Explanatory Statement

Council proposes amendments to the Tasman Resource Management Plan (TRMP) to replace the interim water management provisions currently in the TRMP for the Waimea Water Management Zones. The interim provisions were adopted in 2008 following a series of droughts in the early 2000s that showed the previous allocation regime (proposed in 2001) was an over-allocation of available water and unsustainable for environmental, recreational, community and security of supply needs for consumptive users. The interim provisions were anticipated to apply until the outcome of a water augmentation investigation by the community-led Waimea Water Augmentation Committee (WWAC) was available.

The Waimea Water Augmentation Committee (WWAC) was formed in 2003 to represent water user, council and community interests in Waimea water, and has carried out extensive investigations into water augmentation options that address current demand and projected future needs in the Waimea Plains. WWAC adopted an inclusive approach to examining options for water augmentation and kept interested and affected people updated and involved throughout the project through regular meetings, newsletters and webpage updates. (See [http://www.tasman.govt.nz/tasman/projects/water-augmentation-projects/lee-valley-dam/](http://www.tasman.govt.nz/tasman/projects/water-augmentation-projects/lee-valley-dam/))

The WWAC investigations have led to a preferred site for a large scale community augmentation infrastructure proposal, the Lee Valley Community Dam.

Amendments to the TRMP are now proposed to provide for:

- The water management regime for Waimea Plains water management zones in the event that these waters are to be augmented by flows from the Lee Valley Dam
- The water management regime for Waimea Plains water management zones in the event that there is no augmentation by a community dam
- The augmentation scheme (Lee Valley Dam) that has been identified as the best option to meet abstractive water demand and meet the needs of in-stream values and uses in the Waimea Plains.

The set of amendments include provisions for the land use activities associated with the dam and new river flow and water allocation regimes. They also include amendments to existing policies for water permit durations and damming of water.

Funding for the construction and operation of the Lee Valley Dam has yet to be finalised, therefore the proposed new water management provisions set out how water is to be managed in a “with dam” scenario and in a “without dam” scenario. The proposed amendments also enable a transitional water management regime to apply until a decision is made about whether to proceed with the dam (by 1 July 2015) and until the proposed dam is operational (1 November 2020).

The proposed changes are as follows:

**Plan Change 45 (Changes to Part I, Meanings of Words)**
1. Some new meanings for terms are introduced and existing meanings are amended

**Plan Change 46 (Changes to Part II)**
1. Clarifying the relationship between Part II and Part IV in respect of the beds of rivers and lakes.
2. New policies in Part II that reflect the importance and community benefits of this major water augmentation proposal.

3. New policies in Part II that provide support for any land use consents necessary including those to ensure effects of buildings, land disturbance, vegetation clearance, activities in river beds and construction of roads are appropriately managed.

4. Amendments to rules in Part II to implement the proposed new policies.

**Plan Change 47 (Changes to Part V)**

1. New policies in Part V that reflect Council’s preference for the construction of a dam on the Lee River as a solution to existing water demand challenges and to meet likely future water demand.

2. Replacement of the interim water management provisions for the Waimea water management zones with:
   (i) New policy and rules to support the construction and operation of the dam, and the allocation and management of water as a result of improved water flows in the Waimea River and associated aquifers; and
   (ii) New policy and rules to establish ground and surface water flow limits and levels and water allocation and management regimes in the event the dam is not constructed; and
   (iii) Transitional water management provisions which will apply until the proposed dam is operational.

**Evaluation of Alternatives under Section 32 of the Resource Management Act**

The Council has considered the outputs of the WWAC investigation process, including the public consultation, newsletters and supporting documents. It has reviewed the options for water augmentation as well as the regulatory options that provide for the construction and water management both with a dam constructed and without a dam.

The key Section 32 reference documents for land use and water management options including alternative options, benefits and costs, and effectiveness, efficiency and appropriateness of these amendments are:

- EP06/10/02
- EP 06/12/14
- EPC 13/02/14

A bibliography of the key reports prepared by WWAC to support the preferred Lee Valley dam option is given in attachment 1.
Proposed Change 45

Schedule of Amendments

Part II of the Tasman Resource Management Plan is amended in accordance with the following schedule:

NOTE:
- *Italics* denotes TRMP text whether existing or proposed.
- Underlining denotes proposed new text inserted or text amended (unless otherwise indicated).
- Strikethrough denotes text deleted (unless otherwise indicated).

1. **Chapter 2: Meanings of Words**

1.1 Insert new meanings as follows:

- **Appleby Gravel Zone** - means the surface waters and groundwater in alluvial gravels comprising the Appleby Gravel Unconfined Aquifer at depths up to 15 metres within the area shown on the planning maps as Appleby Gravel Zone and subject to all applicable rules.

- **Deep Waimea Zone** - means the groundwater in the Moutere Gravel formation beneath the alluvial aquifers within the area shown on the planning maps as Deep Waimea Zone and subject to all applicable rules.

- **Eastern Hills Zone** - means the surface waters and groundwater in shallow alluvial gravels within the area shown on the planning maps as the Eastern Hills Zone and subject to all applicable rules.

- **Hope and Eastern Hills Zone** - means the surface waters and groundwater in alluvial gravels comprising the Stoke fan gravel and Hope minor confined and unconfined gravels and normally at depths up to 15 metres within the area shown on the planning maps as Hope and Eastern Hills Zone and subject to all applicable rules.

- **Nutrient and irrigation management plan** – means a management plan, where required in relation to any taking, diversion, or use of water for irrigation, that specifies:
  - (a) nutrient inputs or sources
  - (b) practices to avoid or mitigate water contamination by those nutrients, including groundwater contamination by nitrogen or phosphorus
  - (c) soil moisture holding capacities for land that is irrigated
  - (d) water application records
  - (e) practices of application to land including methods, rates and timings, to achieve efficient irrigation use.

- **Lee Valley Community Dam** – means the dam either proposed, authorised by consent, constructed, or in operation, on the upper Lee River at or about NZTM E 1613370, N 5408990, before 1 November 2020.

- **Redwood Zone** - means the surface waters and groundwater in shallow alluvial gravels within the area shown on the planning maps as the Redwood Zone and subject to all applicable rules.

- **Waimea Community Dam Limited** - means the company with the name Waimea Community Dam Limited, incorporated under the Companies Act 1993 on 9 May 2011

- **Water supply agreement** - means a contract between any holder of a permit to take and use water from any of the water management zones in the Waimea water management area, and the Waimea Community Dam Limited, for or in connection with the contribution by that permit holder towards the provision or operation of the Lee Valley Community Dam

1.2 Amend meanings to:

- **Lower Confined Aquifer (LCA) Zone** – means the groundwater in alluvial gravels penetrating comprising the Lower Confined Aquifer at approximate depths of 24 metres near Clover Road to 40 metres at Queen Street.
within the area shown on the planning maps as Lower Confined Aquifer (LCA) Zone and subject to all applicable rules. The seaward extent of the aquifer is not currently known.

**Upper Confined Aquifer (UCA) Zone** – means the groundwater in alluvial gravels comprising the Upper Confined Aquifer at approximate depths of 18 metres near Aniseed Valley Road to 32 metres near State Highway 60, within the area shown on the planning maps as Upper Confined Aquifer (UCA) Zone and subject to all applicable rules.
Proposed Change 46

Schedule of Amendments

Part II of the Tasman Resource Management Plan is amended in accordance with the following schedule:

NOTE:
- *Italics* denotes TRMP text whether existing or proposed.
- *Underlining* denotes proposed new text inserted or text amended (unless otherwise indicated).
- *Strikethrough* denotes text deleted (unless otherwise indicated).

Note: This proposed new Chapter 15 contains some general statements in relation to infrastructure and network utilities. Specific objectives and policies currently relate only to infrastructure of the Lee Valley Community Dam. It is anticipated that the objectives policies and rules in this chapter will be expanded in the future to cover a wider set of strategic infrastructure such as national electricity transmission lines, wastewater, stormwater and water services, ports and waste facilities.

1. **New Chapter 15: Strategic Infrastructure and Network Utilities**

1.1.1 **Insert** new Chapter 15:

15.0 **INTRODUCTION**

The network utilities and strategic infrastructure within Tasman are physical resources of considerable importance. They support human settlements and enable people and communities to meet their social, economic and cultural needs. Some network utilities and other infrastructure are of national as well as regional importance.

Strategic infrastructure is infrastructure that serves a regional or national function. Infrastructure serving a local function may also have regional or national significance. Strategic infrastructure includes national high-voltage transmission lines, regional airports, some hydro-electricity facilities, regional waste facilities, ports, telecommunication facilities, roads, and community dams, among others.

The ongoing provision for and protection of network utilities and strategic infrastructure is vital for the social, economic and environmental benefits that accrue nationally, regionally and locally.

There is a need to manage the potential for certain activities to disrupt, or risk disruption to, the safe and efficient operation of network utilities and strategic infrastructure. However, there is also a need to avoid, remedy or mitigate adverse effects on the environment and communities arising from the construction, use and maintenance of network utilities and significant infrastructure. In many cases, alternative sites for infrastructure are not feasible due to geographic, climatic or economic constraints, or there are scarce resources (such as sites for water augmentation dams). Balancing the competing demands on resources with multiple values requires careful consideration.

In determining the appropriateness of any works, consideration must also be given to climate variability. In the Tasman region the climate is predicted to change so that there are longer periods of drought, warmer temperatures, sea level rise and greater frequency and intensity of storm events.

Construction, operation and maintenance of infrastructural assets may be managed through the Building Act, Public Works Act and the Resource Management Act by planning provisions, consents or designations. The high level of investment the long-term function of infrastructure services, coupled with community demand for security of supply means that it is appropriate, in most cases, for strategic infrastructure to have long terms of consent.

15.1 **WAIMEA WATER AUGMENTATION**

There are currently insufficient water resources to meet existing and future water demand on the Waimea Plains, including community supplies. Water is significantly over allocated in the Waimea Water Management Zones so that existing users’ security of supply is unacceptable and there is insufficient water in the Waimea River during periods of low flow to meet the needs of in-stream uses and values.
This lack of water for current and potential future water demand and use has significant implications for:

- security of supply for water users,
- the maintenance of minimum river and spring flows for instream, recreational, community and iwi values,
- coastal seawater intrusion risk including sea level rise,
- meeting future water demand including for urban and industrial development
- enabling productive use of land including both irrigated and currently un-irrigated land.

