <li>increased cost of application in over allocated or highly allocated resources</li> <li>economic impact if cost of application exceeds applicants resources</li> </ul>
<b>Notes</b>	Could cause debates over whose responsibility it is to have information about water resources
<b>Provision</b>	<b>Policy 68AA Managing allocation under allocated resources (NEW)</b>
<b>Council</b>	<ul style="list-style-type: none"> <li>greater flow measuring data required, model to apply measured sites to actual sites</li> <li>greater compliance to ensure takes follow policy/consent conditions (more restrictive)</li> </ul>
<b>Resource users</b>	<ul style="list-style-type: none"> <li>Certainty for users where allocation is within the limits</li> </ul>
<b>Notes</b>	This policy reduces the information requirements compared to status quo

<b>Provision</b>	<b>Policy 69 and 69A existing hydroelectric schemes</b>
<b>Council</b>	<ul style="list-style-type: none"> <li>• Clarity regarding on going rights after consent expiry</li> </ul>
<b>Resource users</b>	<ul style="list-style-type: none"> <li>• Clarity regarding on going rights after consent expiry</li> </ul>
<b>Notes</b>	Map to add clarity to plan users regarding extent of influence of HEP schemes.
<b>Provision</b>	<b>69B Essential Supplies (NEW)</b>
<b>Council</b>	Evaluating water management plans
<b>Resource users</b>	Municipal water supplies: need for Water Management Plan
<b>Notes</b>	Conditions on consents will need to be written to reflect Policy 80B during low flows/levels
<b>Provision</b>	<b>Policy 70 managing groundwater takes (over allocated)</b>
<b>Council</b>	<ul style="list-style-type: none"> <li>• more information and science support to assess applications especially in fully allocated resources</li> <li>• easier process for water resources with lots of capacity</li> </ul>
<b>Resource users</b>	<ul style="list-style-type: none"> <li>• increased cost of application in over allocated or highly allocated resources</li> </ul> <p>economic impact if cost of application exceeds applicants resources</p>
<b>Notes</b>	Could cause debates over whose responsibility it is to have information about water resources
<b>Provision</b>	<b>Policy 70AA Managing allocation (NEW) (under allocated)</b>
<b>Council</b>	<ul style="list-style-type: none"> <li>• greater flow measuring data required, model to apply measured sites to actual sites</li> <li>• greater compliance to ensure takes follow policy/consent conditions (more restrictive)</li> </ul>
<b>Resource users</b>	<ul style="list-style-type: none"> <li>• Certainty for users where allocation is within the limits</li> <li>• Demonstrating efficient use of water if no water metering data available</li> </ul>
<b>Notes</b>	
<b>Provision</b>	<b>Policy 72 providing certainty to existing users</b>
<b>Council</b>	<ul style="list-style-type: none"> <li>• need to ensure good records kept in advance to support process</li> </ul>
<b>Resource users</b>	<ul style="list-style-type: none"> <li>• provides greater certainty for existing authorised users</li> </ul>
<b>Notes</b>	In over allocated resources increases difficulty for new users to establish
<b>Provision</b>	<b>Policy 73 efficient use</b>
<b>Council</b>	<ul style="list-style-type: none"> <li>• support to water user groups</li> <li>• supply of information</li> <li>• identification and promotion of best management practices</li> <li>• requiring water conservation (education)</li> <li>• promotion and education of those with existing rights under Water and Soil Conservation Act to renew before 1 Oct 2026 but also to seek greater efficiency - potentially major workload when 2026 consents expire as there may be significant clawback required</li> </ul>
<b>Resource users</b>	<ul style="list-style-type: none"> <li>• likely to drive formation of water user groups which could have positive benefits</li> <li>• implementation of water conservation methods</li> </ul>
<b>Notes</b>	

