

Frequently asked questions

Dairy shed water takes

Water taken for milk cooling and dairy shed wash down

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Allocation status and hydrology

What is surface water?

Surface water is any water present on the land surface, and includes water in streams, rivers, creeks, drains, lakes and wetlands (i.e. where water is present on top of the ground).

It also includes water that comes from springs (even if you dig into the spring to install your intake) and water within cave systems, but does not include any geothermal water or coastal water.

What is groundwater?

Groundwater is any water taken from a bore or well. That includes any dug, driven or drilled well.

What is “allocable flow”?

For surface water, each waterbody in the Waikato region has been given a percentage of water that can be allocated out to water users in certain situations. This ensures there is always an “environmental flow” in a waterway to make sure the value of the waterbody isn’t harmed (e.g. aquatic life, water quality).

During periods of low summer flows the minimum flow is used to implement water shortage restrictions, where the amount taken from the river is reduced. When the river’s flow is higher the minimum flow in combination with the higher river flow provides flow variability, which is important for the functioning of the river system, e.g. removing sediment and weed growths.

There are three tiers of allocable flow:

Primary allocable flow

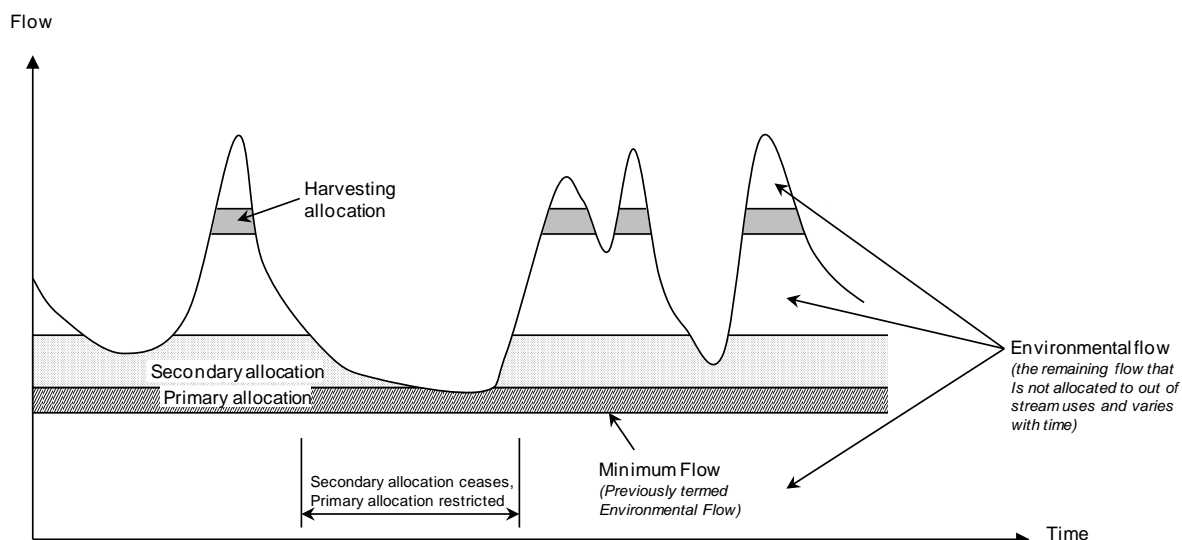
Primary allocable flow is the high reliability allocation available in each waterway. It is specified for each waterway in Table 3-5 of the Waikato Regional Plan (<http://www.waikatoregion.govt.nz/Council/Policy-and-plans/Rules-and-regulation/Regional-Plan/Waikato-Regional-Plan/3-Water-Module/33-Water-Takes/334-Implementation-Methods--Water-takes/>). On average, it is likely only once in every five years that restrictions on the primary allocable flow would be required to minimise degradation of the minimum flow.

Secondary allocable flow

Secondary allocable flow is a lower reliability allocation available in many waterways. Water taken under the secondary allocable flow is likely to be restricted, on average, every second year to minimise degradation of the minimum flow and impacts on primary allocable flow users. Secondary allocable flow is not available in some catchments, including the Waikato River main stem.

Water harvesting allocation

When a waterbody is above the median flow, up to 10 per cent of the flow at that time can be allocated out as a water harvesting allocation. This will usually be during winter months, and if water is required for summer use, storage will be required. This is not available in the Waikato River catchment upstream of the Karapiro Dam.



For information on allocation limits from groundwater, please see “What is sustainable yield?” below.

What is “sustainable yield”?

This is the amount of fresh water that can be taken from an aquifer and maintained indefinitely without causing adverse effects on the values in that aquifer. It is the groundwater equivalent to surface water allocable flows.

At present there are no sustainable yields set on groundwater, though there is a process to gather scientific evidence to set these. They will only be set after a public plan change process, and are not expected to be set in the next few years. An assessment of sustainable yield is made for each groundwater consent on a case by case basis.

How is allocation for a surface water catchment determined?

Each surface waterbody had an allocation limit set for it as part of the Variation 6 process. These are outlined in Table 3-5 of Variation 6 (<http://www.waikatoregion.govt.nz/Council/Policy-and-plans/Rules-and-regulation/Regional-Plan/Waikato-Regional-Plan/3-Water-Module/33-Water-Takes/334-Implementation-Methods--Water-takes/>).

Scientific work then estimated the volume of water that was already being taken out of that surface waterway under s14(3)(b) of the RMA (stock water and domestic supply), permitted activity rules and for dairy shed use. This has been built into the “Allocation Calculator” as “permitted use”, and therefore this portion of flow is not available to be allocated out.

Consented takes from that surface waterway are then included in the calculator. This defines how much water is being taken from the waterway, and hence the current allocation status of that surface water catchment.

For further information, see Policy 3 of the above link, and the glossary for the definitions of “authorised water take” and “net take”.

I’m in an over-allocated or fully allocated surface water catchment. What do the water allocation rules mean for me?

Water takes for milk cooling and shed wash down that existed prior to October 2008 are given special provisions under the new water allocation rules, even in fully or over-allocated

catchments. These takes are “grandparented” to the volume of water taken prior to 2008 (see FAQ section on ‘Rules and consent processes’.)

If you only need your grandparented (prior to October 2008) volume, surface water take applications in fully or over-allocated catchments **must** be in prior to 1 January 2015 to secure this water. If you do not apply by this date then you are not guaranteed access to this volume of water, and will be governed by the same rules as all other parties seeking water in the catchment.