15.1.1 Issues

15.1.1.1 Meeting existing and potential future water demand in the Waimea Plains for abstractive and in-stream uses and values.

15.1.1.2 Providing for the establishment and continued operation of the proposed Lee Valley Community Dam and associated activities while managing the adverse environmental effects of such activities.

15.1.1.3 Managing conflicts that potentially arise between land use activities and the establishment and continued operation of the Lee Valley Community Dam

15.1.2 Objectives

15.1.2.1 To create a secure supply of water in the Waimea Plains for:

(i) existing and potential demand for rural and urban uses and values; and
(ii) protecting and enhancing in-stream uses and values of the Waimea, Wairoa and Lee Rivers

15.1.2.2 To protect the Lee Valley Community Dam site.

15.1.3 Policies

15.1.3.1 To identify the location for the Lee Valley Community Dam land where water augmentation for the Waimea Plains can be enabled and protected.

15.1.3.2 To protect the opportunity for the construction of a community water augmentation dam on the Lee River from the adverse effects of land use and development.

15.1.3.3 To recognise the benefits to community social, economic and cultural well being of the Lee Valley Community Dam and associated facilities while managing the adverse environmental effects.

15.1.3.4 In assessing resource consent applications required under Parts II, IV, V, and VI of the Plan for the construction, operation, and maintenance of the Lee Valley Community Dam and associated infrastructure, including the removal of indigenous vegetation, land disturbance, water management, public access and other associated activities, to have particular regard to:

(i) mitigating adverse effects of land disturbance and construction activities on water quality by requiring adoption of best industry practice,

(ii) mitigating the hazard posed by dam break risks by adopting best industry practice in the design, construction and maintenance of the dam,

(iii) mitigating adverse effects on biodiversity by providing offsets for biodiversity values affected by the dam reservoir,

(iv) managing flow releases from the dam to mitigate adverse effects on

(a) recreation use,
(b) sedimentation and bed stability
(c) periphyton growth
(d) water quality
(e) river ecology

(v) providing for public access up to the dam structure

(vi) enabling iwi to salvage argillite and timber taonga that would otherwise be covered by water before commencing to fill the dam
15.1.20 METHODS OF IMPLEMENTATION

15.1.20.1 Regulatory

Identify a Special Area (Chapter 18) for the construction and operation of the Lee Valley Community Dam and rules regulating land use activities in the Special Area.

15.1.20.2 Investigations and Monitoring

To monitor the pattern of land use, subdivision and development occurring as a result of the increased availability of water.

15.1.20.3 Works and Services

Provide of public vehicle access up to the dam structure

15.1.30 PRINCIPAL REASONS AND EXPLANATION

The Council has established and supports the Waimea Water Augmentation Committee's investigation into augmentation options in the Waimea Plain, and is now committed to the construction of the Lee Valley Community Dam on the Lee River, that will address these water shortage issues. This is reflected in the Council’s Long Term and Annual Plans and complements the Council’s approach to this strategic water infrastructure issue.

Policy 1 ensures the location of the Lee Valley Community Dam is defined on the planning maps in the absence of a designation. Applying a ‘Special Area’ status to the land enables particular rules to be applied. The Special Area rules are appropriate for the reasons that: the activity is location specific; is occurring over a long time period; recognises the particular qualities of the site which enable the activity of water augmentation to the Waimea Plains to occur and recognises that sites that provide for efficient water augmentation with manageable adverse effects are a scarce resource.

Policy 2 ensures that any adverse effects of land uses which would reduce the actual or potential ability of the Lee Valley Community Dam to be established or operate efficiently are avoided, remedied or mitigated. The policy is intended to safeguard the site for its intended future use as a water storage facility. The lack of viable alternative sites for water storage and augmentation to the Waimea Plains means that it is very important the land or river does not get developed or used for purposes incompatible with its intended future use.

Policy 3 recognises the particular benefits of the Lee Valley Community Dam. Policy 4 then recognises that there are specific effects arising from the construction, operation and maintenance of the dam and associated facilities that need to be managed appropriately. The policy includes recognition that some effects may not be able to be avoided, and therefore some form of remediation, mitigation or off-set may be appropriate. This includes ensuring that best industry practice is adopted wherever necessary, especially in relation to the design, construction and operation of the dam and managing land disturbance effects. Adverse effects on the currently limited public access to the Lee River are mitigated by the enhanced recreational values, including for swimming and trout angling, of the Lee, Wairoa and Waimea Rivers. Adverse effects created by the dam and its impoundment on biodiversity values and indigenous species will be offset by measures such as enhancement or establishment of similar vegetation communities elsewhere, securing genetic stock from threatened plant populations, pest control and land swap into Forest Park to protect indigenous vegetation. These mitigation measures along with harvest of timber and argillite provide mitigation of adverse effects on iwi and their culture and traditions.

15.1.40 PERFORMANCE MONITORING INDICATORS

15.1.40.1 A community augmentation dam that is meeting the community’s needs for secure water supplies and sustainable water flows in rivers and groundwater.

The operation and maintenance of a community augmentation dam while managing to avoid remedy or mitigate adverse effects of such a dam, including maintenance of minimum flows in the lower Waimea River at 1100 l/sec.
2. Chapter 16: General Rules

2.1 Section 16.12: Bore Construction or Alteration

2.1.1 Amend Figure 16.12A to:

**Figure 16.12A  Minimum Bore Spacing and Bore Casing Requirements**

<table>
<thead>
<tr>
<th>Water Management Zones</th>
<th>Depth of Existing Bore (metres)</th>
<th>Minimum Bore Spacing $\phi$ (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Waimea Zones (without community water augmentation¹)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lower Confined Aquifer</td>
<td>Any</td>
<td>100 between bores and at least 100 from the Waimea River</td>
</tr>
<tr>
<td>Upper Confined Aquifer</td>
<td>Any</td>
<td>50 between bores and at least 100 from the Waimea or Wairoa Rivers</td>
</tr>
<tr>
<td>Hope and Eastern Hills</td>
<td>Any</td>
<td>50 between bores and at least 100 from the Waimea River</td>
</tr>
<tr>
<td>Reservoir Zone</td>
<td>Any</td>
<td>50 between bores and at least 100 from the Waimea River</td>
</tr>
<tr>
<td>Waimea West Zone</td>
<td>Any</td>
<td>50 between bores and at least 100 from the Waimea River</td>
</tr>
<tr>
<td>Delta Zone</td>
<td>Any</td>
<td>50 between bores and at least 100 from the Waimea River</td>
</tr>
<tr>
<td>Wai-iti Zone</td>
<td>Any</td>
<td>50 between bores and at least 100 from the Wai-iti River</td>
</tr>
<tr>
<td>Redwood</td>
<td>Any</td>
<td>100 between bores and at least 100 from the Waimea River</td>
</tr>
</tbody>
</table>

1. These spacing requirements apply from now until the date the Council makes a decision in the Annual Plan about construction of the Lee Valley Community Dam and continue to apply after that date if the Council decides not to proceed with construction.

<table>
<thead>
<tr>
<th>Water Management Zones</th>
<th>Depth of Existing Bore (metres)</th>
<th>Minimum Bore Spacing $\phi$ (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Waimea Zones (with the Lee Valley Community Dam²)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lower Confined Aquifer</td>
<td>Any</td>
<td>100 between bores</td>
</tr>
<tr>
<td>Upper Confined Aquifer</td>
<td>Any</td>
<td>100 between bores and at least 100 from the Waimea River</td>
</tr>
<tr>
<td>Hope Zone</td>
<td>Any</td>
<td>100 between bores</td>
</tr>
<tr>
<td>Appleby Gravels</td>
<td>Any</td>
<td>100 between bores and at least 100 from the Waimea River</td>
</tr>
<tr>
<td>Eastern Hills and Upper catchments</td>
<td>Any</td>
<td>100 between bores and at least 100 from the Waimea River</td>
</tr>
<tr>
<td>Redwood</td>
<td>Any</td>
<td>100 between bores and at least 100 from the Waimea River</td>
</tr>
<tr>
<td>Any other Waimea Zone not described above</td>
<td>Any</td>
<td>50 between bores</td>
</tr>
<tr>
<td>Wai-iti Dam Service Zone</td>
<td>Any</td>
<td>50 between bores</td>
</tr>
</tbody>
</table>

2. These spacing requirements apply after the date the Council makes a decision in the Annual Plan to construct the Lee Valley Community Dam.
3. Chapter 18: Special Areas Rules

3.1 Section 18.14: Water Augmentation Protection Area (Lee Valley Community Dam)

3.1.1 Insert new section 18.14:

**18.14 WATER AUGMENTATION PROTECTION AREA (LEE VALLEY COMMUNITY DAM)**

Refer to Policy set 15.1.3

**18.14.1 Scope of Section**

This section deals with land uses in the Lee Dam Protection Area as shown on the planning maps. Information required with resource consent applications is detailed in Chapter 19.

**18.14.2 Land Use**

**18.14.2.1 Permitted Activities (Land Use)**

Any land use is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) The land use is not construction of a dwelling or a non-relocatable building;

**18.14.3 Dwellings and Non Relocatable Buildings**

**18.14.3.1 Non-Complying Activities (Construction of dwelling, or non relocatable building)**

Construction of a dwelling or a non-relocatable building is a non-complying activity.

A resource consent is required and may include conditions.

**18.14.20 Principal Reasons for Rules**

The Lee Dam Protection Area provides a significant opportunity for augmentation of water supplies to the Waimea Plains. Existing water supplies in the Waimea Plains do not meet existing or potential future demand for water, and there is insufficient water to meet the needs of in-stream uses and values. Locations for the construction of water augmentation dams are a finite resource as location, topography, geology, river flows and existing land uses may all limit the suitability of sites for augmentation dams. The Lee River provides a suitable site for a dam to augment water supplies and it is important that it should be available for the construction of a dam without adverse effects to or from other land uses, especially residential land use or through the capitalisation of the land. The rules aim to protect the long term potential of the site for water augmentation by reducing the incompatible land uses in the vicinity and preventing increasing capitalisation that would increase barriers to dam construction.
Proposed Change 47

Schedule of Amendments

Part V of the Tasman Resource Management Plan is amended in accordance with the following schedule:

NOTE:

- *Italics* denotes TRMP text whether existing or proposed.
- *Underlining* denotes proposed new text inserted or text amended (unless otherwise indicated).
- *Strikethrough* denotes text deleted (unless otherwise indicated).