<b>Provision</b>	<b>Policy 73A - transfers</b>
<b>Council</b>	<ul style="list-style-type: none"> <li>• may need to develop operational processes</li> <li>• may need to improve information availability so that users aware of opportunity</li> </ul>
<b>Resource users</b>	<ul style="list-style-type: none"> <li>• opportunity for people without water</li> <li>• determining value for transfer</li> </ul>
<b>Notes</b>	political concern about transfers driven by financial gain concern by Māori about transfers when leases expire
<b>Provision</b>	<b>Policy 73B water metering</b>
<b>Council</b>	<ul style="list-style-type: none"> <li>• storage and analysis of metering data</li> <li>• education around metering requirements</li> <li>• greater compliance to ensure installation and verification of meters, supply of records and compliance of requirements</li> </ul>
<b>Resource users</b>	<ul style="list-style-type: none"> <li>• Cost to buy and maintain water meter</li> <li>• Compliance: supply of records to Council</li> </ul>
<b>Notes</b>	
<b>Other</b>	<p>Water Measuring and Reporting National Regulations</p> <p>The regulations apply to all new consents granted after 10 November 2010. For existing consents granted before that date, transitional implementation dates apply, depending on the rate of take:</p> <ul style="list-style-type: none"> <li>• 20 l/s or more: comply by 10 November 2012</li> <li>• 10 l/s or more, but less than 20 l/s: comply by 10 November 2014</li> <li>• 5 l/s or more, but less than 10 l/s: comply by 10 November 2016</li> </ul> <p>Achieving National Environmental Monitoring Standards – Water Meter Data</p>
<b>Provision</b>	<b>Policy 74 – groundwater/surface water interaction</b>
<b>Council</b>	<ul style="list-style-type: none"> <li>• recognition and management of inter relationship between ground and surface water needs scientific support to avoid ad hoc decisions</li> <li>• questions of who is responsible to have science</li> <li>• risk of over allocating surface water if not adequately assessed or stopping development</li> <li>• challenges for water accounting – is the water called surface water or groundwater</li> </ul>
<b>Resource users</b>	<ul style="list-style-type: none"> <li>• cost and difficulties identifying what is required</li> </ul>
<b>Notes</b>	Method 165 requires consent applicants to address this Debates over whose responsibility it is to have information about water resources
<b>Provision</b>	<b>Policy 75 – unauthorised takes</b>
<b>Council</b>	Need to work with industry group Increase consent processing within 12 months of rules becoming operative Compliance requirement once period provided for those activities to become authorised expires
<b>Resource users</b>	Cost of obtaining consent (should have already been subject to this cost)
<b>Notes</b>	
<b>Provision</b>	<b>Policy 76 – accounting system</b>
<b>Council</b>	Significant setup cost

	Ongoing maintenance of system Promotion around benefits of having an accounting system
<b>Resource users</b>	May be subject to cost recovery under s36 in the future eg. water user/water science charge
<b>Notes</b>	Need to consider who should pay. Information resulting from improved accounting key to understanding availability, improving efficiency and supporting water transfer.
<b>Other</b>	See policy 76A, method 156 Accounting system also needs to include discharges
<b>Provision</b>	<b>Policy 76A – accurate record of permitted takes</b>
<b>Council</b>	<ul style="list-style-type: none"> <li>• setting up accounting system for unconsented takes - (s14(3)(b)) and permitted</li> <li>• better information about extent of this type of water use</li> <li>• compliance audits of activities that do not require consent not cost recoverable</li> </ul>
<b>Resource users</b>	<ul style="list-style-type: none"> <li>• not currently included in water accounts – will increase levels of allocation</li> </ul>
<b>Notes</b>	
<b>Provision</b>	<b>Policy 78 and 78A consent considerations</b>
<b>Council</b>	<ul style="list-style-type: none"> <li>• part of consent processing costs but dependent on Council having access to good information</li> </ul>
<b>Resource users</b>	<ul style="list-style-type: none"> <li>• increased recording and reporting usage</li> <li>• requirement to monitor saltwater intrusion near coast (note uncertain as to how this will be applied as a consent condition)</li> <li>• requirement to have information on risk to Tauranga geothermal resource (if applicable)</li> <li>• cost of review if undertaken for purpose specified in consent</li> <li>• increased cost of preparing consent application</li> </ul>
<b>Notes</b>	Potential for consent applicants to perceive that additional information now required when lodging applications, increased number of consents rejected as not being complete
<b>Provision</b>	<b>Policy 79 consent terms</b>
<b>Council</b>	
<b>Resource users</b>	<ul style="list-style-type: none"> <li>• 10 or 15 year consent will be granted unless it can be demonstrated that longer is appropriate</li> </ul>
<b>Notes</b>	Unchanged from current practice
<b>Provision</b>	<b>Policy 80, 80A actions during low flows/aquifer levels</b>
<b>Council</b>	<ul style="list-style-type: none"> <li>• generally will not be given effect before WMA limits set, except for consents reliant on policy 67 or 67B</li> <li>• will set minimum flows which must be given effect, requiring model for determining actual flow and expect greater monitoring of flows, method to implement restrictions</li> <li>• greater enforcement requirements to implement restrictions</li> <li>• communication and education requirements</li> </ul>
<b>Resource users</b>	<ul style="list-style-type: none"> <li>• surface water users learn to adapt to minimum flow requirements</li> <li>• small scale on site storage to reduce impact of minimum flow</li> </ul>
<b>Notes</b>	Will incentivise formation of water user groups