For fully or over-allocated catchments this means your application will be processed under the “first in, first served” principle for all the water you use in your dairy shed. Ultimately the risk is that you may not be able to secure legal access to your water supply.

If you have intensified or converted since October 2008, the extra water you need cannot be guaranteed to you like grandparented water is. You will be governed by the same rules as all other parties seeking water in the catchment, and may not be able to obtain consent to take water. For fully or over-allocated surface water catchments this means your application will be processed under the “first in, first served” principle (see FAQ section on ‘Rules and consent processes’).

Grandparented groundwater take applications do not have a deadline, but as they are currently unauthorised, an application should be made prior to 1 January 2015.

How do you know if a bore affects surface water?

Policy 12 (w) of the water allocation chapter 3.3 (“Variation 6”) of the Waikato Regional Plan includes guidance on bores that are considered to have a physical separation from surface water bodies that is large enough to ensure the surface water body will not be impacted by any lowering of the groundwater table from pumping. To determine this, you need to know the depth to the water table (groundwater level), and the width and depth of the nearby stream.

Additionally, policy 12 (x) states that all groundwater takes upstream of Karapiro that exceed 15 cubic metres per day (excluding those for stock watering and domestic supply) will be assessed as having an effect on surface water. This is unless the consent applicant can provide scientific evidence that the groundwater is not connected to surface water. We suggest specialist advice is sought if you wish to pursue this line of reasoning.

If a groundwater take is found to affect surface water, any consent may have additional conditions placed on it in line with surface water take requirements (including possible requirements to plant or the imposition of water shortage conditions). In some situations a groundwater take application in a fully allocated surface water catchment may be given a lower volume of water or even be declined if the effect on that surface waterway is significant.

How do we find out about groundwater levels?

Groundwater levels (depth to water table) are very site specific and can vary considerably, even over a small area. As a starting point, gathering information based on the depth of local boreholes can be useful. This information can be seen in maps on the Waikato Regional Council website www.waikatoregion.govt.nz/Services/Maps/. You may need to contact our Resource Information Group to ensure that you are measuring the water table, not the influence of a deeper aquifer.

Will Waikato Regional Council continue to refine the allocation levels and allocable flows available in surface water catchments?

Yes. Waikato Regional Council will review all primary and secondary allocable flows, as outlined in method 3.3.4.9 of Variation 6.

A catchment investigation date is set for each surface water catchment throughout the region. If the investigations reveal that there are, for example, significant improvements in water quality which could enable more water to be allocated out for stream users, the allocable flow could be reviewed.

Rules and consent processes

What is Variation 6?

Variation 6 to the Waikato Regional Plan was a plan change process specifically targeted at setting rules relating to water allocation in the Waikato region. It was developed in response to increasing pressure on the water resource in the Waikato region, and the demand for water from different and sometimes competing users.

Variation 6 was a publicly notified plan change, where any group, company or individual had the opportunity to voice an opinion on how the water resource in the Waikato region should be managed. Groups involved in the process included:

- Fonterra
- Federated Farmers
- municipal users (district councils)
- power generators
- irrigator groups.

A council decision was released in 2008, but was appealed to the Environment Court by a number of parties. The final version of Variation 6 was released by the Environment Court in November 2011 and became operative in April 2012. The final content was largely agreed by parties to the appeal process. Variation 6 is now formally part of the Waikato Regional Plan, as chapters 3.3 and 3.4.

Why do we need specific water allocation rules?

Water is a finite resource, and is already fully allocated in some places in our region. Pressure on water resources has increased significantly in recent years. An example is the increase in water for pasture irrigation. The area of land being irrigated has nearly doubled in the last 10 years.

Variation 6 seeks to strike a balance between managing the adverse effects of too much ground and surface water use and giving people the ability to use water in an environmentally sustainable way.

Variation 6 sets allocation limits for all rivers and stream, and their minimum flows. These limits are set to sustain aquatic life, recreation, generation for electricity and to enable the allocation of water for users. Methods for identifying pressure on groundwater are also included.

Why do I have to get a consent now? I've never needed one before.

The requirement to hold a resource consent for water takes over 15 cubic metres per day is not new. For at least 20 years any water take over 15 cubic metres per day has required a consent.

Water has increasingly become a resource that different parties are trying to access. With the increased pressure on water resources the new water rules in Variation 6 have been developed. The rules affirm the previously existing requirement that resource consent is required for farm dairy shed water takes.

Most existing water takes of less than 15 cubic metres per day do not need a consent, as long as they meet the requirements of a “permitted activity rule” (see FAQ section on ‘Permitted activity water takes’).

What is a ‘grandparented’ water take?

Your grandparented water is the volume of water you were taking prior to 15 October 2008. Most water takes for dairy shed wash down and milk cooling water have been given special provision that, provided certain requirements are met, guarantees (i.e. we can’t decline) a consent for the volume of water they were taking prior to 15 October 2008. This is referred to as a “grandparented” take or “grandparented” volume of water.

This grandparented water was set aside as part of the Environment Court process, which recognised that while many dairy farmers were taking water they were not aware of the need to hold consent. The grandparenting was intended to allow those farmers to obtain legal access to water they had been using.

Why is water grandparented to October 2008?

Through the Environment Court process it was determined that grandparenting should be at some time in the past, and this was chosen as an appropriate date.

The date needed to be one where Waikato Regional Council had clearly signalled its intention that dairy shed water takes required resource consent. Discussion was held with industry representatives about the appropriate date being the release of “Variation 6” (2006) or the date of the council decisions (October 2008). October 2008 was determined to be the more appropriate date to choose.

Why do we only have until 2015 to obtain the grandparented water?

The Government has released the “National Policy Statement – Freshwater Management” which has, in part, a goal to ensure there is no “over-allocation” of our fresh water by 2030. As part of this, Waikato Regional Council is required to implement certain sections of policy by 31 December 2014. This directly influenced the setting of the 2015 date.

It is also appropriate that a deadline for obtaining this grandparented water is set, as these water takes have required consent for a number of years and are therefore currently unauthorised. The deadline provides a three-year window to allow these activities to become authorised. This was considered a reasonable time period by most parties during the Environment Court hearing.

How far back in time can a grandparent right be backdated?