1. Chapter 30: Taking, Using, Damming and Diverting Water
   1.1. Section 30.0.3: Sustainable Water Management
      1.1.1 Amend last paragraph to:

      Limits may be set in conservative or precautionary terms or may be set in response to problems. The Council will determine how much investigation and monitoring is necessary to support the limits to be set, and the precise threshold limits to sustain a water resource. Previous experiences in water allocation in the District have indicated the difficulties facing communities and the Council when over-allocation has caused local water resources to go dry, or surface water flows and groundwater levels are reduced to unsustainable levels or reduce security of supply for existing water users. This has resulted in problems in reducing authorised and actual usage to restore the resource to a more sustainable level of allocation in the Moutere Surface Water and Wai-iti zones. Any new limits or reviews of the established allocation limits and water allocation policies that may be required following further investigations will be subject to consultation with water user committees, water users and the community before the Plan is changed.

      Water flow regimes and water allocation limits will be revised where water augmentation increases the amount of water available to meet instream needs or to supply additional water for abstractive users.

   1.2 Section 30.0.4.1: Water Abstraction
      1.2.2 Amend paragraphs four to seven to:

      ...Council is particularly keen to improve flows in the Waimea River to protect instream habitat and maintain and improve water users’, including community users’, security of supply as this river is being adversely affected by the current water abstraction. It has identified an augmentation dam on the Upper Lee River as its preferred solution to meeting the current and potential future values and uses of the Waimea River and Waimea Plains groundwater.

      A revision of water resource data for the Waimea Plains shows that, as the river flows drop, the connection between river flows and groundwater is much more critical than previously modelled. There is significantly more water flowing from the river to groundwater during low flow conditions. It is now evident that without augmentation, there is much less water available to:

      - meet allocation limits to a desirable security of supply,
      - maintain minimum flows to protect instream values of the Waimea River,
      - prevent seawater intrusion,
      - maintain coastal spring flows,

      in the Waimea Plains water management zones (excluding the Wai-iti and Wai-iti Dam Service zones) than previously understood.

      Council has established a Dry Weather Task Force (DWTF) with representatives from a range of organisations with an interest in water management, including iwi, Nelson Marlborough Fish and Game Council, Department of Conservation and representatives from water user committees to assist in the management of water during droughts. The DWTF is consulted during droughts and the members provide input into decisions about rationing and other drought management measures that could be adopted as well as liaison with the members of their groups. The DWTF will continue to provide water management input during periods of low flow in the absence of any augmentation scheme or until the proposed Lee Valley Community Dam scheme is operational. Once the dam is operational, in a severe drought, (beyond a one in 40 frequency) drought management will require the Council, the Waimea Community Dam Limited and water users to work together on efficient management of the stored water.
Council has addressed the over-allocation of water in the Waimea Plains zones by supporting the community supported based Waimea Water Augmentation Committee in investigation of options for water augmentation and undertaking feasibility studies into a dam on the Lee River. The Waimea Water Augmentation Committee managing this augmentation project expects that sufficient information to lodge resource consent applications for the Lee Valley Community Dam will be available by 2013/2014/2011.

1.3 Section 30.0.4.3: Damming Water

1.3.1 Amend to:

Dams are valuable for augmenting water supplies in water short areas, and they frequently provide new or enhanced aquatic habitats. However, dams can alter the hydrological regime of a river by stopping or reducing flows during dry periods and preventing natural variations in flow and velocity. They can also adversely affect aquatic habitats, both downstream and upstream of a dam, and adversely affect the passage of fish and eels, alter natural sedimentation processes, influence the range of fish and eel habitats, and change water quality.

Dams are an integral part of water management, particularly in water short Moutere gravel catchments.

The effects of dam structures are will be addressed in Part IV and will also include assessment of structural stability.

1.4 Section 30.0.4.7: Competing Water Demands

1.4.1 Amend to:

The Council notes that for users in the water short Waite –iti Zone, some Waimea Water Management Zones and the Moutere Surface Water Zone, historical allocation of water has been such that users do not have a desirable security of supply. These zones are considered to be over-allocated.

Most of the Waimea Water Management Zones are also over-allocated as a result of past allocation and relatively recent findings about groundwater and surface water interactions. Without the proposed Lee Valley Community Dam, water will continue to be significantly over-allocated in these zones.

1.5 Section 30.0.4.8: Augmenting Water Supplies

1.5.1 Amend first paragraph to:

In the areas of the District where there is insufficient water to meet all the demands placed on the resource, there may be opportunities for augmenting supplies in some areas. This is particularly relevant for the Waimea and Moutere water management zones where there is insufficient water to meet all present and future potential demands for water. Council is particularly committed to meeting water demands for both obstructive and instream water users in the Waimea water management zones and is by co-ordinating and supporting the development of a community water supply dam on the Lee River, the Lee Valley Community Dam investigation of a water augmentation scheme in the upper catchment.

1.6 Section 30.1

Policy 30.1.3.22

1.6.1 Amend policy 30.1.3.22 to:

To avoid, remedy or mitigate the adverse effects of water damming. When assessing resource consent applications to dam water, to take into account adverse effects of the damming, either by itself or cumulatively with other dams on;

(a) the flow regime or water levels in rivers, lakes and wetlands, including maintenance of
   (i) residual flows in surface water bodies which are sufficient to maintain, or where practical enhance, existing in-stream values
   (ii) downstream river bed and coastal margins stability including sediment transfer and management of vegetation in beds of rivers
   (iii) any environmental flow and allocation regime for any river as set out in Schedule 30A and Schedule 31C
(b) passage of fish and eels;
(c) other water users;
(d) aquatic ecosystems and riparian habitat; [editor note: covered in clauses above]
(e) water quality including management of periphyton;
(f) groundwater recharge; and
(g) adverse effects of dam failure

and to ensure any damming or diversion of water:

(h) allows flows to pass downstream with sufficient volume, velocity, frequency and duration to maintain the stability and ecological and recreational values of the river and other affected rivers.

New Policy

1.6.2 Insert new policy:

30.1.2 2 A To establish management objectives as identified in Schedule 30A and associated minimum flow regimes and allocation limits for the Waimea River and provide for:

(a) the proposed Lee Valley Community Dam, including:
   (i) provisions for transitional water management to 2020 to allow for construction of the dam;
   (ii) a review of the Plan if the dam is not operational as planned by 1 November 2020

and

(b) reduction in the allocation of water to sustainable limits by 2036/37 if the Lee Valley Community Dam is not constructed.

Policy 30.1.3.41

1.6.3 Relocate policy to follow Water Take Policy 30.1.3.19 and amend to:

30.1.3.419B If the Council makes a decision in the Annual Plan not to proceed with the Lee Valley Community Dam by 1 July 2015 to mitigate adverse effects of abstractive water takes droughts on instream values and water users by adopting a flow drought management regime for any takes of water from the Reservoir, Waimea West, Golden Hills, Delta, Hope and Eastern Hills and Upper and Lower Confined Aquifer zones that:

(a) maintains a minimum flows in the Waimea and Wairoa Rivers to protect so that in-stream and recreational values specified in Schedule 30A at times when river flows are declining to avoid risk of seawater intrusion and to maintain flows in Pearl Creek;

(b) manages the decision to impose rationing and management of progressive rationing steps in consultation with the Dry Weather Task Force;

(c) makes most efficient use of available abstracted water according to established priority in policy 30.2.3.1

Section 30.1.30: Explanation and Reasons, Waimea River

1.6.4 Amend to:

Waimea River

Recent Review and further investigation of the water resources in the Waimea water management zones has shown that in the there to be less water than previously modelled. Five zones Reservoir, Waimea West, Golden Hills, Delta, Hope and Eastern Hills and Upper and Lower Confined Aquifer zones there is are now considered to be even more over allocated with insufficient water to meet abstractive demand at the stated security of supply level. Historical allocation limits had not taken account of flow requirements for the identified instream values, and current permit allocations mean that the maintenance of a desirable minimum flow in a significant drought requires substantial management action is virtually impossible.
Council acknowledges that this allocation regime significantly exceeds the available water for both water body values and uses and for water users’ acceptable security of supply.

The Council has supported the Waimea Augmentation Committee’s investigation into augmentation options in the Waimea Plains, and is now committed to the investigation and construction of a water augmentation dam scheme on the Lee River that will address these water shortage issues.

There is now reasonable certainty that the proposed augmentation dam Lee Valley Community Dam scheme will provide adequate minimum flows of 1100/l/sec in the Waimea River at Appleby that will meet to meet all existing and foreseeable future water users’ needs, including abstractive and instream uses and values. New Plan provisions allow for the opportunities enabled by this augmentation scheme. Transitional provisions are included to manage water while the dam is being approved and constructed and before it is operational.

Council has adopted an interim water management regime in 2007 that focussed on mitigating adverse effects of droughts on water body uses and values and on water users until the outcome of the augmentation scheme project is known. or within 10 years of the interim provisions becoming operative, whichever happens sooner. The Council, water users and stakeholders consider it is not in the community’s best interests to determine a flow regime for the Waimea River at this time. This is because

If there is no augmentation, new Council will review water management provisions for the Waimea water management zones including establishment of minimum flows have been adopted. The review would address possible reductions in allocation limits or other. New measures to manage the over-allocation and reduced security of supply have also been adopted.

The Council has adopted new river and groundwater management objectives as shown in Schedule 30A that it seeks to provide for in the absence of an augmentation dam. They include seeks to avoiding seawater intrusion and maintenance of or drying of spring flows and provision for minimal recreation and amenity values in the lower Waimea River by maintaining a minimum flow of 800l/sec flows for longer in the Waimea River. This reflects the community values for the river and complements the Council’s community Waimea River Park Management Plan 2010. A flow of 800l/sec also ensures effects of climate change and sea level rise can be managed

Council will initiate through initiating rationing based on flows in the Wairoa River at the gorge and will maintain the minimum flow by requiring most abstractive water takes to cease when necessary. Water rationing steps are provided for droughts with a frequency of up to one in twenty years. Decisions about water takes beyond this will be guided by Policy 30.2.3.1.

at a higher trigger than previously used. Maintenance of flows for longer periods, as well as more frequent rationing, will help offset the adverse effects of low flows on stream values, especially aquatic fishery habitat. While water users may be faced with more frequent rationing, Council will not establish a minimum flow beyond which water takes are to cease.