<b>Provision</b>	<b>Policy 80B Priority at low flow</b>
<b>Council</b>	<ul style="list-style-type: none"> <li>• need to develop a methodology to implement – how much will each group be affected?</li> <li>• education and compliance requirements to ensure users do stop when required</li> <li>• functioning and efficient data management</li> </ul>
<b>Resource users</b>	<ul style="list-style-type: none"> <li>• conflict between user groups with different priorities</li> <li>• surface water users learn to adapt to minimum flow requirements</li> <li>• small scale on site storage to reduce impact of minimum flow</li> </ul>
<b>Notes</b>	<p>careful thought needed before restrictions take effect</p> <p>Except for water users under policies 67 or 67B will not have effect until WMA limits set</p>
<b>Provision</b>	<b>Policy 80C Water availability options</b>
<b>Council</b>	<ul style="list-style-type: none"> <li>• extent of requests to help investigate options unknown</li> <li>• promotion of enhanced water availability options eg. storage</li> </ul>
<b>Resource users</b>	<ul style="list-style-type: none"> <li>• will require ‘whole of catchment’ approach</li> </ul>
<b>Notes</b>	<p>WMA process (Policy 64A) includes identifying opportunities to enhance water availability in water short areas</p>

## Methods

<b>Provision</b>	<b>Method 156 information on freshwater resources</b>
<b>Council</b>	<ul style="list-style-type: none"> <li>• prepare and publish information for users regarding water availability, allocation status</li> <li>• reporting of information gathered as required by NPSFM likely to have significant cost</li> <li>• education material about 2nd tier water</li> </ul>
<b>Resource users</b>	<ul style="list-style-type: none"> <li>• easier access to information about regions water resources</li> </ul>
<b>Notes</b>	<ul style="list-style-type: none"> <li>• may lead to pressure to act where water is limiting development</li> <li>• will require maintaining database of allocation status of all surface and groundwater resources (accounting system)</li> <li>• need to consider putting allocation status information on BOPRC website</li> </ul>
<b>Provision</b>	<b>Method 157 encourage water conservation and alternative water sources</b>
<b>Council</b>	<ul style="list-style-type: none"> <li>• requests for Council to provide information or support</li> <li>• could result in education campaign(s)</li> </ul>
<b>Resource users</b>	
<b>Notes</b>	(a) to (d) are measures that can be imposed via consent conditions
<b>Provision</b>	<b>Method 165 – use of scientific method for groundwater surface water connection</b>
<b>Council</b>	<ul style="list-style-type: none"> <li>• yet to determine appropriate advice for determining hydraulic connection</li> <li>• Science staff will be required to assess consent applications</li> </ul>
<b>Resource users</b>	
<b>Notes</b>	Expect that Council will need to lead development of agreed methods so there is a standard approach. Is a science matter.
<b>Provision</b>	<b>Method 167</b>
<b>Council</b>	No specific implementation requirements
<b>Resource users</b>	No specific implementation requirements
<b>Notes</b>	
<b>Provision</b>	<b>Method 171 – support water user groups (see policy 73)</b>
<b>Council</b>	<ul style="list-style-type: none"> <li>• supporting water user groups will likely require time, expertise</li> <li>• pro active approach with pre 1991 consents requires time</li> </ul>
<b>Resource users</b>	<ul style="list-style-type: none"> <li>• expectation of assistance</li> <li>• new way of working for some water users</li> <li>• telemetry requirements</li> </ul>
<b>Notes</b>	
<b>Provision</b>	<b>Method 172 - recognition of value of consultation with tāngata whenua</b>
<b>Council</b>	<ul style="list-style-type: none"> <li>• expertise in determining that appropriate actions taken by applicants, working with cultural experts</li> <li>• use of hearing commissioners with expertise in matauranga and tikanga</li> </ul>
<b>Resource users</b>	potentially additional cost
<b>Notes</b>	need to ensure cultural experts available