This is not strictly defined in the policies and rules. The only requirement is that the net amount of water is the same or less than was occurring prior to 15 October 2008. This provides Waikato Regional Council some discretion.

In November 2007 Waikato Regional Council released a document that, in part, estimated the volume of water that was being taken for use in the dairy shed. This was based on data from between 2000 and 2005. This work was used in order to “set aside” the water within current allocation calculators.

Justifying backdating for water taken prior to 2005 could be difficult. However, as there is discretion there, we could consider a case put forward for water use prior to that time.

What is the first in, first served principle for water takes, and why is there a “queue” for water?

Waikato Regional Council has an obligation to ensure a fair and sustainable allocation of surface water resources and to provide users with certainty based on a fair and transparent allocation process.

Where there are applications that, if granted, may result in the full allocation of a surface waterway, we must process them in the order that they were received. This is the “first in, first served” principle, a legal requirement that we must act under. Therefore, as we’re processing applications that may change the allocation status, everyone else forms “the queue” behind them, in the order of receipt.

If an application is granted, and the surface waterbody is then “fully allocated”, we must then assess the following members of the queue under the more stringent activity status (normally non-complying). Should that consent be declined and water is then still available to be allocated out, the next person in the queue is processed first, and so on.

For farmers that have increased their water takes since October 2008 and are taking from surface water (or from groundwater where there may be an impact on surface water), they may wish to apply sooner rather than later, to secure their place in “the queue” for processing.

If you apply earlier than your catchment date, you can choose to allow a time extension (question 5 on the application form and described below) and we can then allow your application to wait for your catchment processing date. This means you’ll be able to gain some efficiency advantage (therefore potentially cost saving) for the processing of your consent. (See below for more detail on catchment processing)

How does Waikato Regional Council intend to approach farmers?

With up to 3500 dairy farms requiring water take consents, approaching farmers with information and requesting applications systematically will help ensure a smooth process. As such, we’ll be approaching farmers on a catchment-by-catchment basis.

What is a catchment group?

We have divided the Waikato region into six geographical groups, based on surface water catchments. There are roughly even numbers of dairy farms in each group.

Why is the regional council dividing the region into catchment groups?

To provide for more efficient consent processing and to keep costs down.

Why should farmers get involved before their catchment closing date?

To keep the costs for processing their consent to a minimum, make sure the process is as simple as possible, and to have easier access to information in their community.

The cost of your consent is determined by the amount of time the council spends assessing your application. If you apply before your catchment closing date and allow us to extend the processing timeframes, we can add your application to the collection of applications from your catchment group.

After the closing date, we will sort the applications into “bundles” of similar water takes (for example, certain surface water catchments, deep bores, shallow bores). We will then be able to process that bundle as a whole, therefore spending less time on each application individually. An individual decision and consent will be issued for each applicant. The final cost of processing the bundle is then split between the members of that bundle. The total cost will depend on how many other applications are in your bundle and the level of technical assessment that is needed.

If you choose to apply outside of your catchment group's timeframe, you will be assessed individually. All costs associated with assessing your application and technical assessments will sit with your application alone. It therefore may end up being more expensive than if you apply during the catchment group timeframe.

What if I choose to apply for consent before you're in my catchment?

You can apply for a consent at any stage that you wish. In fact if you have increased your herd size (and therefore your water use in the shed) since October 2008, there may be some benefit in applying earlier and you should consider doing so.

If you apply before we are requesting applications in your catchment group, there are two options for you.

1. You can choose to either have it processed immediately, in which case you won't be able to benefit from any efficiency that may be gained from catchment group processing.
2. Alternatively you can agree to have your your application put "on hold" until it is your catchment's turn. This way you've done your bit of paperwork, and we'll be back in touch when we're processing in your catchment. If you've increased your water take since 2008 this also secures "your place in the queue" for water under the first in, first served principles (see above). To allow your application to wait, please tick the box under question 5 in the application form.

How do I get a water take consent?

You'll need to make an application to Waikato Regional Council.

We're developing specific forms and information to make this process easier for you. These forms are available from our website at www.waikatoregion.govt.nz/watertakes or by phoning 0800 800 402.

You can apply at any time, however we'll be coming to specific catchments over time seeking consents. You may wish to wait to apply until this time, as if we're able to process your application at the same time as others it may work out much cheaper for you.

How much will this cost me?

All consents are charged on an "actual time spent" basis.

A simple consent process where the application can be processed with a number of similar applications is not expected to cost more than about \$1000 and may be less than this. If there are complicating factors or if the application needs to be processed on a stand-alone basis, the cost is more likely to be \$1500 - \$3000.

Each consent will attract an annual fee – expect this to be around \$350 per year

Any monitoring that occurs in future will be charged to the consent holder on an "actual time spent" basis.

What are the benefits of holding a consent?

You will have secure legal access to the water necessary for your farming operation. Appropriate management of water allocation ensures that water is available for a range of water users and helps to secure your ongoing water supply as well.

Having a consent for your water take will also aid in any compliance requirements you may have with your dairy supply and for any future sale of your property. A consent to take water is an asset to your farm.

Should I apply for a consent for the stock watering component of my water take at the same time?

Many farms will take water for both shed use and stock watering from the same source (such as a well or stream).

For most existing stock watering and domestic supply water takes, no consent is required, and rather you are given a special provision under section 14(3)(b) of the Resource Management Act (RMA). Therefore having a consented take and an RMA take from the same source can complicate the way that your water records are kept and audited. There are three options for dealing with this:

1. You can obtain a consent for just the shed water and install two meters – one at the source (e.g. well head or stream intake) and one on the pipe into the shed. This means very clearly we can see both what you're taking from the environment, and what is being used under your consent.
2. You can obtain a consent for just the shed water and install one meter at the source (e.g. well head or stream intake). We then will have to audit your records bearing in mind the additional water that will be taken for stock. Where the total water use (shed + stock) increases over time, we may need to undertake an audit of your system to ensure shed water use is not increasing.
3. You can obtain a consent for both the shed water AND stock/domestic watering needs. This will have a volume limit on it, and we will need to investigate any exceedances. Where exceedances can be shown to be for stock watering only, we are likely to treat that non-compliance as minor, as opposed to a non-compliance in shed water take which may be treated more seriously.

Should I allow Waikato Regional Council to extend processing timeframes?