While there is no dam or in anticipation of a dam, Council will also continue to consult with the Dry Weather Task Force during droughts about implementation of rationing and other drought management methods, including measures to ensure efficient use of available water. The Dry Weather Task Force will be established by Council during droughts with representatives invited from iwi, Nelson Marlborough Fish and Game Council, Department of Conservation and the relevant water user committees.

Council will continue to delay application of soil-based application rates until the issues of over- allocation have been resolved. Council will, however, continue to require efficient use of allocated water, especially during a drought.

Council intends to maintain this management approach as an interim measure until a Waimea augmentation scheme is in operation or within 10 years of these provisions becoming operative.

The Council’s long term approach to water management for the Waimea zones is to augment water supplies to reduce the level of conflict between instream and abstractive uses and values and increase users’ security of supply. If the Lee Valley Community Dam does not proceed as proposed by 2015, Council nevertheless will
protect the site for a future augmentation dam through land use provision in Part II that provides for the needs of future generations.

1.7 Section 30.2

30.2.3.8 Expiry Dates

1.7.1 Amend policy 30.2.3.8 to:

To set a common expiry dates for water permits to take water in each water management zone, to ensure consistent and efficient management of the resource and set durations that provide a periodic opportunity to:

(a) review water use that takes into account potential effects of changes in:

   (i) knowledge about the water bodies
   (ii) over allocation of water
   (iii) water quantity and water quality
   (iv) patterns of water use
   (v) technology
   (vi) community values
   (vii) climate.

   on the cumulative effects of all the water takes within the water management zone

and

(b) to adopt common expiry dates and consent statuses of activities that take into account continued business security and consent costs while managing environmental risks.

30.2.3.9 – Assessing Permit Applications (Editor’s note: this makes the funding links)

1.7.2 Amend policy 30.2.3.9 to:

Except as provided by Policies 30.2.3.9A and 30.2.3.9B, when assessing any application to take, use, dam or divert water, to take into account:

(a) any provisions that may exist for the reservation of water;
(b) effects on other water users, including drawdown of groundwater in neighbouring bores;
(c) measures taken for water conservation and to ensure efficient water use;
(d) measures for monitoring water use;
(e) whether the applicant has reasonable access to water at the site where water is to be used;
(f) whether the applicant already has any existing permits that are not fully exercised;
(g) for any application to take water for irrigation:
   (i) the location and area of land to be irrigated at any one time, excluding non-irrigated areas such as roads, waterways and buildings, and the soil water-holding characteristics of the soil being irrigated;
   (ii) the influences of climate on crop water demand;
(h) for any application to take water for community water supplies, the area to be serviced and relevant data used in predicting likely urban growth;
(i) for any application for other uses, including industrial uses, the process where water is necessary, likely volumes to be used in any process and best practice options for efficient water use;
(j) for any application to take water for domestic use, whether Council intends to provide a reticulated community water supply (as identified in the Long Term Council Community Plan);
(k) whether there is a reasonable alternative supply from which water takes cause less significant adverse effects, including water storage options for that property;
(l) whether the activity significantly reduces the security of water supply to existing dams.
(m) for any application to take water from a community augmented water supply, the nature and extent of the investment into the construction and operation of the community augmentation scheme.
New Policy: Provisions for Takes from Augmented Supplies

1.7.3 Insert new policy after policy 30.2.3.9:

30.2.3.9A Where a resource consent applicant to take water has

(a) augmented the water supply or
(b) contributed to augmentation of natural water flows

to which the application relates through an investment or contribution into a water augmentation scheme, Council will not apply the general provisions of policies 30.2.3.9 and 30.2.3.11 in respect of bona fide review of permits and demonstration of need for and access to water depending on the extent to which the water supply has been augmented.

Editor’s Note: This applies to any storage dam or augmentation scheme – and is consistent with the recently added take from storage rules. Policy 30.2.3.11 refers to the bona fide review of permits.

Policy 30.1.3.40

1.7.4 Relocate policy 30.1.3.40 to follow new Water Take Policy 30.2.3.9a and amend to:

30.2.3.40B If the Council decides not to proceed with the construction of the Lee Valley Community Dam by 1 July 2015, to reduce, avoid, remedy or mitigate the over allocation of water adverse effects of taking water in the Upper Catchment, Reservoir, Waimea West, Golden Hills, Delta, Hope, Eastern Hills and Upper and Lower Confined Aquifer water management zones by adopting a two stage process that includes:

(a) adopting sustainable allocation limits that enable the minimum river flows to be met while providing for a reasonable security of supply for water users.

(ab) declining any new resource consent application to take water, except where water is taken at times of high flow;

(bc) declining any application for site-to-site transfer of water permits or parts of water permits in circumstances that result in an increase in the amount of water used in irrigated areas;

(cd) reducing allocations of allocated but unused water wherever possible;

(de) coordinating and supporting development of a sustainable water augmentation;

(e) reducing permit allocations to reflect actual crop needs and soil type water holding characteristics;

(f) reducing the permit duration to 10 years for any consent s replacing existing permits in 2016/2017

(g) for any applications being made in 2023/24 for renewal of existing permits, to reduce total permit allocations through bona fide reviews and pro rata reductions across all permits to a more sustainable limit.

and to review this management regime when an augmentation scheme is in operation or within 10 years of these provisions becoming operative.

Editor’s note: The more sustainable limit provides for some security of supply at proposed minimum flows, although because the river flow declines so rapidly during drought, there is minimal security of supply beyond a 10 year drought in the Waimea zones.

Policy 30.2.3.12: Site to Site Transfers

1.7.5 Amend policy 30.2.3.12 to:

To provide for water permit transfers, including temporary transfers from site to site, including within the Wai-iti Dam Service Zone and the zones augmented by the Lee Valley Community Dam (Appleby Gravel, Upper Confined Aquifer and Lower Confined Aquifer Water Management Zones), that:

(a) enable more efficient use to be made of water available for abstractive use;

(b) enable water users to obtain more reliable supplies of available water;
where applicable, contribute to the efficient and sustainable operation of the Wai-iti and Lee Valley Community Dam augmentation schemes.

Policy 30.2.3.16: Security of Supply

1.7.6 Amend policy 30.2.3.16 to:

To seek to maintain or establish a minimum security of supply for all abstractive water users by establishing allocation limits and trigger levels for rationing whereby, for all except community water supplies,

(a) a reduction in 35 percent of the allocated amount is expected during a 10-year drought for permits to take water from surface or ground water bodies during summer periods,

and

(b) to adopt a higher security of supply where knowledge about cumulative effects of water abstraction on water bodies is not complete or where demand for water resources is lower or where abstractive water users are supplied by a water augmentation scheme that enables higher security standards.

New Policy 30.2.3.24

1.7.7 To ensure the effects of nutrient leaching from land uses, especially in the Waimea Plains and particularly where there is intensification of land enabled by the Lee Valley Community Dam continue to meet the water quality objectives\(^1\) for ground and surface water by:

(a) requiring nutrient and irrigation management planning by property owners

(b) on-going monitoring of the water quality including Pearl, Neiman and Borcks Creek in the Waimea Plains.

(c) improved riparian land management

\(^1\) Editor’s note: The Council will amend Schedule of uses and values for the Waimea water resources to reflect that it will improve water quality in the rivers but that water quality in the springs will be maintained at current levels or reduced.

This policy is currently general in its application

30.2.20.4: Methods of Implementation

1.7.8 Delete method 30.2.20.4(f):

Review of the effects of applying a soil-based water allocation system for the Waimea Zones, taking into account the effects of rationing and security of supply.

30.2.30: Principal Reasons and Explanation

1.7.9 Amend 30.2.30 after the 14\(^{th}\) paragraph beginning, “It is both efficient and sustainable for Council ...” as follows:

In water management zones benefitting from an augmented supply, including those benefitting from the Lee Valley Community Dam, water users will need to contribute funding to such schemes in order to access the augmented water. This reflects the community approach to resolving water shortages, as without user contributions the security of supply for existing users is not sustainable and no provisions can be made for future users. In the new policy 30.2.3.9A Council will not subject these permits to the same review provisions as other water users to reflect the investment made by water users in augmenting their water supply.

Council also wishes to enable efficient use of the augmented water supplies in the Wai-iti Dam Service Zone and the Waimea Zones benefitting from increased flows or levels arising from the proposed Lee Valley Community Dam as described in Policy 30.2.3.12. Where such augmentation schemes are operating, site to site transfers will be encouraged as a means of increasing the efficient use of available water and these will be subject to fewer restrictions. It has introduced permitted and controlled activities for site-to-site transfers of points of take. This regime enables users to move points of take closer to the augmented river flow and thus a more reliable supply. It can encourage users to transfer unused parts of permits to new users and contribute to more efficient use of water. It helps achieve more efficient and sustainable use of the augmented supply by allowing optimal use of all the available water.
In most water short areas, ...

Council also proposes ...

Except in over-allocated zones ...

In setting allocation limits ...

**Security of Supply**

The Council will generally seek to provide a security of supply for surface and ground water users that results in the equivalent of a 35 percent reduction in allocated use during a 10-year drought, implemented through a series of stepwise reductions as provided for in Policy 30.2.3.15. It will also encourage the harvesting of water during times of high flow and recognise that water users can increase their own security of supply through water augmentation schemes such as water harvesting and storage in dams (Policy 30.2.3.16). The Council also recognises that contributions to an augmentation scheme may improve instream values. An augmentation scheme may lead to allocation limits being increased or changes being made to minimum flow provisions.

The Council will also ...

Some water management zones ...

More data and improved understanding ...

In some zones, water allocated is greater than the amount considered to be the sustainable water allocation limit for the zone. This is particularly relevant in most of the Waimea zones should there be no augmentation dam, the Wai-iti Zone and for most of the Moutere Surface Water Zone. Permit holders are likely to have a lower security of supply than considered desirable. The existing Wai-iti Dam and the proposed Lee Valley Community Dam will, however, enable some water users in the Wai-iti Dam augmented Service zones to improve their security of supply. The size of the Lee dam and the flows required to maintain downstream aquatic habitat and other values will influence the security of supply. For the Wai-iti dam, the design security of supply means water permit holders will not be rationed in a ten year drought, while the proposed Lee Valley Community Dam ensures secure supplies for a 60 year drought. Council will continue to review permits to reflect bona fide use, but recognises that not all users have secure supplies. Policy 30.2.3.16 ensures that in case of any water augmentation in these zones, Council will adopt appropriate measures to manage the augmented supply.