## Rules

<b>Current provision</b>	RMA s14(3)(b) use a right under RMA for an individuals personal and stock drink water use
<b>New Draft Provision</b>	RMA s14(3)(b) use a right under RMA for a person's personal and stock drink water use, but will require metering and reporting where total water use on a property exceeds the Permitted Activity limit
<b>Related new policies /objectives /issues /methods</b>	To be confirmed.
<b>Scenarios</b>	Dry Stock Farmer (sheep & beef) Lifestyle Block owner Dairy farmer stock drinking Household use
<b>General comments</b>	Need to account for as part of NPS Any takes still requires that it does not have an adverse effect on the environment
<b>Consents</b>	Rule 41A provides Council control over separate metering and reporting of water taken under RMA s14(3)(b) Rule 38A and 41 are subject to separate metering and reporting of water taken under RMA s14(3)(b)
<b>Compliance</b>	Metering and reporting if total take exceeds Permitted Activity volume (To be confirmed)
<b>Rest of Council</b>	Modelled use - Council will need to continue to use models and data from DC and agribase to estimate use Can require an individual 14(3)(b) water user to register take with Council, install water meter & supply records, as part of a rule relating to other water use on the property
<b>External</b>	No requirements until limits are set in WMA's
<b>Other</b>	No ability to cover costs

<b>Current provision</b>	PA rule 38 groundwater take (35 m <sup>3</sup> /day)
<b>New Draft Provision</b>	PA rule 38 groundwater (15 m <sup>3</sup> /day) per property
<b>Related new policies /objectives /issues /methods</b>	Issue 34A. Objective 39, 43, 46C, Policy 72, 73, 75, 76, 76A
<b>Scenarios</b>	Water user taking less than 15m <sup>3</sup> /day/property eg Orchard spraying, Small industrial (not on town water supply) kiwifruit packhouse, Lifestyle block growing a small crop for profit, greenhouses
<b>General comments</b>	There may be up to 4000 of these (includes surface takes) taking into account roughly 3000 kiwifruit and Avocado and other horticulture. This picks up water users only using for spraying and general use on orchard. May require consent and compliance in future once limits are set in WMA's. Will need to register take with RC within 12 months of rule being operative, install water meter, record weekly use and supply records on request Any water metering data will feed into water accounting, may increase compliance.
<b>Consents</b>	No requirements

<b>Compliance</b>	May increased compliance, depending on registration process. Costs and staff Significant education costs to ensure uptake of registration requirement
<b>Rest of Council</b>	Working with industries for simple easy process for registration or possible industry group supplying locations Calculation needed to be determined on how often and what volume will be used
<b>External</b>	Water users will need to register within 12 months of rule becoming operative. Possible options of horticulture industries supply locations for NPS calculations.
<b>Other</b>	No ability to cover costs unless a Certificate of Compliance is sought and then no ability to charge compliance costs

<b>Current provision</b>	PA rule 38 groundwater take (35 m <sup>3</sup> /day)
<b>New Draft Provision</b>	PA rule 38A groundwater (35 m <sup>3</sup> /day) per property where >5ha
<b>Related new policies /objectives /issues /methods</b>	Issue 34A. Objective 39, 43, 46C, Policy 72, 73, 75, 76A
<b>Scenarios</b>	Dairy farmer with 636 (55 l/cow/day) cows or less for dairy shed water use
<b>General comments</b>	Around 630 dairy farms would fit under new PA rules (across ground & surface water). May require consent and compliance in future once limits are set in WMA's. Will need to Register take with RC within 12 months of rule becoming operative, install water meter, record weekly use & supply records on request Any water metering data will feed into water accounting, may increase compliance
<b>Consents</b>	No requirements
<b>Compliance</b>	May increased compliance, depending on registration process. Costs and staff Significant education costs to ensure uptake of registration requirement
<b>Rest of Council</b>	Working with industries for simple easy process for registration (PIO water) or possible industry group supplying locations? Calculation needed to be determined on how often and what volume will be used
<b>External</b>	Water users will need to register within 12 months, possible options dairy industry supply locations for NPS calculations
<b>Other</b>	No ability to cover costs unless a Certificate of Compliance is sought and then no ability to charge compliance costs

<b>Current provision</b>	PA rule 38 groundwater take (35 m <sup>3</sup> /day)
<b>New Draft Provision</b>	Controlled Rule 41B Take & use of groundwater
<b>Related new policies /objectives /issues /methods</b>	Issue 34A. Objective 39, 43, 46C, Policy 72, 73, 75, 76, 76A
<b>Scenarios</b>	Water user taking up to 35 m <sup>3</sup> /day/property where does not comply with the permitted activity rules (>15m <sup>3</sup> /day but less than 35 and <5ha property) and is an existing activity at the time of notification
<b>General comments</b>	Not likely to be many of these consents. Controlled consent, installation of water meter/s. Simple process for

	application.
<b>Consents</b>	Small number of consents. Look at fix cost process, possible similar to Dairy shed water use consent Education costs to ensure uptake of consent requirement
<b>Compliance</b>	Small number so should not affect compliance
<b>Rest of Council</b>	Small number so should not affect compliance
<b>External</b>	Small number
<b>Other</b>	Will need to get communication with industries right on who fits into this.

