



Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020

Patsy Reddy, Governor-General

Order in Council

At Wellington this 3rd day of August 2020

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under section 360(1)(d) of the Resource Management Act 1991 on the advice and with the consent of the Executive Council.

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	New Schedule 1 inserted	

Regulations

1 Title

These regulations are the Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020.

2 Commencement

These regulations come into force on 3 September 2020.

3 Principal regulations

These regulations amend the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 (the **principal regulations**).

4 New regulation 3A inserted (Transitional, savings, and related provisions)

After regulation 3, insert:

3A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

5 Regulation 6 amended (Permit holder must keep records of water taken)

(1) Replace regulation 6(2)(a) with:

(a) in each 15-minute period; or

(2) In regulation 6(2)(b), before “each week”, insert “in”.

6 Regulation 7 amended (Verification of device or system)

In regulation 7(2) and (3), replace “provided under regulation 8” with “kept under regulation 6”.

7 New regulation 7A inserted (Permit holder measuring 15-minute periods must provide daily records to regional council)

After regulation 7, insert:

7A Permit holder measuring 15-minute periods must provide daily records to regional council

- (1) A permit holder who must keep records under regulation 6(2)(a) must provide records that cover each day of the permit to the regional council that granted the permit.
- (2) The records for a day must be provided—
 - (a) no later than the end of the next day; or
 - (b) if the records are for a day that falls within a relevant water year with a later deadline granted under subclauses (5) and (6), by that later deadline.
- (3) The records must comply with regulation 6.
- (4) The records must be provided electronically.

Later deadline for records for water year
- (5) The regional council may grant a later deadline for providing the records for a water permit under subclause (2)(b) if—
 - (a) the permit holder applies for a later deadline no earlier than 12 months, and no later than 6 months, before the start of a water year (the **relevant water year**); and
 - (b) the regional council is satisfied that it is impracticable for the permit holder to comply with subclause (2)(a) because of any limitation in telecommunications where the recorded measurements are made.
- (6) The regional council must specify any later deadline that it grants by notice to the permit holder.
- (7) A later deadline applies only to the records for days that fall in the relevant water year, but the permit holder may apply for (and the regional council may grant) a later deadline each year in accordance with subclauses (5) and (6).

8 Regulation 8 amended (Permit holder must provide records and evidence to regional council)

- (1) Replace the heading to regulation 8 with “**Permit holder must provide annual records to regional council**”.
- (2) Replace regulation 8(4) to (6) with:
- (4) The records must be provided—
 - (a) electronically; or
 - (b) in writing, if requested by the regional council.

- (5) To avoid doubt, this regulation applies even if the permit holder must also provide records under regulation 7A.

9 New regulation 8A inserted (Permit holder must provide evidence to regional council)

After regulation 8, insert:

8A Permit holder must provide evidence to regional council

- (1) The regional council may request evidence from the permit holder that the device or system that kept the records under regulation 6 has been verified as accurate in accordance with regulation 7.
- (2) The permit holder must provide the regional council with the evidence as soon as practicable after receiving the request.
- (3) The evidence must be provided—
- (a) electronically; or
 - (b) in writing, if requested by the regional council.

10 Regulation 9 amended (Approval to measure water taken each week (instead of each day))

- (1) In the heading to regulation 9, delete “(instead of each day)”.
- (2) In regulation 9(1), delete “(instead of each day)”.

11 Regulation 12 amended (Relationship with regional rule or condition of water permit)

Replace regulation 12(3) with:

- (3) Despite the rest of this regulation, the requirement to provide records that cover each day or each water year by the deadline under regulation 7A or 8 is additional to any requirement of a regional rule or a condition to provide records that cover a different period or periods.

12 Regulation 13 revoked (Transitional provision for existing water permits)

Revoke regulation 13.

13 New Schedule 1 inserted

After the final regulation of the principal regulations, insert the Schedule 1 set out in the Schedule of these regulations.

Schedule New Schedule 1 inserted

r 13

Schedule 1 Transitional, savings, and related provisions

r 3A

Part 1 Provisions relating to Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020

- 1 Delayed requirements for measuring 15-minute periods and daily reporting**
- (1) These regulations apply to a water permit, as if the regulations had not been amended, until the start of the applicable date under subclause (2).
 - (2) These regulations apply, as amended, starting on the following date for a water permit that allows water to be taken at the rate specified:
 - (a) 3 September 2022 for a water permit for ≥ 20 litres/second:
 - (b) 3 September 2024 for a water permit for ≥ 10 but < 20 litres/second:
 - (c) 3 September 2026 for a water permit for ≥ 5 but < 10 litres/second.
 - (3) However, a permit holder may apply for (and the regional council may grant) an application in accordance with regulation 7A(5) and (6)—
 - (a) before the applicable date under subclause (2); and
 - (b) in respect of a relevant water year that starts after that date.
 - (4) In this clause, **amended** means amended by the Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.
These regulations amend the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010. These regulations commence on 3 September 2020.

A permit holder is now required to record measurements of the water taken under a water permit in each 15-minute period (instead of each day). The permit holder must electronically provide the regional council with daily records of the measurements by the end of the next day (or later in certain circumstances). A permit holder who is approved to instead record measurements of the water taken in each week is not subject to the new requirements. But both types of permit holder are still required to provide annual records to the regional council.

The new requirements start applying to a water permit only a number of years after these regulations commence, depending on the rate at which water may be taken under the permit, as follows:

- 2 years after if the rate is ≥ 20 litres/second:
- 4 years after if the rate is ≥ 10 but < 20 litres/second:
- 6 years after if the rate is ≥ 5 but < 10 litres/second.

Regulatory impact statement

The Ministry for the Environment produced a regulatory impact statement on 6 May 2020 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of the regulatory impact statement can be found at—

- <https://www.mfe.govt.nz/regulatory-impact-statements/action-for-healthy-waterways-part-11>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

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These regulations are administered by the Ministry for the Environment.