The Council will work with ...

An allocation limit has been ...

Allocation of water will be ...

**No Lee Valley Community Dam**

The exception to the general water management approach is in the situation where the Council makes a decision in the Annual Plan not to construct the Lee Valley Community Dam by July 2015. This applies to the over-allocated and inter-connected Waimea water management zones; Delta, Golden Hills, Waimea West, Reservoir, Hope and Eastern Hills, Upper Catchments and the Upper and Lower Confined Aquifer Zones.

In these zones, a more stringent approach to water allocation will be required in order to reduce the over-allocation of water and protect the minimal in-stream values of the Waimea River. New sustainable allocation limits in the absence of a dam have been adopted. They provide for the desired security of supply under the new minimum flow regime proposed for the Waimea River.

These allocation limits will have substantial impacts on the abstractive users of water.

The Council intends a staged approach over the next two permit reviews with a target of sustainable allocation by 2036/37. No new permits will be issued in these zones. Applications in 2016/17 that are renewals of existing water permits will be subject to water allocation on the basis of bona fide use, crop and soil type and rationing triggers aimed at protecting the flow in the Waimea River.
A shorter permit duration of 10 years will also be adopted to reflect the significant over-allocation and allow for more frequent review. After the first permit review, total allocations will be reduced across all permits to the sustainable limits through permit reviews and possibly through pro rata reductions.

The use of water to irrigate land has the potential to increase the amount of nutrients, especially nitrate-nitrogen in run-off and groundwater. This is a risk in the Waimea plains, both from the current pattern of land use and where increased intensification is enabled by the dam. The Council intends to address this risk through nutrient and irrigation management by landowners along with specification of best industry practices that are aimed at minimising nutrient loss.

Water meters will continue ...

1.8 Schedule 30A
1.8.1 Amend rows (2), (3), (4), (9), (10) and (12) to:

<table>
<thead>
<tr>
<th>WATER BODY USES AND VALUES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Body</td>
</tr>
<tr>
<td>---------------------</td>
</tr>
<tr>
<td>WITH PROPOSED LEE VALLEY COMMUNITY DAM These objectives apply until the Council makes a decision in the Annual Plan by 1 July 2015 on whether to construct the Lee Valley Community Dam, and continue to apply after a decision is made to construct the Lee Valley Community Dam.</td>
</tr>
<tr>
<td>(2) Upper Confined Aquifer</td>
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<tr>
<td>(3) Delta Zone Appleby Gravel Aquifer</td>
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<tr>
<td>(4) Lower Confined Aquifer</td>
</tr>
<tr>
<td>Editor’s note: other aquifers are less significant and addressed more generally by existing entry for groundwater in (1)</td>
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<tr>
<td>Other Uses and Values</td>
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<tr>
<td>Water Body</td>
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<tr>
<td>------------</td>
</tr>
<tr>
<td><strong>(9) Waimea River</strong></td>
</tr>
<tr>
<td><strong>In Situ Uses and Values</strong></td>
</tr>
<tr>
<td>• Aquatic ecosystems, wildlife and aquatic plant habitat.</td>
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<tr>
<td>• Contact and non-contact recreation including swimming, canoeing, angling, jet boating and picnicking activities.</td>
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<tr>
<td>• Cultural and spiritual values.</td>
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<tr>
<td>• Landscape values.</td>
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<tr>
<td>• Contribution to lowland spring flows,</td>
</tr>
<tr>
<td>• Instream native and trout fisheries including native fish diversity and abundance, brown trout habitat, values and trout passage and trout spawning.</td>
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<tr>
<td>• Native consumption.</td>
</tr>
<tr>
<td>• Irrigation supply.</td>
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<tr>
<td>• Community water supply.</td>
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<tr>
<td>• Stock and farm water supply.</td>
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<tr>
<td>• Industrial supply.</td>
</tr>
<tr>
<td><strong>(10) Neiman and Pearl Creeks</strong></td>
</tr>
<tr>
<td><strong>In Situ Uses and Values</strong></td>
</tr>
<tr>
<td>• Native fish habitat, including the regionally significant native fishery of Neiman and Pearl creeks.</td>
</tr>
<tr>
<td>• Regionally significant wildlife habitat in Neiman and Pearl creeks.</td>
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<tr>
<td>Water Body</td>
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<tr>
<td>(12) Wairoa, Roding and Lee Rivers</td>
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</table>

**WITHOUT AN AUGMENTATION SCHEME**

(2) These objectives apply from 1 July 2015, if the Council makes a decision in the Annual Plan to not proceed with the construction of the Lee Valley Community Dam.
<table>
<thead>
<tr>
<th>Water Body</th>
<th>Values/Uses Adversely Affected by Reduced Flows or Levels or Damming</th>
<th>Water Management Objectives for Water Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aquifers</td>
<td></td>
<td>Creek. Prevention of seawater intrusion.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maintenance of aquifer pressures such that annual recharge rates meet or exceed annual abstraction rates to match recharge rates.</td>
</tr>
</tbody>
</table>

### Other Uses and Values

- Human consumption.
- Irrigation supply.
- Community water supply.
- Stock and farm water supply.
- Industrial supply.
- Protection of water supply needs of stock and domestic users.
- Reduce water allocations to sustainable limits by 2036, to maintain maintenance of water users’ security of supply at an acceptable level.

### (9) Waimea River

- Aquatic ecosystems, wildlife and aquatic plant habitat.
- Contact and non-contact recreation including swimming, canoeing, angling, jet boating and picnicking activities.
- Cultural and spiritual values.
- Landscape values.
- Contribution to lowland spring flows.
- Instream native and trout fisheries including native fish diversity and abundance, brown trout habitat, values and trout passage and trout spawning.
- Contribution to Neiman and Pearl creek spring flows.
- Native bird habitat including for threatened banded dotterel, NZ Pied Stilt and black-fronted tern on the Waimea River.
- Maintenance of Waimea River minimum flow at or above 800 l/sec all year in a drought return period of at least 10 years, during drought periods to support aquatic ecosystems, provide for recreational activities, provide for cultural and spiritual values and landscape values, sustain habitat needs of native fish and trout, sustain flow in Neiman and Pearl creeks and avoid seawater intrusion up river adjacent to any pumped bore, and support habitat needs of native birds.
- Protection of recreational activities.
- Protection of cultural, spiritual and landscape values.

### Other Uses and Values

- Human consumption.
- Irrigation supply.
- Community water supply.
- No further reduction in users’ security of supply.
- Reduce water allocations to

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*These objectives for the Waimea River will be reviewed if a water augmentation scheme is commissioned or within 10 years of these provisions becoming operative, whichever is the sooner.*
## WATER BODY USES AND VALUES

<table>
<thead>
<tr>
<th>Water Body</th>
<th>Values/Uses Adversely Affected by Reduced Flows or Levels or Damming</th>
<th>Water Management Objectives for Water Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>sustainable limits by 2036 to maintain&lt;br&gt;● <strong>Maintenance</strong> of water users' security of supply at an acceptable level.</td>
<td></td>
</tr>
</tbody>
</table>

(10) Neiman and Pearl Creeks

- Native fish habitat, including the regionally significant native fishery of Neiman and Pearl creeks.<br>- Regionally significant wildlife habitat in Neiman and Pearl creeks.<br>- Maintenance of spring flows during drought to protect instream and wildlife habitats and prevent sea water intrusion.

Other Uses and Values

- Stock and farm water supply.

(12) Wairoa, Roding and Lee Rivers

- Aquatic ecosystems, wildlife and aquatic plant habitat.<br>- Native fish and trout habitat.<br>- Contribution to Waimea River flows.<br>- Contact and non-contact recreation, including kayaking, swimming, canoeing, angling, jet boating and picnicking.<br>- Cultural and spiritual values<br>- Landscape values<br>- Instream native and trout fisheries including native fish diversity and abundance, brown trout habitat, values and trout passage and trout spawning.<br>- Protection of instream values including fisheries and natural values.<br>- Protection of recreation activities in the Wairoa, Lee and Roding Rivers.<br>- Maintenance of contribution to Waimea River flows.<br>- Protection of landscape, cultural and spiritual values.

Other Uses and Values

- Human consumption.<br>- Irrigation supply.<br>- Community water supply.<br>- Stock and farm water supply.<br>- Potential value for hydro-electric power generation in the Lee River.<br>- Maintenance of users' security of supply at an acceptable level.<br>- Maintain domestic, stock and farm water supplies.
2. Chapter 31: Rules for Water Take, Diversion, Use or Damming

2.1 Water Take, Diversion and Use

Rule 31.1.2.1: Permitted Activities

2.1.1 Amend condition 31.1.2.1(e) to:

(e) There is no new take occurring after 3 November 2001 from:
(i) the coastal margin of the Delta Zone;
(ii) the coastal margin of the Hau Plains Zone;
(iii) the coastal margin of the Marahau Zone, or
(iv) occurring after <April 2013> in the coastal margin of the Lower Confined Aquifer Zone

Rule 31.1.2.2: Controlled Activities

2.1.2 Amend the introductory paragraph of rule 31.1.2.2 to:

Except as provided by Rule 31.1.2.3a, the taking, diversion or use of water from surface water, aquifers and inshore coastal water that does not comply with the conditions of Rule 31.1.2.1 is a controlled activity, if it complies with the following conditions:

2.1.3 Amend 1st row of Figure 31.1C (Rationing Steps) and 2nd paragraph of condition (b) to:

<table>
<thead>
<tr>
<th>Water Management Zone</th>
<th>Rationing Steps</th>
</tr>
</thead>
</table>
| All water management zones except for the Riwaka Zone | Step 1 – Allocation less 20% = (quantity) m3 per week  
Step 2 – Allocation less 35% = (quantity) m3 per week  
Step 3 – Allocation less 50% = (quantity) m3 per week  
Step 4 – Cease take as specified in Schedule 31C |

Progression from steps 1 to 3 are at the discretion of the Council during times of low water flows or levels, in consultation with current water user committees. Step 1 rationing may be introduced once the specified trigger for rationing (see Schedule 31C) is reached. The need for steps 2 and 3 will be subject to the extent and duration of the low flow period. Step 4 rationing will be imposed through water shortage directions by Council where it is necessary to protect minimum water levels or flows as specified in Schedule 31C.