It is entirely your choice as to whether you allow Waikato Regional Council to extend processing timeframes (question 5 on the application form). However, if you want to benefit from the catchment group processing efficiencies (with potential cost saving) you'll need to allow a timeframe extension.

If you don't allow the extension, your application will be processed within 20 working days of receiving the application, so long as you've provided all the required details and we don't need to request further information.

To allow a timeframe extension, simply tick the box on question 5 of the application form.

When should I split my pre- and post- 2008 water takes into separate applications?

Because you are only grandparented for the pre-October 2008 water volume, any additional water you apply to take will need to be assessed under a different rule framework.

If you have increased your dairy shed water requirements since 15 October 2008, you first need to decide whether to:

- Apply only for the pre-2008 (grandparented) water volume, and therefore follow the simple dairy shed water take process. If you choose this option you will need to make sure you can operate under the reduced volume of water available to you when the consent is granted. For some, undertaking some water efficiency improvements in your shed may allow you to do this.
- Apply for both the pre-2008 water volume (simple process) AND the additional water volume (more complex process). If you follow this route, you have another decision to make:
 - Split the applications:

By doing this, we will initially process the pre-2008 water take volume in the usual “simple process” way. We will then treat your “more complex process” application separately, which may take some time.

○ Process both pre- and post-2008 water takes as one application.

By doing this, all the water will be assessed under the rules around the “more complex process”. For some situations where there is plenty of water available for allocation, this means the process may be very similar to the “simple process”.

However, for those applications in areas that are fully- or over-allocated, the application will be placed “at the back of the queue” for water. These applications may not be processed for a significant period of time. They may be publicly notified when they are processed. There is the potential for these applications to end up in a hearing or at the Environment Court. There is no guaranteed outcome for these processes, particularly in fully or over-allocated catchments. At worst the applications may be declined in their entirety. There is a chance you will only be granted the pre-2008 water. There is also a chance you will be granted the full volume of water you have requested.

There are pros and cons for each option you consider.

By applying for the pre-2008 water only:

- Waikato Regional Council will be able to process your application reasonably quickly and most likely at a lower cost (particularly if you apply during your catchment phase).
- You will have the certainty of having access to that pre-2008 volume of water.
- The disadvantage is that you will need to work with a lower volume of water.

By applying for both pre- and post-2008 water, and splitting the applications:

- Waikato Regional Council will be able to process the pre-2008 water take application reasonably quickly.
- You will have the certainty of having access to that pre-2008 volume of water.
- You may gain access to the additional (post-2008) water you need for use in the dairy shed
- Two separate processes may incur a higher cost than one process alone.
- You will be granted two separate consents.

By applying for both pre- and post-2008 water as one application:

- If granted, you will have one consent.
- However the full volume of water is processed based on the most stringent activity status. This means even the grandparented pre-2008 volume is treated the same way as the post-2008 volume. This may result in a complex consent process with an uncertain outcome, depending on your catchment status.
- If you are in a catchment with water left available to allocate, this option may be a good one for you, as the one consent process is likely to be more cost efficient than two processes.
- If you are in a fully or over-allocated surface water catchment, you may wish to consider splitting the application or discussing your options with a resource management or environmental consultant.

Do I need to consult with anyone about my consent application?

If your groundwater take is within 100 metres of another bore that you do not own, your water take application will be considered a “discretionary” activity. This means we must consider the effect you have on that nearby bore and the ability of the bore’s owner to continue to take water.

If you obtain written approval from the bore owner, then we don't need to assess the effect your water take has on that bore. This simplifies the process and helps to reduce costs. If the bore owner is also a dairy farmer who requires consent for his bore water take, he will also need to consult with you.

If there are any other parties that you consider will be affected by your application, you may wish to consult with these parties to see what their views are. Under the RMA there is no requirement to consult with potentially affected parties, but you may find that discussing your intention to take water with them will be useful to you both.

Consent requirements and conditions

What requirements will there be on a granted consent?

Surface water and groundwater takes over 50 cubic metres per day will require a meter and records to be kept at least weekly. In some situations takes with smaller volumes will also require a meter.

Surface water takes will require a riparian vegetation management plan, which involves fencing and planting the stream from which you take water on your property. Further information is available in the 'Riparian vegetation management plan' section of this FAQ.

All consents need leak detection mechanisms in place for the water supply (reticulated) network detailing with the water taken.

There will also be provisions for water shortage conditions requiring you to decrease your take to 85 per cent of the consented volume in water-short times.

These are the conditions that are generally expected to be imposed, but some unique situations may see further conditions included.

Will I need to install a water meter?

If you are taking more than 50 cubic metres per day you will need to install a meter. In some situations, takes with smaller volumes may also require a meter. This includes any water you are taking for stock drinking from the same source. Some other takes might require a water meter, for example, if you're taking a large proportion of the stream.

A water meter is a valuable tool in understanding and managing your water use, including leak detection. You may wish to consider installing a meter even if it is not required by consent.

For more information on water meters, please go to <http://www.waikatoregion.govt.nz/consentholders#wateruse>

What records will I need to keep?

Farmers with a consent requiring that a meter is installed will most likely be required to collect weekly meter readings and to submit these twice a year to Waikato Regional Council.

We will monitor farms and this will involve viewing the meter, however it won't be read like your power meter, rather we'll likely just check that the meter is functioning correctly and is in line with your records.

Meter readings for your water take can be kept on paper, on a spreadsheet, through a data logger or telemetered directly to Waikato Regional Council. It is expected that the majority of these dairy shed water takes will simply require that paper records are submitted, though in unique circumstances more may be required.

You may wish to consider keeping your records in a spreadsheet for your own ease in calculating weekly and average daily volumes. Additionally, you may find installing a data

logger is an effective way to keep your records without having to remember to visit the meter each week.

More information is available at <http://www.waikatoregion.govt.nz/Services/Regional-services/Consents/Resource-consents/Holding-a-consent/Water-use-records/>

What's this I hear about having to fence and plant my stream?

If you take water from surface water (stream, spring, river, creek, drain) you will likely need a riparian vegetation management plan. This will apply for the entire length on your property of the stream from which you take water (or an "offset" stream if appropriate).

You will need to fence the stream within three years of obtaining consent. You will then need to progressively plant it, mainly with natives. You will have the entire duration of the consent to do this, which will normally be 15 years. Some farms who take from surface water may not need to provide a riparian vegetation management plan, in particular those farms where the catchment is not at a high level of allocation.

