



Guidance on Permitted Activity Water Takes and Water Permits

This is to provide guidance on what regulations apply to the domestic use of water for humans and drinking water for animals in Canterbury.

These are covered in Section 14(3)(b) of the Resource Management Act (1991) (RMA) and the Canterbury Land and Water Regional Plan (CLWRP). The rates and volumes allocated for these uses in Canterbury are considered more than enough to meet the requirements for the average house or farm, provided it is delivered in an efficient manner.

The use of water for domestic and stock water is covered by:

- (i) permitted activity rules for the taking and use of water; and/or

- (ii) resource consents.

Our approach is guided by the principle that while access to domestic and stockwater are first order priorities for our community, they are also subject to not having an adverse effect on the environment in accordance with Section 14(3)(b). To summarise:

- Domestic and stockwater takes under s14(3)(b) are provided for within the Permitted Activity water take volumes and rules in the CLWRP.
- Where permitted activity limits are exceeded, those who hold a water permit must use that for domestic and stockwater, as long as the limits of the consent are not breached.

What does s14(3)(b) of the RMA provide for?

While most people recognise that a domestic or stockwater take under s14(3)(b) must be reasonable for the end use (e.g. for the number and type of stock), people often think this authorisation is unlimited. This is not the case and water may only be taken where there is no adverse effect.

While our plans do not restrict someone's right to take domestic supply or stockwater under s14(3)(b), there is a spectrum of effects which determine whether water can be taken as a right (either under s14(3)(b) or under a permitted activity rule) and when it will require a resource consent (Figure 1 below).

What is permitted under a regional plan therefore sets the limit of what might be taken for domestic and stockwater without a resource consent. Under the CLWRP what is permitted is dependent on:

- (i) whether the take is from surface water (and the size of that waterbody) or groundwater; and
- (ii) the size of the property.

When the total amount of water taken on a property would exceed the permitted activity level, for whatever combination of purposes, consent is required.

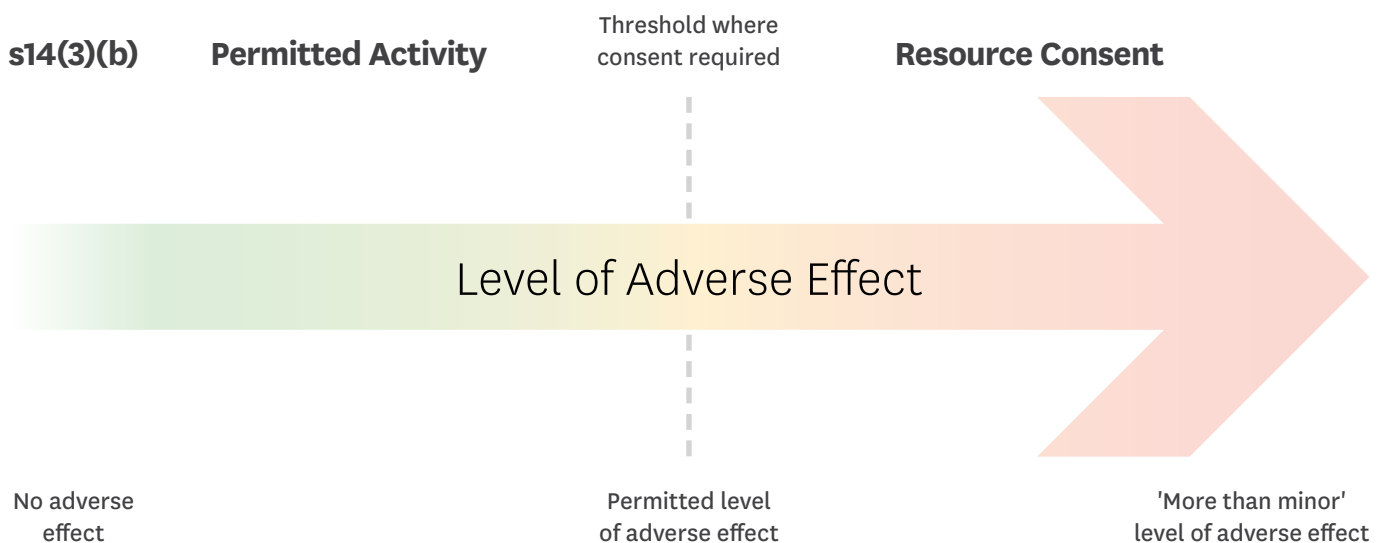


Figure 1: Spectrum of adverse effects on the environment from a water take with s14(3)(b) RMA, Permitted Activity takes, and resource consent requirements superimposed.

How much water can be taken under s14(3)(b) RMA?

When considering how much water can be taken for domestic and stockwater, it is appropriate to consider that domestic and stockwater is taken first (as it is an essential use), and then 'stack' the other uses on top of that requirement.

If that stacking results in the permitted activity rule being breached, then a resource consent is required. In either case there is generally no need to determine exactly what volume of water can be taken for these purposes as it is

effectively limited by the relevant permitted activity rule, or a resource consent.

Given the above, where a water permit doesn't list domestic supply and stockwater as a use, but where it is required, it is reasonable to enable water for domestic and stockwater purposes to be taken within a consented rate and allocation provided the overall consented limit is not exceeded.

APPENDIX:

What are the Permitted Activity Limits?

The permitted limits for surface water and groundwater are as follows:

SURFACE WATER

Rule 5.111

The take and use of water from a river, lake or an artificial watercourse is a permitted activity, provided the following conditions are met:

The total take and use per property:

- a. is less than the following rates and volumes:

WATER BODY	7DMALF	RATE	VOLUME PER DAY
River	< 100 L/s	0.5 L/s	2 m ³
River	100–500 L/s	2 L/s	10 m ³
River	500–10 m ³ /s	5 L/s	20 m ³
River	10–20 m ³ /s	5 L/s	50 m ³
River	> 20 m ³ /s	5 L/s	100 m ³
Artificial watercourse	N/A	5 L/s	10 m ³
Lakes	N/A	5 L/s	50 m ³

Or

- b. for rivers where the 7DMALF is unable to be calculated, is at a rate of less than 5 L/s and a maximum volume of 10 m³ per day; and
1. Fish are prevented from entering the water intake as set out in Schedule 2; and
 2. Where the take is from a waterbody with a minimum flow that is set in Sections 6 to 15, the take of water for other than an individual's reasonable domestic and stockwater use ceases when the flow is at or below the minimum flow for that waterbody, as estimated by the Canterbury Regional Council; and
 3. The take is not from any river or part of a river that is subject to a Water Conservation Order; and
 4. Where the take is from a water race, irrigation or hydro-electricity canal or storage facility, the abstractor holds a current written agreement with the holder of the resource consents for the taking of water into the water race, canal or storage facility; and
 5. The take is not from the Avon River/Ōtakaro or Heathcote River or a wetland or a hāpua

GROUNDWATER

5.113

The taking and using of less than 5 L/s and 10 m³ per property per day of groundwater is a permitted activity, provided the following condition is complied with:

1. The bore, other than a sampling or monitoring bore, is located more than 20 m from the property boundary, or any surface waterbody.

5.114

The taking and using of less than 5 L/s and more than 10 m³ but less than 100 m³ per property per day of groundwater on a property more than 20ha in area is a permitted activity, provided the following conditions are complied with:

1. The bore is located more than 20 m from the property boundary or any surface waterbody.