2.1.4 Amend condition 31.1.2.2(c) to:

Community Water Supply Rationing

(c) For any taking and use of water for community water supply, any rationing required to maintain minimum water flows or levels specified in Schedule 31C, comprises the following series of cuts in authorised usage from the maximum weekly authorised:

(i) Either as listed in Figure 31.1C

or

(ii) As follows:

Step 1: Reduce actual usage to by 10 percent (compared with the previous measured weekly usage) less than the actual average monthly amount used in the same month in the most recent year that no rationing was imposed.

Step 2: Reduce actual usage authorised after implementing Step 1 by a further 7.5 percent.

Step 3: Reduce actual usage authorised after implementing Step 2 by a further 7.5 percent.

Whichever of (i) or (ii) is the greater reduction in actual water use, provided that after step 3, water shortage directions as described in Policy 30.2.3.1 and as shown in Schedule31C may further limit amount of water abstracted.

2.1.5 Delete condition 31.1.2.2(f) and replace with:

Condition (d) does not apply in any Waimea Water Management Zone (except the Wai-iti Zone and the Wai-iti Dam Service Zone).


In the Delta, Golden Hills, Waimea West, Redwood, Reservoir, Hope, Eastern Hills, Upper Catchments and Upper and Lower Confined Aquifer Zones shown on the Planning Maps the amount taken and used for irrigation of field crops is the least of:

(i) the relevant rate given in Figure 31.1D; or
(ii) the relevant rate given in Figure 31.1DA
(iii) any lesser rate applied for; or
(iv) the level of bona fide use; or
(v) the sustainable yield of the bore; or
(vi) the quantity specified on the permit being renewed.

Provided that after 1 January 2026, allocations for all relevant consents will be further reduced by a pro rata amount required to meet the allocation limit specified in Figure 31.1EA for these zones.

2.1.6 Insert new Figure 31.1DA: Irrigation Rates by Crop Type

<table>
<thead>
<tr>
<th>Crop Types</th>
<th>Rate (cubic metres/ha/week)</th>
<th>Rate (millimetres/week)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apples</td>
<td>350</td>
<td>35</td>
</tr>
<tr>
<td>Grapes</td>
<td>140</td>
<td>14</td>
</tr>
<tr>
<td>Kiwifruit</td>
<td>350</td>
<td>35</td>
</tr>
<tr>
<td>Berryfruit</td>
<td>290</td>
<td>29</td>
</tr>
<tr>
<td>Stonefruit</td>
<td>290</td>
<td>29</td>
</tr>
<tr>
<td>Market Gardening</td>
<td>350</td>
<td>35</td>
</tr>
<tr>
<td>Pasture</td>
<td>350</td>
<td>35</td>
</tr>
<tr>
<td>Any other irrigated land use</td>
<td>300</td>
<td>30</td>
</tr>
</tbody>
</table>

Up to 20 percent more than the rate specified may be allocated provided there is acceptable scientific evidence provided with the application that the crop and soil type being irrigated requires the higher amount. This evidence must include analysis of the soil’s water-holding capacity; information on the nature of crop water requirements, including rooting depth and cover; climate information relevant to the property; and water metering data.

2.1.7 Amend matter of control (1) to:

The quantity, rate and timing of the take not otherwise specified above, including rates of take, rostering or rationing steps required to implement conditions (b), (c) and (d) and (f), and any other requirements to maintain any minimum flow or level given in Schedule 31C.

2.1.8 Delete matter of control (10):

The amount taken and used in any Waimea Water Management Zone (except the Wai-iti Zone and the Wai-iti Dam Service Zone) in relation to:

- bona fide use,
- relevant rates given in Figure 31.1D,
- sustainable yield of the bore,
- the rate applied for,
- the quantity specified on the permit being renewed, and
- the likelihood of a water augmentation scheme proceeding that is designed to service the relevant zone.

2.2 Water Take, Diversion or Use within Allocation Limits

Rule 31.1.2.3: Controlled Activities

2.2.1 Amend beginning of 31.1.2.3 to:

Except as provided by Rule 31.1.2.3A, the taking, diversion or use of water that does not comply with the conditions of Rule 31.1.2.1 or the conditions of Rule 31.1.2.2 is a controlled activity, if it complies with the following conditions:
2.2.2 Amend conditions 31.1.2.3 (a) and (b) to:

(a) The water is taken or diverted in a water management zone with an allocation limit specified in Figure 31.1E or Figure 31.1EA.

(b) Subject to condition (c), the amount of water taken or diverted on its own or in combination with other authorised takes does not exceed the relevant allocation limit specified in Figure 31.1E or Figure 31.1EA.

2.2.3 Delete from Figure 31.1E:

Waimea Zones,
Upper catchments,
Hope and Eastern Hills
Lower Confined Aquifer

2.2.4 Insert new Figure 31.1EA:

**Figure 31.1EA: Allocation Limits for Freshwater Takes (Waimea Zones)**

<table>
<thead>
<tr>
<th>Water Management Zone</th>
<th>Allocation Limit (l/sec) (calculated as the sum of all allocations in each of the zones)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waimea Zones</td>
<td></td>
</tr>
<tr>
<td>Upper Catchments</td>
<td>0</td>
</tr>
<tr>
<td>Upper Confined Aquifer</td>
<td>92</td>
</tr>
<tr>
<td>Lower Confined Aquifer</td>
<td>145</td>
</tr>
<tr>
<td>Delta</td>
<td>370</td>
</tr>
<tr>
<td>Golden Hills</td>
<td>70</td>
</tr>
<tr>
<td>Waimea West</td>
<td>95</td>
</tr>
<tr>
<td>Reservoir</td>
<td>365</td>
</tr>
<tr>
<td>Hope and Eastern Hills</td>
<td>70</td>
</tr>
</tbody>
</table>

2.3 Take, Diversion or Use if there is a Lee Valley Community Dam

2.3.1 Insert new controlled activity rule 31.1.2.3A:

**31.1.2.3A Controlled Activities (Take, Diversion or Use if there is a Lee Valley Community Dam)**

Provided that the Council has made a decision in the Annual Plan to proceed with the construction of the Lee Valley Community Dam by 1 July 2015 the taking, diversion or use of water that does not comply with the conditions of Rule 31.1.2.1, 31.1.2.2 or 31.1.2.3 is a controlled activity, if it complies with the following conditions:

(a) The water is taken and used from the Appleby Gravel, Lower Confined, Upper Confined Aquifer or Upper Catchments water management zones shown on the Planning Maps.

(b) The amount of water taken and used on its own or in combination with other authorised takes does not exceed the relevant allocation limit specified in Figure 31.1EB.

(c) The taking, diversion, and use of water for irrigation is the subject of a nutrient and irrigation management plan that is prepared, maintained, and made available to the Council at least annually, and certified by a suitable competent person in irrigation and nutrient management as being complete and in accordance with good management practices for irrigation and nutrient management.

(d) The amount of water authorised to be taken from the Appleby Gravel, Upper Confined, Lower Confined Aquifer, and Upper Catchments Water Management Zones and used following commencement of the discharge from the Lee Valley Community Dam, and provided the scheme continues to be in operation, is equivalent to the amount either:

   (i) for which the relevant property at which the water is being taken is subject to the any targeted rate made under the Local Government (Rating) Act 2002 to contribute to the provision or operation of the Lee Valley Community Dam; or

   (ii) described in any relevant water supply agreement with the Waimea Community Dam Limited.
(e) The amount taken and used is:
   (i) no more than the sustainable yield of the bore where the take is from groundwater; and
   (ii) used at no more than the relevant rate given in Figure 31.10 for irrigation use takes;

(f) The water is not taken from the coastal margin of the Lower Confined Aquifer Zone.

**Figure 31.1EB: Allocation Limits for Freshwater Takes**

<table>
<thead>
<tr>
<th>Water Management Zone</th>
<th>Allocation Limit* (litres per second)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appleby Gravel</td>
<td>3320</td>
</tr>
<tr>
<td>Lower Confined Aquifer</td>
<td>250</td>
</tr>
<tr>
<td>Upper Confined Aquifer</td>
<td>200</td>
</tr>
<tr>
<td>Upper Catchments</td>
<td>See Note (2)</td>
</tr>
<tr>
<td>Hope</td>
<td>82</td>
</tr>
</tbody>
</table>

**Notes:**
(1) Allocation limits in litres per second for consumptive use are for the period November to April. They are calculated as the sum of weekly permit allocations and refer to surface water or groundwater takes.
(2) Allocations made to take water from this zone will be deducted from the total available in the Appleby Gravel Zone.

(g) A water meter is installed as specified in Schedule 31B.

**A resource consent is required, and may include conditions on the following matters over which Council has reserved control:**

(1) The quantity, rate and timing of the take not otherwise specified above including rates of take, rostering or rationing steps required to maintain any minimum flow or Lee Valley Community Dam reservoir storage given in Schedule 31C or to avoid localised depletion of the water resource, including any transitional provisions that apply until 1 November 2020 or until when the dam is operational, whichever is the sooner.

(2) The location of the point of take or yield of any bore, including taking into account required spacing between bores (see Figure 16.12A) and aquifer characteristics such as depth, permeability, yields required, and yields available in existing adjacent bores.

(3) The effects of the take on other uses or values of the water body, including those given in Schedule 30A.

(4) The effects of any water take and use for frost fighting on the natural flow regime of the river.

(5) The effects of the takes on other water users.

(6) The need for backflow prevention for any take from groundwater.

(7) The effects of the take either by itself or in combination with other existing takes on aquatic and riparian ecosystems including fish and eel habitat and flows in rivers or coastal streams affected by takes from groundwater.

(8) Installation of water meters as provided for in Schedule 31B or in Policy 30.2.3.13.

(9) General or particular requirements in relation to any nutrient and irrigation management plan.

(10) Information to be supplied and monitoring requirements.

(11) The duration of the consent as provided for in Schedule 31A (Section 123 of the Act), timing of reviews and the purposes of reviews (Section 128 of the Act).