It is worth keeping these requirements in mind as you go about any planned fencing or planting of your waterways, particularly those required by your milk supplier (e.g. Fonterra).

Groundwater takes do not need to have a riparian vegetation management plan.

How will farmers determine leakage?

Most farmers will have their existing ways of determining what leakage might be occurring on their farm. In many instances this will be related to water pressure, unusual pump activity, wet or green patches etc. Other systems may have automatic alarms or other hi-tech solutions. A water meter is an excellent tool in managing the water resource efficiently.

Any water take consent will ask farmers what their leak detection mechanisms are to ensure farmers are aware that this is part of good management of the physical resource they are using. It is not intended to be a complicated regime of checks and requirements, rather it is to ensure the resource is managed and valued on farm.

DairyNZ have some excellent resources to help farmers with managing water in their Smart Water Use programme. You can find that at

http://www.dairynz.co.nz/page/pageid/2145860368/Smart_Water_Use_on_Dairy_Farms

How long will consent duration be? How often will I have to apply for a consent?

Most consents granted will have a term of 15 years. You will need to reapply for your consent at least 6 months before your consent expires. Therefore you will only need to go through this process around once every 15 years. In some unique situations a duration shorter than this might be granted, however if this looks to be the case Waikato Regional Council staff will discuss this with you.

What do water shortage restrictions mean?

The Waikato Regional Plan is very clear that all surface water takes for animal welfare and sanitation, including shed wash down and milk cooling water, and all permitted and s14(3)(b) RMA takes must include water shortage restrictions.

The plan states that these takes will need to reduce to 85 per cent of the net daily take rate (averaged over two days) 10 days after the minimum flows in the stream have been reached. These minimum flows occur, on average, once every five years. Where the minimum flow has been occurring for 10 consecutive days, the water restrictions will apply to all dairy shed water takes, as well as stock watering and domestic supply takes.

In reality, the minimum flows are usually reached in the stream following a prolonged period of drought on the land. Many farmers may find that by the time minimum flows are reached, they have already reduced milk production or cow numbers at this time, due to the effects of the drought. Shed water use is therefore expected to also reduce. The last time minimum flows were reached in most streams was the 2007/08 summer period.

At present, there are no water shortage restrictions universally imposed on groundwater takes. However if your groundwater take has a direct impact on stream flow, particularly during periods of low flow, you may find specific restrictions placed on your consent. These are likely to mirror the requirements of the surface water restrictions, but will be assessed on a case-by-case basis.

Intake structures

Does my surface water intake structure comply with regulations?

Your intake structure may be able to be used without the need to get a separate consent to install the structure in the waterway (a permitted activity). However, it does need to meet certain standards. All surface water intake structures need to meet the following basic requirements:

- Must be screened (see further detail below for screen sizes).
- The pipe diameter must not exceed 300mm.
- The intake velocity cannot exceed 0.3 m/s.
- The intake structure cannot extend for more than 10 per cent of the total stream/river width (up to a maximum of 5 metres).
- If the river is wider than 10 metres, you must have a sign alerting river users of the intake's presence.
- Must be maintained in a structurally sound condition and free of debris.
- Any erosion resulting from the intake structure must be fixed.
- It must allow for the safe passage of fish upstream and downstream.

The minimum size of your intake structure's screen depends on the waterway classification of your stream. You can find this out by calling us on 0800 800 402. The required screen sizes are:

- If your waterway doesn't fall into any of the categories below, it needs a screen that is:
 - 3mm mesh size diameter at locations less than 100 metres above sea level
 - 5mm mesh size diameter at locations greater than 100 metres above sea level.
- If your waterway is classified as a "significant Indigenous fishery and fish habitat", it needs a screen that is:
 - 1.5mm mesh size diameter at locations less than 100 metres above sea level
 - 3 mm mesh size diameter at locations greater than 100 metres above sea level.
- If your waterway is "significant trout fishery and trout habitat", it needs a screen that is:
 - 3mm mesh size diameter at ALL locations.

If your waterway has more than one classification, you need to use the most restrictive screen size (i.e. the smallest mesh size diameter).

A condition of any surface water take consent granted will include these requirements, and if you are audited in the future you will need to show you meet these requirements.

Permitted activity water takes

I have less than 215 cows – do I need a consent?

If you are taking less than 15 cubic metres per day for use in your dairy shed, then you may be able to rely on the permitted activity rules to take water without needing a resource consents. A permitted activity is something that you can do without needing to obtain the permission or consent from Waikato Regional Council, provided you meet all the conditions of that rule.

Based on the guideline value of 70 litres per cow per day for use in the dairy shed, we expect that herds of less than 215 cows will be taking less than 15 cubic metres per day, but you would be wise to check your water use and ensure you're taking less than this value.

For surface water takes, if they were existing prior to 15 October 2008 or if they are from a catchment that is not fully allocated then, subject to the condition of the rule, the water take may be a permitted activity. New water takes in fully or over-allocated catchments require a consent.

Groundwater takes of less than 15 cubic metres per day can also be a permitted activity, again subject to the conditions of that rule. This is not influenced by the surrounding surface water allocation status.

The “permitted” volumes of water are *in addition* to the water you take for stock drinking and domestic supply (see also FAQ section on ‘Stock and household water takes’).

I have a herd size larger than 215, but I have metered my water use and I know that I use less than 15 cubic metres per day. Do I still need a consent?

If you are comfortable that you use less than 15 cubic metres per day, then you don't need a consent (so long as you meet the conditions of the permitted activity rule).

However, remember that you may be asked to prove how you know you're using less than 15 cubic metres per day. Keeping water use records may be one way to demonstrate this.

You may wish to consider the impacts of only having access to 15 cubic metres per day for use in the dairy shed. Consider what may occur if changes to staff or the shed set-up occur, or what the impact may be if you're selling your property.

It's been suggested to me that I get a consent for my water take even though it's less than 15 cubic metres per day and I'm able to use the permitted activity rules. Should I do this?

It is entirely up to you whether you want to get a consent. You are able to use the permitted activity rule to take the water you need under the current Waikato Regional Plan.

You do need to be aware that this volume may be changed when the Waikato Regional Plan is reviewed. This review legally must occur every 10 years (so by 2022), and involves a public process where any person may participate and have their say.

