

Withdrawal of Plan Change 9 (Water Quantity)

Bay of Plenty Region | February 2020

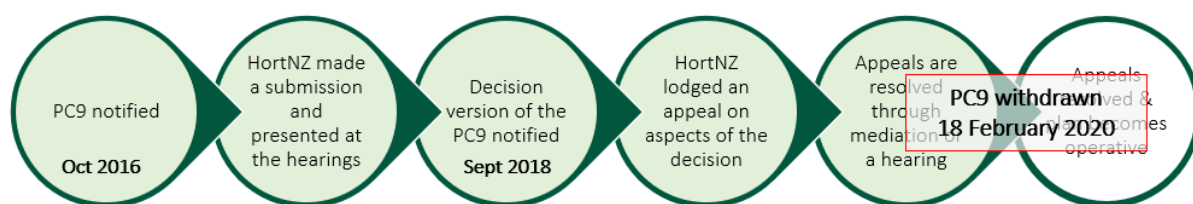


What is Plan Change 9 (PC9)?

The Region-wide Water Quantity Proposed Plan Change 9 introduced rules for water quantity, as a 'hold the line' approach ahead of further locally-specific plan changes.

Plan Change 9 has been withdrawn. This means the Plan Change no longer has any legal effect. Council's decision to withdraw is due to uncertainty on the anticipated changes to national direction on freshwater management (National Policy Statement Freshwater Management).

PC9 was notified in October 2016 and a decision version notified September 2018. Horticulture New Zealand has been involved throughout the process, telling the horticulture story and promoting outcomes that enable growing.



What does it mean for growers?

Below is an overview of what the withdraw means for resource consents to take water.

What rules apply now?

The Operative Regional Natural Resources Plan (RNRP) contains all the rules relevant for consideration of water takes. The rules proposed in PC9 no longer have to be considered.

Resource consents lodged and granted since 2018:

PC9 was notified in 2018. All consent applications received and/or processed after the date of notification were assessed against both the RNRP and PC9. Resource consents granted under PC9 and RNRP are still valid. The consent conditions associated with these consents are also valid and must be adhered to.

Registration and metered water take as a permitted activity under PC9:

Growers are no longer obliged to register with Council in order to be a permitted activity, as was required under PC9. Council has not yet made a decision on what to do with the existing registrar or registration process.

There is no specific requirement to meter water takes under the RNRP. However, Council will continue to encourage this. Metering can be a useful tool for growers to demonstrate efficient water use. Council may use consent conditions as a means to encourage metering uptake.

Unauthorised water takes:

Resource consent is still required for all existing unauthorised water takes. Applications will be assessed under the RNRP.

Applications to take water from a fully allocated resource:

PC9 inserted a new clause to generally decline all applications to take water from a fully allocated resource. Under RNRP, such applications would be processed as a Discretionary Activity.

Groundwater limits:

There are no numeric groundwater limits stipulated in the RNRP. This creates less certainty for users. It is likely that the allocation tools used in PC9 will still inform decision-making as this is the most up-to-date data accessible to Council. In preparing applications it may be useful to note the groundwater limits as set out in PC9.

Prioritisation of water use:

PC9 prioritised water use for rootstock survival and frost protection at times of low flow and specified efficiency requirements. The RNRP does not specify prioritisation or efficiency requirements so there is less uncertainty for users.

A summary of key differences:

Rule	PC9 (no longer has legal effect)	RNRP
Permitted Surface Water Take	15m ³ /day with registration and metering requirement	15m ³ /day
Permitted Groundwater take	15m ² /day for sites <5ha 35m ³ /day for sites >5ha	35m ³ /day
Water takes (general)	Restricted Discretionary Activity if within allocation limits Discretionary Activity if exceeding allocation limits	Discretionary Activity

The RNRP can be accessed on Bay of Plenty Regional Council's website: <https://www.boprc.govt.nz/your-council/plans-and-policies/plans/regional-plans/regional-natural-resources-plan/>.