



# Draft Water Quantity Plan Change: **Factsheet for Māori**

**The National Policy Statement for Freshwater Management 2014 brings change to the way councils manage freshwater. The Bay of Plenty Regional Policy Statement also directs us to make changes to the way we manage water. We need to set region-wide allocation limits, improve how we manage over-allocation of water and ensure it's being used efficiently.**

Bay of Plenty Regional Council is recommending changes to improving the way water is allocated and used across the region. This involves changes to the Regional Water and Land Plan to:

- Strengthen existing limits for water allocation
- Set the framework for action within local catchments on Water Management Areas
- Fix existing water allocation problems like unauthorised water takes
- Improve efficiency in water use
- Collect better information about water use.

The work we're doing at the moment on the draft Water Quantity Plan Change is purely so we can get feedback from you. It's an opportunity for you to tell us what you think about our work and influence what might be changed before we head into a more formal process.

To help you provide feedback to us, this factsheet summarises some of the ways the changes may affect Māori, as kaitiaki and land managers (i.e. farmers, kiwifruit growers). Other key fact sheets are available on Council's website [www.boprc.govt.nz/freshwaterfutures](http://www.boprc.govt.nz/freshwaterfutures):

- **Fact Sheet 1** - The first stage in improving how we manage water allocation and use
- **Fact Sheet 2** - The key issues
- **The Draft Water Quantity Plan Change document**

# What does this Draft Plan Change mean for Māori?

We encourage you to read the whole Draft Water Quantity Plan Change which sets out our current thinking, however the following parts are what we think will be of particular significance to Māori:

## 1. New draft rule for existing municipal water takes (city and district council water supplies)

We're suggesting a new rule for municipal water supply takes to acknowledge the vital role they have for communities. The new rule would mean that all applications to renew consents for municipal takes must be granted. It would be subject to a water management plan to ensure reasonable and efficient use of water. This draft rule does not apply to applications for consent for new municipal water supplies.

Some of our municipal supplies are drawn from rivers, streams and aquifers on land that may be owned by Māori or culturally significant to Māori e.g. Taniwha Springs.

So far concerns raised about this draft rule include:

- The use of municipal supplies for irrigation or industrial uses
- The taking of water for municipal supply and piping it to other areas outside of the catchment
- That local authorities should not benefit from special rules. There should be rules that apply to all.

Benefits of this draft rule include greater certainty for municipal supplies and reduced costs of consent renewal.

## 2. New draft rule for existing dairy shed use

Like many other Regional Councils, we've become aware that as the size of dairy farms grow, the amount of water they use can increase to a volume where many will need a resource consent. While all dairy farms have existing consents to discharge dairy shed effluent, very few have consent to take water for milk cooling or shed wash down. Some may also be caught out by the changes to the permitted groundwater limits (see number 4 below).

We need to make sure that people that need resource consents have them. So we're looking at introducing a limited time period to transition water takes greater than 15m<sup>3</sup>/day for milk cooling and shed wash down to resource consent. We're suggesting these consents would be a controlled activity that must be granted, subject to conditions. Approximately 85 percent of dairy farm water takes are from groundwater.

The main concerns raised about this draft rule are:

- Its non-notification status. This 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).
- That individual sectors should not benefit from special rules, instead that rules should apply to all.

## 3. New draft rule for unauthorised irrigators

Horticultural industry representatives noted that some irrigators lack the resource consents they need to take water. They have asked for assistance in helping them gain resource consent. For this reason, a new policy and rule have been developed to encourage unauthorised irrigators to come forward. This will help ensure all water takes are known and accounted for. It also helps Council to be able to manage the effects of these takes.

For unauthorised irrigators including those on Māori Land:

- To benefit from the special provisions, you need to seek resource consent within 12 months from the date the Proposed (not the Draft) Plan Change is operative (most likely in early 2016). Any new applications made after that time will not have that special consideration.
- Depending on the amount of water available for allocation, some unauthorised irrigators may need to change from surface water to groundwater or to deeper ground water, or develop on site storage. Or they may want to work with existing consented users to transfer some allocation or form a water user group to share available water.

The main concerns raised about this draft rule are:

- It is unfair to give unauthorised users an advantage, especially when the development of some Māori and Treaty Settlement land is constrained by the lack of available water.
- That individual sectors should not benefit from special rules. There should be rules that apply to all.

## 4. Changes to permitted activity rules

Some water takes don't need resource consent because they are permitted by a rule in a regional plan or they are taken for rural household or stock drinking water. We are proposing to reduce the amount of water that can be taken for purposes other than household or stock drinking water without resource consent. These changes would improve Council's ability to manage and account for water.

What we're suggesting is:

- No change to the right of a person to take water for their stock drinking or rural household needs
- No change to the amount of water permitted to be taken from rivers and streams – this would remain at 15m<sup>3</sup>/day
- A reduction in the amount of water permitted from groundwater aquifers from 35m<sup>3</sup> to 15m<sup>3</sup> per property per day. This is because in some places groundwater is becoming highly allocated and we need to better account for and ensure the efficiency of these takes

- With the exception of stock and rural household water, all water takes less than 15m<sup>3</sup>/day would need to be registered and if necessary metered.