<b>Current provision</b>	PA rule 41 Surface water take (15m <sup>3</sup> /day)
<b>New Draft Provision</b>	Draft new rule 41 PA 15m <sup>3</sup> /day/property
<b>Related new policies /objectives /issues /methods</b>	Issue 34A. Objective 39, 43, 46C, Policy 72, 73, 75, 76, 76A
<b>Scenarios</b>	Water user taking less than 15m <sup>3</sup> /day/property eg Orchard spraying, Small industrial (not on town water supply) kiwifruit packhouse, Lifestyle block growing a small crop for profit, greenhouses Dairy farmer with 215 (70 l/cow/day) cows or less for dairy shed water use
<b>General comments</b>	There may be up to 4000 of these (includes groundwater takes) taking into account roughly 3000 kiwifruit, avocado and other horticulture. This picks up water users only using for spraying and general use on orchard. Up to 200 dairy farms would fit under new PA rules (across ground & surface water). May require consent and compliance in future once limits are set in WMA's. Will need to Register take with RC within 12 months of the rule becoming operative, install water meter, record weekly use & supply records on request Any water metering data will feed into water accounting, may increase compliance
<b>Consents</b>	No requirements
<b>Compliance</b>	May increased compliance, depending on registration process. Costs and staff Significant education costs to ensure uptake of registration requirement
<b>Rest of Council</b>	Working with industries for simple easy process for registration (PIO water) or possible industry group supplying locations? Calculation needed to be determined on how often and what volume will be used
<b>External</b>	Water users will need to register within 12 months, possible options industries supply locations for NPS calculations.
<b>Other</b>	

<b>Current provision</b>	Rule 43 Discretionary water users for surface water takes over 15m <sup>3</sup> /day (rule 41) and groundwater over 35m <sup>3</sup> /day (rule 38)
<b>New Draft Provision</b>	New Rule 41A Controlled
<b>Related new policies /objectives /issues /methods</b>	Issue 34A, 34C Objective 39, 43, 46C. Policy 70, 72, 73, 73B, 74, 75, 76
<b>Scenarios</b>	All dairy farmers taking over 15 m <sup>3</sup> /day (215 cows) surface water or 35

	m <sup>3</sup> /day ground water
<b>General comments</b>	Up to 70 dairy farms would fit under this rule. Need to demonstrate that the water take existed at time of plan notification; apply within 12 months of rule becoming operative. Install water meter, record daily, supply records annually. Could be restricted during low flows. Working with industries for simple easy consenting, Any water metering data will feed into water accounting, may increase compliance
<b>Consents</b>	Up to 70 consents to process within 12 months. No consultation required. Simple application forms and processing. Need to develop streamlined process - learning and look at processes, forms, etc from Waikato Regional Council V6 process. Consider aligning expiry with FDE expiry or possibly in same consent ('consent to farm' – discharge plus water take)
<b>Compliance</b>	Increase of up to 70 consents to do compliance on. This should be able to be done at same time as FDE compliance each year. Increase of 500 water records coming in. So possibly not a huge effect on workload. Education costs to ensure applications
<b>Rest of Council</b>	Increases water use knowledge for NPS accounting. Land management will need to be kept in loop. Will increase the data points for data services for water records
<b>External</b>	Industry reps are engaged with this process as they have dealt with WRC v6 process. Good communication is the key.
<b>Other</b>	

<b>Current provision</b>	Rule 43 Discretionary water users for surface water takes over 15m <sup>3</sup> /day (rule 41) and groundwater over 35m <sup>3</sup> /day (rule 38)
<b>New Draft Provision</b>	New Rule 41C Controlled existing municipal water supplies
<b>Related new policies /objectives /issues /methods</b>	Policy 69B, 80B
<b>Scenarios</b>	Municipal water supply
<b>General comments</b>	Water Management plan on efficiency, current and future water requires. Requires water meter, daily monitoring and records to Council.
<b>Consents</b>	Only change is includes assessing Water Management Plan details in consent application
<b>Compliance</b>	Only change is how do to assess Water Management Plan details be supplied as part of records
<b>Rest of Council</b>	No change
<b>External</b>	May be increased requirements in Water Management Plan Extent of work required dependant on current TA practice
<b>Other</b>	