(12) Financial contributions, bonds and covenants in respect of the performance of conditions and administration charges (Section 108 of the Act).
2.4 Take, Diversion or Use from Fresh or Inshore Coastal Water, or Storage

Rule 31.1.2.5: Restricted Discretionary Activities

2.4.1 Amend the beginning of rule 31.1.2.5 to:

The taking, diversion or use of water that does not comply with the conditions of Rule 31.1.2.1 or the conditions of Rule 31.1.2.2, Rule 31.1.2.3, 31.1.2.3A or Rule 31.1.2.4, is a restricted discretionary activity, if it complies with the following conditions:

2.4.2 Amend condition 31.1.2.5(a) to:

The total amount taken, either by itself or in combination with other authorised water takes in the relevant water management zone does not exceed the total allocation limit for the relevant zone as shown in Figure 31.1F or in Figure 31.1FA.

2.4.3 Delete the Waimea Zones from Figure 31.1F and insert new Figure 31.1FA

Figure 31.1FA: Waimea Zones Allocation Limits for Freshwater Takes

<table>
<thead>
<tr>
<th>Water Management Zone</th>
<th>Allocation Limit (litres per second)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Either (i)</strong></td>
<td></td>
</tr>
<tr>
<td>Waimea Zones: until the Council makes a decision not proceed with the construction of the Lee Valley Community Dam in the Long Term Plan or Annual Plan or from 1 July 2015 whichever is the sooner</td>
<td></td>
</tr>
<tr>
<td>Upper Catchments</td>
<td>0</td>
</tr>
<tr>
<td>Hope and Eastern Hills</td>
<td>70</td>
</tr>
<tr>
<td>Lower Confined Aquifer</td>
<td>145</td>
</tr>
<tr>
<td>Delta</td>
<td>370</td>
</tr>
<tr>
<td>Golden Hills</td>
<td>70</td>
</tr>
<tr>
<td>Waimea West</td>
<td>95</td>
</tr>
<tr>
<td>Upper Confined Aquifer</td>
<td>92</td>
</tr>
<tr>
<td>Reservoir</td>
<td>365</td>
</tr>
<tr>
<td>Redwood</td>
<td>30</td>
</tr>
<tr>
<td><strong>Or (ii)</strong></td>
<td></td>
</tr>
<tr>
<td>Waimea Zones from the date the Council makes a decision in the Annual Plan to proceed with the construction of the Lee Valley Community Dam</td>
<td></td>
</tr>
<tr>
<td>Appleby Gravel</td>
<td>3320</td>
</tr>
<tr>
<td>Lower Confined Aquifer</td>
<td>250</td>
</tr>
<tr>
<td>Upper Confined Aquifer</td>
<td>200</td>
</tr>
<tr>
<td>Hope</td>
<td>99</td>
</tr>
<tr>
<td>Redwood</td>
<td>30</td>
</tr>
<tr>
<td>Upper Catchments</td>
<td>See Note (2)</td>
</tr>
<tr>
<td>Eastern Hill</td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**

(1) Allocation limits in litres per second for consumptive use are for the period November to April. They are calculated as the sum of weekly permit allocations and refer to surface water or groundwater takes.

(2) Allocations in this zone will be subtracted from the total available in the Appleby Gravels Zone.

2.4.4 Amend condition 31.1.2.5(c) to:

(c) The water is not taken during November to April (inclusive) from:

(i) the Moutere Surface Water Zone;
(ii) the coastal margin of the Hau Plains Zone;
(iii) the coastal margin of the Marahau Zone;
(iv) the Wai-iti Zone;
(v) the Reservoir, Waimea West, Golden Hills, Delta and Upper Confined Aquifer zones;
(vi) the coastal margin of the Lower Confined Aquifer Zone
(vii) the coastal margin of the Delta Zone (unless there is a Lee Valley Community Dam)
2.4.5 **Delete** condition 31.1.2.5(d):

(d) — Conditions (b) (rationing), (c) (rate of take) [other than (c)(iii)], and except in relation to the allowance for a 20 percent increase in the maximum rate specified] and (e) in Rule 31.1.2.2 — This needed fixing — the conditions are now subject to matters.

2.4.6 **Insert two new matters:**

The application rate, rate of take or use of the water, taking into account the soil type, sustainable bore yield, efficient water use, level of investment into augmented water supplies and the significance of any augmentation infrastructure, and the need for a property nutrient and irrigation management plan to manage effects of the water use on water quality.

Rationing of consumptive water uses required to maintain minimum water flows or levels specified in Schedule 31C, including as appropriate, reduction in usage as shown in Figure 31.1C, as specified in condition (c) of Rule 31.1.2.2 or necessary to maintain Lee Valley Community Dam reservoir storage.

2.4.7 **Amend** matters (9) and (10) to:

(9) Except in relation to any take in the Wai-iti Dam Service Zone or Zones augmented by the Lee Valley Community Dam (Appleby Gravel, Lower Confined, Upper Confined Aquifer, Hope and Upper Catchments Zones), a reduction in allocation where a bona fide review shows that water use is less than the amount of water allocated.

(10) The amount taken and used in the Delta, Golden Hills, Waimea West, Reservoir, Hope and Eastern Hills, Upper Catchments, Lower Confined and Upper Confined Aquifer Zones, any Waimea Water Management Zone (except the Wai-iti Zone and the Wai-iti Dam Service Zone) will be assessed in relation to the least of:

- bona fide use,
- relevant rates given in Figures 31.1D, and Figure
- sustainable yield of the bore,
- the rate applied for,
- the quantity specified on the permit being renewed, and
- the likelihood of a water augmentation scheme proceeding that is designed to service the relevant zone.

2.5 **Damming of Fresh Water**

31.1.4.2 **Controlled Activities (renewal applications)**

2.5.1 **Add** two new matters:

The management of variable flows including flows that simulate freshes.

Relevant conditions on the applicable water permit to dam

31.1.4.3 **Restricted Discretionary Activities**

2.5.2 **Add** a new matters:

The management of variable flows including flows that simulate freshes

31.1.4.4 **Prohibited Activities**

2.5.3 **Insert** new Prohibited Activities rule:

31.1.4.4 **Prohibited Activities (Damming of Fresh Water)**

Provided that the Council has made a decision in the Annual Plan to proceed with the construction of the Lee Valley Community Dam by 1 July 2015, the damming of water on the main stems of the Wairoa (including the Left or Right Branches) above its confluence with the Lee River, the Lee River, below the Lee Valley Community Dam and the Roding River is a prohibited activity for which no consent can be granted.

**Note:** For the purposes of this rule, damming does not include any intake or deflection structure.
2.6 Site-to-Site Transfer of Water Take

2.6.1 Insert new rule:

31.1.7.1A Permitted Activities (Site-to-Site Transfer of Water Take – Lee Valley Community Dam)
Provided that the Council has made a decision in the Annual Plan to proceed with the construction of the Lee Valley Community Dam by 1 July 2015, the transfer, including a transfer for a limited period (being a period less than the duration of the water permit in question) to another site of all or part of the interest in any water permit to take or use water, is a permitted activity, if it complies with the following conditions:

(a) The transfer is only in the Appleby Gravel, Lower Confined Aquifer and Upper Confined Aquifer Zones

(b) Both the point of take to be transferred and the new point of take are within the same zone.

(c) Both points of take are from bores existing as at <date of notification> and there is an applicable:
   (i) bore land use consent
   (ii) property nutrient and irrigation management plan
   for each point of take

(d) The sum of any new quantities authorised as a result of the transfer does not exceed the original amount authorised to be taken.

(e) There is no more than 0.25 metre additional drawdown in groundwater level for any adjacent authorised groundwater take. This requirement need not apply provided the owner of any affected bore agrees in writing to some other drawdown effect.

(f) The relevant conditions relating to:
   (i) water metering,
   (ii) rationing and rostering,
   (iii) water supply agreements on the original water permit continue to apply.

(g) The rate of take at the new point of take does not exceed the sustainable yield of the bore.

(h) The transferred permit is subject to the same duration as the original permit

(i) The Council’s E&P Manager is informed within 24 hours/7 days of the transfer.

31.1.7.1 Controlled Activities

2.6.2 Amend condition 31.1.7.1 to:

Controlled Activities (Site-to-Site Transfer of Water Take in the Wai-iti Dam Service Zone and Lee Valley Community Dam Zones)
The transfer, including a transfer for a limited period (being a period less than the duration of the water permit in question) to another site of all or part of the interest in any water permit to take or use water, that does not comply with the conditions of 31.1.7.1A is a controlled activity, if it complies with the following conditions:

(aa) The Council has made a decision in the Annual Plan to proceed with the construction of the Lee Valley Community Dam by 1 July 2015, or the transfer is within the Wai-iti Dam Service Zone

(a) Both the point of take to be transferred and the new point of take are within the same Wai-iti Dam Service Zone.

....

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which Council has restricted its discretion:

...

(3) The effects of the take either by itself or in combination with other existing takes on flows and water body values of the connected rivers Wai-iti River and effects on other users.
2.7 Section 31.1.20: Principal Reasons for Rules

2.7.1 Amend to:

Rationing may be imposed once a rationing trigger has been reached. When deciding on whether to impose or continue rationing, the Council will consult with water user committees and Dry Weather Task Forces. It will take into account the rate at which the river flow or groundwater levels are decreasing, rate of seawater intrusion, flows in coastal springs and climatic conditions, patterns of water use, and soil moisture levels. Progression from Step 1 will generally not exceed two-weekly intervals, although the rate at which the Waimea River flow declines (in the absence of the proposed Lee Valley Community dam) may mean weekly reviews of rationing for zones affected by that river. After Step 3 rationing has been imposed, Council may then implement water shortage directions under Section 329 of the Act, taking into account Policy 30.2.3.1.

New Information shows: The amount of water allocated in five of the Waimea Water Management Zones now exceeds the amount available to meet flows needed to sustain instream values and uses and to meet the demand by water users at the stated security of supply standard.

Council has now identified the proposed Lee Valley Community Dam as its preferred solution to managing the existing and potential future demand for water in the Waimea Plains. It has provided a water management regime that takes into account the effect of such an augmentation scheme on available water resources, including transitional provisions that apply until the dam is operational. The construction of this scheme enables the needs of a wide range of water uses and values to be met.

It has also developed a water management regime that it will adopt if the dam is not constructed. It seeks to maintain a minimum flow in the Waimea River that protects in-stream values and the recreational values of the river as well as prevents damage to ecosystems and water supplies through sea water intrusion.