Some Māori land blocks may also be affected by the reduced permitted groundwater limit and need resource consent. These consents would be processed as a controlled activity, meaning consent must be granted. The consent process would not need to be publicly notified or consulted upon. This in turn may raise concerns about the ability of kaitiaki to participate in the consent process, particularly in areas with culturally significant waterways (e.g. Statutory Acknowledgement Areas).

Metering drinking water takes (e.g. from a marae) would not be required, except where these takes are connected with a take for dairy shed wash-down or milk cooling.

## **5. Future resource consent requirements**

For all land owners including Māori Land owners who renew a resource consent or be seeking a new resource consent in the future, there are some changes proposed to the consent process. For example:

- More information may be needed with a consent application, particularly within a catchment with a high demand for water (i.e. fully allocated catchment).
- A maximum 15 year term for most consents and a shorter term (10 years) within a catchment with a high demand for water (i.e. fully allocated catchment).
- Requiring metering and daily reporting of all takes over 5 litres per second (unless this isn't practical like when cell phone coverage isn't available)
- New policies to ensure water is allocated and used efficiently, with a new schedule that lists reasonable and efficient use criteria
- Where water is in short supply, alternative options are explored. This includes transferring water from one user to another (refer number 6 below), restricting water takes at times of low stream flow or establishing a water user group to manage allocated water collectively. Initiatives by local communities, sector groups and Māori water users are also encouraged to identify options that will improve water availability.

## **6. Providing for Transfers**

The Resource Management Act already allows for the transfer of water to a different site, subject to conditions regarding its location and effect.

We're suggesting a new policy which introduces more criteria for 'site to site' transfers. This includes making sure the amount of water being transferred is justified for the intended use. A new draft rule (41D) is also included to enable such transfers to be granted, provided they meet all five conditions listed with the rule.

This will ensure that people will be more aware of transfers as a tool that can make better use of existing allocations of water.

For Māori Land Trusts, it will be essential to check if resource consents to take water are held in the name of the trust or are in the name of a lessee. One thing we would not want to see is a water permit in a lessee's name transferred away from a Māori Land Block when the lease expires. This might be something Māori landowners deal with in their lease agreement, but it's something we'd like to hear your feedback on in this draft plan change process.

## **7. Greater recognition of the role of tangata whenua in freshwater management**

This draft plan change recognises the kaitiakitanga role that tangata whenua have to play in fresh water management and decision making. Once the draft plan change is operative, this would mean:

- Greater recognition of Iwi and Hapū Management Plans in resource consent processes
- Recognition will be given to the value of engagement with tangata whenua
- Recognition will be given to the role of specialists in kaitiakitanga and matauranga Māori such as kaumatua and Pūkenga

## **8. Water Management Areas and Opportunities to Engage with Māori**

The Draft Water Quantity Plan Change opens the way for our work in nine Water Management Areas (WMA's) in the region. Bit by bit, across the region, we'll work in these WMA's with the community and tangata whenua. These works are starting now and acknowledge the important role of kaitiaki, iwi, hapū, Māori Land Trusts and co-governance partners in contributing to setting water quantity and quality limits in the Regional Water and Land Plan.

This means Council will ask tangata whenua to share their values, commercial and cultural interests and aspirations for each river or stream of significance to them within their rohe. This is to ensure that cultural values and Māori interests are incorporated into the setting of instream flows<sup>1</sup> and water allocation limits.

There will be more opportunities for Māori to contribute in freshwater management and decision making in these WMA processes.

<sup>1</sup>Water that cannot be taken but left in the river or stream.



## We need your feedback

You can download more information about the draft plan change by:

- checking out our website: [www.boprc.govt.nz/freshwaterfutures](http://www.boprc.govt.nz/freshwaterfutures) (this includes the draft plan change document with the detail of all the changes we're considering)
- asking for a meeting with your group

Contact Bev Hughes at [Beverley.Hughes@boprc.govt.nz](mailto:Beverley.Hughes@boprc.govt.nz) or by phone on **0800 884 881 extension 8329** if you would like to arrange for staff to hui with you or to discuss implications of the Draft Water Quantity Plan Change for Māori.

Alternatively contact Glenys Kroon at:  
[Glenys.Kroon@boprc.govt.nz](mailto:Glenys.Kroon@boprc.govt.nz) or by phone on **0800 884 881 extension 8324** if you would like further information about the Draft Water Quantity Plan Change.

**Send your feedback to us by:**

- Downloading the feedback form from [www.boprc.govt.nz/freshwaterfutures](http://www.boprc.govt.nz/freshwaterfutures) filling it out and sending it back to us (this is the best way to give us feedback!)
- Emailing your feedback to [waterquantity@boprc.govt.nz](mailto:waterquantity@boprc.govt.nz)

**The feedback period closes on 1 December 2015.**

After this, we will read your feedback, summarise it and revise the draft provisions for consideration by our Councillors. From there we will prepare the Proposed Plan Change that will be released for the formal submissions process. We anticipate that a Proposed Plan Change will be released in mid 2016 and you will need to make formal submissions to it at that time.

Remember that as the Water Management Area works progress over coming years, you will have more chances to influence the regulations in your area.

## For more information

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