It has been signalled in the current plan that if water allocation remains an issue when the water allocation rules are reviewed in 10 years, that this volume may be reduced. The maximum term you will get for a consent is 15 years.

Risk and enforcement

What are you going to do if I don't apply for consent?

If you don't apply for consent by 1 January 2015 you will run the risk of not securing legal access to your water supply. We will be following up with farms that do not hold the necessary consent to take water after this time.

Any unauthorised water takes means you're operating illegally and may be subject to enforcement action if we consider it appropriate. That enforcement options include abatement notices (for example, a notice to cease taking water), infringement fines, enforcement orders and prosecution.

You may also wish to consider how failing to obtain a water take consent might impact on the future of your farm. A farm without legal access to water may not be as valuable as one that does.

Riparian vegetation management plan (surface water takes)

What's this I hear about having to fence and plant my stream?

If you take water from surface water (stream, spring, river, creek, drain) you will likely need a riparian vegetation management plan. This will apply for the entire length on your property of the stream from which you take water (or an "offset" stream if appropriate).

You will need to fence the stream within three years of obtaining consent. You will then need to progressively plant it, mainly with natives. You will have the entire duration of the consent to do this, which will normally be 15 years.

Some farms who take from surface water may not need to provide a riparian vegetation management plan, in particular those farms where the catchment is not at a high level of allocation.

Groundwater takes do not need to have a riparian vegetation management plan.

Am I expected to prepare a riparian plan on my own, or should I get a consultant to help?

Waikato Regional Council is currently developing a template that farmers can use to create a riparian vegetation management plan that meets the requirement of the rules. The template is intended to help farmers identify the location of the fencing and planting that will be required, while providing guidance on how to stage works over the duration of a consent, including information about plants that can be used and how to maintain the fencing. This template is expected to be ready in late September or early October.

If you wish to prepare your own plan, you are welcome to do so, though you may wish to use a consultant who is familiar with this type of work. You need to make sure that it meets all the requirements which are listed in Standard 3.3.4.28 of the Waikato Regional Plan (<http://www.waikatoregion.govt.nz/Council/Policy-and-plans/Rules-and-regulation/Regional-Plan/Waikato-Regional-Plan/3-Water-Module/33-Water-Takes/334-Implementation-Methods--Water-takes/>).

If I choose not to provide a riparian vegetation management plan with my application – what are the consequences? (Q26)

If you are taking your water from a surface waterway and wish to rely on the grandparented dairy shed water rules for your pre-October 2008 water volumes, you need to provide a riparian vegetation management plan, and we have a template available to help you do this.

There are some exceptions where a plan may not be required:

- Where the waterway from which you take water is not located on property you own (including any neighbouring property over which you have an easement, Waikato Regional Council stopbanks or esplanade strips).
- Where the waterway is within a drainage district managed by Waikato Regional Council or a territorial authority, a consent is required for the actual planting. It may be considered inappropriate for fencing or planting of these

areas. Call us or your local drainage area manager to discuss this on 0800 800 402.

If you choose not to provide a riparian vegetation management plan, your application will be considered under the other rules within the Waikato Regional Plan and no special consideration will be given to the existing nature of your water take.

You will need to provide an estimate of the one-in-five-year low flow (Q5 - see 'Allocation status and hydrology' FAQ section) with your application, which will need to be provided by an appropriately skilled professional. If you are in a fully or over-allocated catchment, your application may be declined.

I have already fenced and planted the stream from which I take water. What do I need to do?

Provided the fencing and planting is of a certain standard, you'll just be required to maintain it through the duration of your consent.

Those standards include:

- Planting and fencing must be for the entire length on the property that you own of the surface waterway from which you take water. This includes any waterbodies the water flows into downstream.
- The fencing needs to effectively exclude all livestock present.
- The fence must be at least 3 metres from the top of the bank.
- The riparian planting should be made up of suitable species and needs to be throughout the fenced area, and needs to be at a planting density of 2500 stems per hectare.

If you have undertaken the fencing and planting under one of the following agreements, then you can choose to adopt that agreement as a riparian vegetation management plan and no additional work will be required, so long as it is for the entire length of the waterway on your property:

- Land Improvement Agreement.
- Memorandum of Encumbrance.
- Environmental Protection Agreement.

You may also know these as Clean Streams Agreements, Soil Conservation Agreements or Catchment New Works Agreements. You will continue to be bound by the requirements of these agreements.

If you have fenced and planted the stream from which you take water, but it's not to the full 3m distance required, you can choose to:

- progressively move the fence back and plant up the additional area
- offset the requirement by fencing and planting another stream in the same catchment, for the same length of stream and width of planting.

What is the top of bank?

The top of bank is the highest point which contains the annual fullest flow without overtopping its banks into the flood plain.

The nature of the stream I take water from means it's a real difficulty for me to have permanent fencing and to do planting on this stream. Can I offset the planting?

Yes, you can offset the fencing and planting requirement to another waterbody, though it generally does need to be for the same length of stream and in the same catchment. You cannot offset if that stream is already fenced and planted.

In some circumstances another offset may be acceptable, where you can demonstrate that there is a real environmental benefit to your proposed offset.

What if I've already planted lots of streams on my property? Do I still need to fence and plant the stream from which I take water?

Yes, the stream from which you take water is the one that needs to be fenced and planted under the riparian vegetation management plan. Unfortunately the benefit of existing planting on other streams can't be used to offset the planting requirement of the stream from which you take water.

Is there still funding available from Waikato Regional Council for riparian fencing and planting?

There is still some funding available for riparian enhancement works in priority catchments, however this funding cannot be sought for works that are required as a condition of consent.

In these priority catchments there may be some partial funding available if you are looking to do more than the bare minimum required under your riparian vegetation management plan. For example, you are required to fence and plant to 3m width, but you may wish to plant out an area wider than this, such as 6 metres. You may be able to apply for funding for the additional plants required, or for any additional length of fencing required because of the changes. These will all be assessed according to our usual criteria.

If you have other areas on the farm (waterways, wetlands, hill country) that are not related to your water take stream, then you may still be eligible for funding to protect and retire these areas.

For more information, contact your area's land management officer on 0800 800 401. Find out more about planting, waterways and wetland management at <http://www.waikatoregion.govt.nz/Community/Your-community/For-Farmers/Waterways-and-wetland-management/>

Volumes and cow numbers

How can I provide proof of cow numbers prior to 15 October 2008?