<b>Current provision</b>	Rule 43 Discretionary
<b>New Draft Provision</b>	Rule XX Permitted – temporary transfer of water
<b>Related new policies /objectives /issues</b>	Policy 73A

<b>/methods</b>	
<b>Scenarios</b>	Any surface water take consent where there is a Water User Group
<b>General comments</b>	This provides for the temporary transfer of a water permit, in part or whole, where the transferor and transferee are part of the same Water User Group
<b>Consents</b>	Setup application form d
<b>Compliance</b>	Will need to do compliance on the transfer, apart from that no changes to work load
<b>Rest of Council</b>	There are currently no Water User Groups and therefore Council provides no support – this provision may encourage groups to be formed
<b>External</b>	Good communications through industry to make water users aware of this and the process
<b>Other</b>	

<b>Current provision</b>	Rule 43 Discretionary
<b>New Draft Provision</b>	Rule 41D Controlled – transfer of water
<b>Related new policies /objectives /issues /methods</b>	Policy 73A
<b>Scenarios</b>	Any water take consent
<b>General comments</b>	This provides clarity to the process which can currently be done but may not be fully understood by water users. Use of provision unknown. Maybe used by some for establishment of crops.
<b>Consents</b>	Setup application form and assessment criteria, increase in workload to process applications, cost recoverable
<b>Compliance</b>	Will need to do compliance on the transfer, apart from that no changes to work load
<b>Rest of Council</b>	No change
<b>External</b>	Good communication through industry to make customers aware of this and the process
<b>Other</b>	

<b>Current provision</b>	Rule 43 Discretionary
<b>New Draft Provision</b>	Rule XX Restricted Discretionary – transfer of water
<b>Related new policies /objectives /issues /methods</b>	Policy 73A
<b>Scenarios</b>	Any water take consent where the transfer is not permitted or controlled
<b>General comments</b>	This provides clarity to the process which can currently be done but may not be fully understood by water users. Use of provision unknown. .
<b>Consents</b>	Setup application form and assessment criteria, increase in workload to process applications, cost recoverable
<b>Compliance</b>	Will need to do compliance on the transfer, apart from that no changes to work load
<b>Rest of Council</b>	No change

<b>External</b>	Good communication through industry to make customers aware of this and the process
<b>Other</b>	

<b>Current provision</b>	Rule 42 PA
<b>New Draft Provision</b>	Rule 42 PA – take and discharge dewatering water
<b>Related new policies /objectives /issues /methods</b>	No change
<b>Scenarios</b>	
<b>General comments</b>	
<b>Consents</b>	
<b>Compliance</b>	
<b>Rest of Council</b>	
<b>External</b>	
<b>Other</b>	

<b>Current provision</b>	Rule 43 Discretionary water users for surface water takes over 15m <sup>3</sup> /day (rule 41) and groundwater over 35m <sup>3</sup> /day (rule 38)
<b>New Draft Provision</b>	Rule 42A Restricted Discretionary – take and use surface or groundwater
<b>Related new policies /objectives /issues /methods</b>	Policy 70AA, 73B
<b>Scenarios</b>	Any water take which is within the allocation limits, not permitted and a water meter is installed
<b>General comments</b>	No change
<b>Consents</b>	Reduced criteria for discretion
<b>Compliance</b>	No change
<b>Rest of Council</b>	No change
<b>External</b>	No change
<b>Other</b>	

<b>Current provision</b>	Rule 43 Discretionary
<b>New Draft Provision</b>	Rule 43 Discretionary
<b>Related new policies /objectives /issues /methods</b>	All changes as applicable to the proposal
<b>Scenarios</b>	Take and use of surface or groundwater where not permitted, controlled or restricted discretionary
<b>General comments</b>	No change
<b>Consents</b>	Policy supporting this rule requires that applications are generally declined if resource is over allocated



<b>Compliance</b>	No change
<b>Rest of Council</b>	No change
<b>External</b>	Policy to generally decline applications where the resource is over allocated will decrease certainty and increase costs for applicants.
<b>Other</b>	

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