As an interim measure, Council will seek to prevent seawater intrusion, maintain flows in Pearl Creek, and maintain Waimea River flows for longer, by earlier imposition of rationing but it will not establish a minimum flow. No new consents to take water will be granted, unless water is taken only at times of high flow.

In some zones where amounts allocated are collectively more than the stated allocation limit. In these cases, ongoing reviews of permits, particularly where actual bore yields are less than the face value on the permit, will help reduce levels of over-allocation. In the over-allocated Waimea Zones, Council will also reduce allocations to reflect both soil type and crop water needs. In any zones that are fully or over-allocated, further permits to take water will not normally be granted.

The limits for these zones indicate that they are over-allocated and further permits to take water will not normally be granted.

3. Schedules

3.1 Schedule 31A: Duration of Consents

3.1.1 Amend to:

<table>
<thead>
<tr>
<th>Expiry Dates</th>
<th>Either</th>
<th>Waimea Zones (No Lee Valley Community Dam)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(i) Upper Catchments (Wairoa, Lee and Roding rivers)</td>
<td>31 May 2026 - 31 May 2036</td>
</tr>
<tr>
<td></td>
<td>Hope and Eastern Hills</td>
<td>31 May 2026 - 31 May 2036</td>
</tr>
<tr>
<td></td>
<td>Lower Confined Aquifer</td>
<td>31 May 2026 - 31 May 2036</td>
</tr>
<tr>
<td></td>
<td>Delta and Redwoods Valley</td>
<td>31 May 2026 - 31 May 2036</td>
</tr>
<tr>
<td></td>
<td>Golden Hills</td>
<td>31 May 2027 - 31 May 2037</td>
</tr>
<tr>
<td></td>
<td>Waimea West</td>
<td>31 May 2027 - 31 May 2037</td>
</tr>
<tr>
<td></td>
<td>Upper Confined Aquifer</td>
<td>31 May 2027 - 31 May 2037</td>
</tr>
<tr>
<td></td>
<td>Reservoir</td>
<td>31 May 2027 - 31 May 2037</td>
</tr>
</tbody>
</table>

Consider different dates to allow for administration on renewal.

These dates apply until 1 July 2015 and thereafter if the Council has made a decision in the Annual Plan not to proceed with the construction of the Lee Valley Community Dam.

Or

(i) Waimea Zones - Lee Valley Community Dam

AGUA Refer Schedule 31Aa(3)
3.2 Schedule 31AA: Duration of Resource Consents

3.2.1 Insert new Schedule 31AA: Duration of Resource Consents:

Refer to rules 31.1.2.2, 31.1.2.3, 31.1.2.3a, 31.1.2.4, 31.1.2.5, 31.1.2.6, 31.1.3.2, 31.1.4.2, 31.1.4.3, 31.1.5.2, 31.1.6.1, 31.1.7.1, 31.1.7.2, 31.1.7.3.

The duration for water permits to take water is given in Schedule 31A. Where Schedule A is not applicable, the period for which a resource consent to carry out an activity regulated by Part V is granted is the period (not exceeding 35 years from the date of granting) specified in the consent, and if no such period is specified, is five years from the date of commencement of the consent under the Act.

The list of matters in this Schedule provides guidance in determining the appropriate duration of any resource consent to be granted. It does not restrict the consent authority’s discretion in each case to grant a resource consent for a duration based on the particulars of the individual consent applications. If after consideration of the matters, no significant concerns are identified then Council may apply a 35-year duration. However, if significant concerns are identified, then Council may restrict the duration of the resource consent to a shorter duration.

The matters will also be relevant in determining any review conditions that may be imposed with the consent. When considering the duration of any resource consent to be granted, the Council will grant the resource consent for as long as is consistent with sustainable resource management, having particular regard to the following matters:

1. The nature and sensitivity of the affected environment, including:
   (a) the risk of unforeseen adverse effects arising from the consented activity;
   (b) the level of knowledge about the affected environment.

2. The nature of the activity, including:
   (a) the degree to which the methods used to control, avoid, remedy, or mitigate the adverse effects of the consented activity are of a temporary nature or inconsistent with the requirements of the Act and the time that is practicable for the consent holder to implement other options;
   (b) the level of compliance monitoring, environmental impact monitoring, reporting and action required by the conditions on the resource consent;
   (c) the significance of the activity relative to the existing situation and the capacity of the affected environment;
   (d) the duration of consent sought by the applicant;
   (e) the rate of change in technology that may mitigate adverse effects resulting from the activity;
   (f) the permanence and economic life of the activity;
   (g) the costs and benefits of the activity to the community;
   (h) the consent holder’s capital investment in a pre-existing activity;
   (i) any documented and proven history of non-compliance with the requirements of the Act, and the response to that non-compliance by the consent authority and those undertaking the activity;
   (i) guidance from resource management case law;
   (k) any resource management work committed to by the consent holder which will have positive or beneficial environmental effects and is dependent on consent duration.

3. For applications to take, use or divert water made available as a result of a significant, large scale augmentation scheme that increases the natural flows or levels of ground and surface water, the duration may:
   (i) be consistent with and dependant on the duration of consents associated with the construction and operation of the augmentation scheme, in particular, consents for damming and discharge of water from dams;
   (ii) take into account the level of dependence on the operation of the scheme and
   (iii) the permanence and economic life of the augmentation scheme.

4. Any other relevant matters
### Schedule 31C: Triggers for Rationing and Minimum Flows

#### 3.3.1 Delete Waimea Zone rows from Table 1 and replace with new Tables 1A, 1B and 1C

#### Table 1A: MINIMUM FLOWS AND TRIGGERS FOR RATIONING; WAIMEA ZONES –Lee Valley Community Dam

<table>
<thead>
<tr>
<th>Zone</th>
<th>Location</th>
<th>Minimum Flow</th>
<th>Trigger for First Rationing Step</th>
<th>Trigger for Consultation (l/sec)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Step 4 rationing trigger</td>
<td>After dam operating</td>
<td>Until dam operating</td>
</tr>
<tr>
<td>Lee River</td>
<td>Below dam at Meads bridge NZMS 260:N27, 1613293, 54195954</td>
<td>510</td>
<td>Any?</td>
<td></td>
</tr>
<tr>
<td>Boding River</td>
<td>NZMS 260:N27 1619901, 5419952</td>
<td>100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appleby Gravel</td>
<td>Waimea River anywhere</td>
<td>800</td>
<td>1100</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Notes:</td>
<td></td>
<td></td>
<td>(1) This flow regime applies from the date the Council makes a decision in the Annual Plan to proceed with the construction of the Lee Valley Community Dam.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(2) Flows from the dam to augment Waimea R flows are normally managed by resource conditions on the damming consent for the Lee valley Community Dam. However, rationing use of water during extreme droughts (beyond a 40 year drought) will enable more efficient use of the stored water over a longer period.</td>
<td></td>
</tr>
</tbody>
</table>

#### Table 1B: MINIMUM FLOWS AND TRIGGERS FOR RATIONING; WAIMEA ZONES –until 1 July 2015

<table>
<thead>
<tr>
<th>Zone</th>
<th>Location</th>
<th>Minimum Flow</th>
<th>Trigger for First Rationing Step</th>
<th>Trigger for Consultation (l/sec)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delta</td>
<td>Pearl Creek and Any used bore Waimea River anywhere</td>
<td>0.4 millisiemens per centimetre</td>
<td>2800 in Wairoa R at Irvines</td>
<td></td>
</tr>
<tr>
<td>Reservoir, Upper Catchments, Waimea West Upper Confined (UCA)</td>
<td>Waimea River flow anywhere</td>
<td>None</td>
<td>2500 in Wairoa River at Irvines</td>
<td>2800 in Wairoa River at Irvines</td>
</tr>
<tr>
<td>Lower Confined Aquifer (LCA) Golden Hills Hope and Eastern Hills</td>
<td>Waimea River flow anywhere</td>
<td>Step 1 rationing introduced when step 2 introduced for Reservoir Zone</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:

(1) This flow regime applies until the Council has made a decision in the Annual Plan about whether or not to proceed with the construction of the Lee Valley Community Dam and has effect no longer than after 1 July 2015.
Table 1C: MINIMUM FLOWS AND TRIGGERS FOR RATIONING; WAIMEA ZONES—no augmentation scheme

<table>
<thead>
<tr>
<th>Zone</th>
<th>Location</th>
<th>Step 4 rationing (Section 329 and Policy 30.2.3.1 apply)</th>
<th>Minimum Flow</th>
<th>Trigger for First Rationing Step</th>
<th>Trigger for Consultation (l/sec)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delta</td>
<td>Pearl Creek and Any used bore</td>
<td></td>
<td>0.4 millisiemens per centimetre</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Waimea River anywhere</td>
<td></td>
<td></td>
<td>3000 in Wairoa River at Irvines</td>
<td>3500 in Wairoa River at Irvines</td>
</tr>
<tr>
<td>Reservoir, Upper Catchments, Waimea West</td>
<td>Waimea River flow anywhere</td>
<td>2300</td>
<td>800</td>
<td>Step 1 rationing introduced when step 2 introduced for Reservoir Zone</td>
<td></td>
</tr>
<tr>
<td>Upper Confined (UCA) Golden Hills</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lower Confined Aquifer (LCA) Golden Hills</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hope and Eastern Hills</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes
(1) This flow regime applies once the Council has made a decision in the Annual Plan not to proceed with the construction of the Lee Valley Community Dam and applies from the date on which the decision is made or from 1 July 2015 whichever is the earlier.

4. Chapter 32: Information Required

4.1 32.3 Additional Information Required

4.1.1 Insert new 32.3.2a

For take and use of water especially where natural ground or surface water supplies are augmented or where use of water may adversely affect water quality:

(a) a map or description of the intended uses of water including, for irrigation uses, a description of the areas and types of crops or land uses to be irrigated

(b) property nutrient and irrigation management plan relevant to the property where the water is to be taken and used demonstrating how water will be taken and used efficiently and how losses of contaminants from the use will be mitigated, including:

(c) in the zones augmented by the Lee Dam, evidence that the rate of use applied for does not exceed the rate of take represented by the equivalent amount

   (i) for which the property is rated or

   (ii) for which a relevant water supply agreement is held with the Waimea Community Dam Limited