Waikato Regional Council will accept any reasonable document providing proof of cow numbers. However these need to be able to be verified from an external party.

Common documents that provide this proof include:

- Information from tax records indicating number of milking cows on the property.
- Herd testing records for the property.
- Milk supplier confirmation of cow numbers.

With your application please provide a copy of one or more of these documents, and any explanatory notes required. Please note these must provide evidence of cow numbers from BEFORE 15 October 2008. Documents detailing cow numbers for anything other than a short period after this date may be rejected.

If you are providing information that includes any sensitive information (e.g. financial records) that you do not wish to have available in the records held on our file, please block out this information (e.g. a black marker through the financial values) before providing it to us. But make sure you leave in all information about cow numbers and dates.

Where does the 70 litre per cow per day figure come from?

This figure was accepted during the Environment Court process as a reasonable "industry standard" value for the purposes of estimating water use where it was not measured. It is

recognised that the actual water use in dairy sheds will vary, some will have lower water use, some higher. If you can provide proof that you were taking a higher volume prior to October 2008, you will likely be granted a higher volume than 70 litres per cow per day. The 70 l/cow/day is based on *Waikato Regional Council Technical Report 2007/47: A model for assessing the magnitude of consented surface water use in the Waikato region* – which is available to download on our website.

I need more than 70 litres per cow per day in my dairy shed. How can I prove this was what I was taking prior to 15 October 2008? What will Waikato Regional Council accept?

If you can show:

- what your current peak water use requirements are (i.e. current regular meter readings),
- proof of your current stock numbers,
- proof of your pre-15 October 2008 stock numbers, and
- that your shed set-up is the same now as it was prior to 15 October 2008 (i.e. it is the same shed and has the same *or improved* water using devices),

Waikato Regional Council are likely to accept the above as proof of a higher water use than 70 litres per cow per day, as was existing prior to 15 October 2008. When assessing whether to accept this evidence, Waikato Regional Council may also consider:

- whether the volume applied for is within a normal range expected for the type of shed and water using devices (i.e. any water volumes outside of the normal range will be subject to close scrutiny and may require further proof or monitoring requirements)
- any additional information the farmer may choose to include, such as milk production figures.

How does a farmer future proof their farm requirements?

Understanding your current farm water requirements is the first step. You then will need to obtain a resource consent for your water takes, or understand if you are covered by either the special stock and domestic water provisions (section 14(3)(b) of the RMA) or a permitted activity.

As you look to make changes to practices on your farm, you'll need to identify what your additional water needs may be, and how you might obtain the legal right to take that water. This needs to be early on in your planning.

There may be ways that you can change practices on your farm without requiring extra water, but by instead being more water efficient in the way you use your existing consented water volume. DairyNZ has some excellent resources on smart water use to aid farmers in this area.

Conversions and increases in herd size

I've increased my herd size since 2008 – what does this mean for me?

You are only grandparented for the volume you were taking prior to October 2008. You may need to go through a separate consent process for the increased volume, and the consenting procedure this will follow will depend on the allocation status of your catchment.

If there is water left available in your catchment, you are likely to get consent for this increased volume of water. If the catchment is fully or over-allocated the process will be more involved and you may wish to engage a consultant to help you through it. There is no

guarantee you will get consent for this additional water. See the FAQ section “Rules and consent processes” for further information.

What if I want to increase my herd/convert to dairy in future?

You need to consider your water requirements at the early stages of considering any changes to your operation or conversion. Unless you’re planning a conversion that will use less than 15 cubic metres of water of groundwater per day, you will most likely need a consent for the (increased) water you need for use in the dairy shed, and in some cases for stock watering.

The process for obtaining this consent will depend on the allocation status of your catchment. If there is water left available in your catchment you are likely to get consent for the water. If the catchment is fully or over-allocated the process will be more involved and you may wish to engage a consultant to help you through it. There is no guarantee you will get consent for this water.

I’ve been told that I’m in an over-allocated catchment and my “new” or increased water take may not get a consent – what other options do I have?

If you can locate someone in your catchment with a consent for water that they do not need (or do not need the full volume of), you may be able to arrange (with their agreement) for a transfer of that water take (see additional information under “Ownership, property sale and purchase and consent transfer” heading).

If you have consent but need just a little bit more, it may be worthwhile seeking water use efficiencies in the first instance to see if you can work within your allocated volume.

Will I still be able to take water for my stock to drink and for my house(s) supply? Do I need consent for this?

In most circumstances, you can continue to take the water you need for stock drinking and domestic supply.

The RMA has special provision (called s14(3)(b) takes) for water taken for an individual’s reasonable domestic and stock watering requirements. No consent is required for this, as long as there is no adverse effect on the environment. If your take does not cause any adverse effect on the environment then these new water take rules do not impact on your water supply and you can continue taking this water without a consent.

If the stock watering and domestic supply water is from groundwater, it can still rely on the special RMA provision, regardless of the surrounding surface water allocation status, provided there is no adverse effect on the environment.

If the stock watering and domestic supply is from a surface water source, and is in a catchment that is not fully allocated, then it can also continue, provided there is no adverse effect on the environment.

If the take is from surface water and the catchment is fully or over-allocated, it can still continue if it was existing prior to the catchment becoming fully allocated OR if it was existing prior to 15 October 2008 if it is unknown when the catchment became fully or overallocated. If you start a new surface water take (i.e. you have converted to dairying) in a fully allocated catchment then you will need consent. Feel free to contact us to discuss when you commenced your take.

I’m buying or have bought a dairy farm and it doesn’t have a water take consent. What do these rules mean for me?

The grandparenting relates to what was occurring on that property prior to October 2008, rather than belonging to any owner of that land at the time. Therefore you can still apply for consent for the grandparented water even if you didn’t own the property in October 2008.

However you will still be required to provide some proof of the cow numbers on the property prior to 2008. The previous owners may be willing to provide you some information to help with this. If you continue to have difficulty finding a way to prove cow numbers, get in touch with us to discuss the matter.

If you are actively purchasing a property, you may wish to speak to your lawyer about the lack of a water take consent, and perhaps consider how you might ensure you can prove 2008 cow numbers/water use.

Where a water take consent is not held, potential purchasers would be wise to ask the vendor what the cow numbers were prior to October 2008 versus the current farming practices to ensure that conversion/intensification hasn't occurred since then which may complicate the process for obtaining a water take consent. If an increase has occurred, you may wish to give us a call to discuss water allocation in your area.

Ownership, property sale and purchase and consent transfers

Is the water take consent applied to the land or the person?

Resource consents are not tied to the land, rather they are held by a person. The grandparented volume of water is tied to the actual take that was occurring prior to 15 October 2008.

That take is by its nature tied to the land (i.e. location of the bore on the property or the intake structure on the stream), but it is the person who was taking (or new owner of land upon which there is an existing take) who has the right to obtain a consent for that grandparented volume.

I'm purchasing a farm and it does have a water take consent. What should I do?

You need to ensure that transfer of this resource consent to you occurs as part of any arrangements you make. The water take consent remains to be held by the consent holder and is not tied to the land. Therefore if you want to continue using the water authorised by this consent, you must either hold the consent or have the permission of the consent holder to use it.

To transfer a consent between parties is a simple process, where both parties fill out a form and return it to Waikato Regional Council. There is no fee for this transfer.

I'm buying or have bought a dairy farm since 2008 and it doesn't have a water take consent. What do these rules mean for me?

The grandparenting relates to what was occurring on that property prior to October 2008, rather than belonging to any owner of that land at the time. Therefore you can still apply for consent for the grandparented water even if you didn't own the property in October 2008. However you will still be required to provide some proof of the cow numbers on the property prior to 2008. The previous owners may be willing to provide you some information to help with this. If you continue to have difficulty finding a way to prove cow numbers, get in touch with us to discuss the matter.

If you are actively purchasing a property, you may wish to speak to your lawyer about the lack of a water take consent, and perhaps consider how you might ensure you can prove 2008 cow numbers/water use.

Where a water take consent is not held potential purchasers would be wise to ask the vendor what the cow numbers were prior to October 2008 versus the current farming practices to ensure that conversion/intensification hasn't occurred since then which may complicate the process for obtaining a water take consent. If an increase has occurred, you may wish to give us a call to discuss water allocation in your area.

How do I trade my water / buy water?

There is no official “water trading” system in place. There is the provision for any temporary or permanent transfer of whole or part of a surface water or groundwater take. That is, if you and a neighbour came to an agreement on a transfer of part or all of a water take consent one of you held, you are able to do that. Waikato Regional Council will not get involved in any negotiation or setting of any possible monetary exchanges.

There are a few limitations as to how that works:

- It is easy to transfer a surface water take from an upstream location in a catchment to a downstream location. This is a permitted activity, and just requires you each fill out part of a form.
- It is more involved if you want to transfer groundwater takes. They’ll need to be demonstrated to be within the same aquifer, which will involve Waikato Regional Council staff checking the proposed change. If they are not in the same aquifer, then it is probable that the transfer won’t be able to take place. There will be a cost for assessing the aquifers.
- It is difficult to transfer water takes upstream or between aquifers. If there is a change in the environmental effects as a result of what you propose to do, we may have to decline the application to transfer.

If you want to obtain a water right and you are unable to do so because your catchment is fully allocated, we suggest you get in touch with people who have water takes upstream of you (if you want to take from surface water) or nearby groundwater users.

A good place to start to identify these parties is to go to on our online mapping package at www.waikatoregion.govt.nz/Services/Maps/ and choose the “Resource Consents” option. Use the binoculars to find your property, then you can see all the consents granted in the area.

Stock and household water takes

Will I still be able to take water for my stock to drink and for my house(s) supply? Do I need consent for this?

Yes, you can continue to take the water you need for stock drinking and domestic supply.

The RMA has special provision (called s14(3)(b) takes) for water taken for an individual’s reasonable domestic and stock watering requirements. No consent is required for this so long as there is no adverse effect on the environment. If your take does not cause any adverse effect on the environment then these new water take rules do not impact on your water supply and you can continue taking this water without a consent.

If you have increased or are looking to increase your stock numbers and you take from surface water, call us to talk about it. For some over-allocated or fully allocated catchments any additional takes from surface water may need consent, even if they are for household or stock water.

Should I apply for a consent for the stock watering component of my water take at the same time?

Most stock watering takes do not require resource consent. However when we process your shed water take consent application we can add on a volume for stock watering. In many instances this makes it much easier to understand and record your water take. For a discussion on what the advantages and disadvantages of this are, please see the “Rules and consent processes” FAQ section.

Possible future policy

How will Waikato Regional Council use the data received from meters to improve the efficiency of allocation?

In order to effectively manage a resource, you first have to understand it. At present our view on water use in the Waikato region is based largely on estimates backed up with statistical analysis. The data provided as a condition of your consent will enable us to better understand what the actual volume of water being taken throughout the region is.

As more is understood about the actual water use and when water is being taken, we will then be in a position to more effectively manage the resource. For example this might be by identifying times of the year that some water users are not taking water, and therefore allowing other users to access the water at these times.

What happens to water allocation beyond 2015 for new consents?

Dairy farmers who apply for consent under the controlled activity rule prior to 1 January 2015 are likely to get a consent for 15 years. While there will be some review conditions within a consent granted, it is likely that the volume of water they are allocated through this process will remain available to them for the full 15 years.

After this time, any farmer, existing or new, will need to apply for a new consent. Those applications will be assessed against the policy at that time, which may have changed by then (we are required by law to review our plans every 10 years – this is a public process where anyone can have a say as to how we allocate water). However current policy provides some certainty to farmers that their supply is likely to be re-consented:

- Our policies and central government are directing us to seek that by 2030 no catchments will be over-allocated. So consents coming up for renewal around this time may find we've already cut back on other water users.
- At the time of re-consenting, those water takes that were "existing authorised takes" are given a more favourable activity status, so are more likely to be approved than any new take

In the Waikato Regional Plan, Method 3.3.4.10 outlines the ways that Waikato Regional Council will seek to phase out over-allocation. (l) states that "*where the allocation for milk cooling and dairy shed wash down ...results in allocation exceeding 100% of the primary allocable flow... the Council may as a priority reduce that overallocation by reducing the amount of water allocated by existing consents to other dairy sector production land use activities (including pasture irrigation) before applying shared reduction across all other sectors*". This method suggests an inclination for water takes consents to be granted for water use in dairy shed in preference to other dairy sector uses.