

Reprint  
as at 3 September 2020



# Resource Management (Measurement and Reporting of Water Takes) Regulations 2010

(SR 2010/267)

Anand Satyanand, Governor-General

## Order in Council

At Wellington this 23rd day of August 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 360(1)(d) of the Resource Management Act 1991, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

### Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
3A Transitional, savings, and related provisions	3
4 Regulations apply to certain water permits	3
5 Determining rate in litres/second for purposes of regulations	3
6 Permit holder must keep records of water taken	4
7 Verification of device or system	5

---

#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These regulations are administered by the Ministry for the Environment.**

7A	Permit holder measuring 15-minute periods must provide daily records to regional council	5
8	Permit holder must provide annual records to regional council	6
8A	Permit holder must provide evidence to regional council	6
9	Approval to measure water taken each week	7
10	Approval to use device or system installed near (instead of at) location from which water taken	7
11	Approval may be revoked	7
12	Relationship with regional rule or condition of water permit	7
13	Transitional provision for existing water permits <i>[Revoked]</i>	8

**Schedule 1** 8  
**Transitional, savings, and related provisions**

**Regulations**

**1 Title**

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

**2 Commencement**

These regulations come into force on 10 November 2010.

**3 Interpretation**

(1) In these regulations, unless the context requires another meaning,—

**Act** means the Resource Management Act 1991

**full pipe** means a closed pipe or conduit that is full of water when it is conveying water

**permit holder**, for a water permit, means the person who holds the permit

**water permit** means a water permit under the Resource Management Act 1991 to which these regulations apply

**water year**, for a water permit, means a period during the term of the permit—

(a) starting on 1 July or, for the permit’s first water year, starting on the first day on which these regulations apply to the permit; and

(b) ending on the next 30 June or, for the permit’s last water year, ending on the last day on which these regulations apply to the permit.

(2) Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in these regulations has the meaning given by the Act.

### **3A Transitional, savings, and related provisions**

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

Regulation 3A: inserted, on 3 September 2020, by regulation 4 of the Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 (LI 2020/176).

### **4 Regulations apply to certain water permits**

- (1) These regulations apply only to a water permit that allows fresh water to be taken at a rate of 5 litres/second or more.
- (2) However, these regulations do not apply to a water permit if the taking of water under the permit is non-consumptive in that—
  - (a) the same amount of water is returned to the same water body at or near the location from which it was taken; and
  - (b) there is no significant delay between the taking and returning of the water.

### **5 Determining rate in litres/second for purposes of regulations**

- (1) The rate at which fresh water may be taken under a water permit, for the purposes of regulations 4(1) and 13(2), must be determined under this regulation.
- (2) If the permit specifies only 1 rate at which water may be taken in litres/second, then that is the applicable rate, even if the permit specifies any other rate.
- (3) If the permit specifies 2 or more rates at which water may be taken in litres/second, then the applicable rate is the greatest of those rates, even if the permit specifies any other rate.
- (4) Otherwise, the applicable rate is the greatest rate at which water may be taken under the permit, after applying the following rules:
  - (a) each rate specified in the permit must be converted into the average rate at which water may be taken in litres/second during the period to which the rate applies:
  - (b) any conversion of a period of time must ignore daylight saving time and leap years:
  - (c) if the permit specifies the amount of water that may be taken, but not the period of time during which the water may be taken, the permit is to be treated as if it allowed that amount of water to be taken each year:
  - (d) if the permit does not specify any rate at which water may be taken or any amount of water that may be taken, or specifies only a rate that is not a fixed number (for example, a rate that depends on the flow rate of a water body), then the permit is to be treated as if it specified a rate of 20 litres/second:
  - (e) a reference in the permit to a “head” or “sluice-head” is to be treated as a reference to water taken at a rate of 28.3 litres/second.

**6 Permit holder must keep records of water taken**

- (1) A permit holder must keep records that provide a continuous measurement of the water taken under a water permit, including water taken in excess of what the permit allows.

*Form of records*

- (2) The records must comprise measurements (in cubic metres) of the volume of water taken—
- (a) in each 15-minute period; or
  - (b) in each week, but only if the permit holder has approval under regulation 9.
- (3) The records must be able to be combined to produce further records that cover each water year of the permit.
- (4) If no water is taken, the records must specify the volume of water taken as zero cubic metres.
- (5) The records must be kept in a format that, in the opinion of the regional council that granted the permit, is suitable for auditing.

*Manner in which records kept*

- (6) The records must be kept using a device or system that—
- (a) measures the volume of water taken—
    - (i) to within  $\pm 5\%$  of the actual volume taken, for water taken by a full pipe; or
    - (ii) to within  $\pm 10\%$  of the actual volume taken, for water taken by another method (including by an open channel or a partially full pipe); and
  - (b) is able to provide data in a form suitable for electronic storage; and
  - (c) is suited to the qualities of the water it is measuring (such as temperature, algae content, and sediment content); and
  - (d) is sealed and is as tamper-proof as practicable; and
  - (e) is installed—
    - (i) at the location from which the water is taken; or
    - (ii) at the location specified by any approval granted under regulation 10 that is held by the permit holder; and
  - (f) has been verified as accurate in accordance with regulation 7.

Regulation 6(2)(a): replaced, on 3 September 2020, by regulation 5(1) of the Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 (LI 2020/176).

Regulation 6(2)(b): amended, on 3 September 2020, by regulation 5(2) of the Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 (LI 2020/176).

## 7 Verification of device or system

- (1) This regulation specifies how a device or system that keeps records for a water permit must have been verified as accurate (**verified**) for the purposes of regulation 6(6)(f).
- (2) For records kept under regulation 6 for the permit's first water year, the device or system must have been verified before the end of that water year.
- (3) For records kept under regulation 6 for any later water year, the device or system must have been verified at any time in the 5-year period ending when that water year ends.
- (4) Verification must have been performed by a person who, in the opinion of the regional council that granted the water permit, is suitably qualified.

Regulation 7(2): amended, on 3 September 2020, by regulation 6 of the Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 (LI 2020/176).

Regulation 7(3): amended, on 3 September 2020, by regulation 6 of the Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 (LI 2020/176).

## 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).

Regulation 7A: inserted, on 3 September 2020, by regulation 7 of the Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 (LI 2020/176).

## **8 Permit holder must provide annual records to regional council**

- (1) A permit holder must provide records that cover each water year of the permit to the regional council that granted the permit.
- (2) The records for a water year must be provided no later than 1 month after the end of the water year.
- (3) The records must comply with regulation 6.
- (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.
- (6) *[Revoked]*

Regulation 8 heading: replaced, on 3 September 2020, by regulation 8(1) of the Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 (LI 2020/176).

Regulation 8(4): replaced, on 3 September 2020, by regulation 8(2) of the Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 (LI 2020/176).

Regulation 8(5): replaced, on 3 September 2020, by regulation 8(2) of the Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 (LI 2020/176).

Regulation 8(6): revoked, on 3 September 2020, by regulation 8(2) of the Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 (LI 2020/176).

## **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.

Regulation 8A: inserted, on 3 September 2020, by regulation 9 of the Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 (LI 2020/176).

**9 Approval to measure water taken each week**

- (1) The regional council that granted a water permit may, at its discretion, grant approval to the permit holder to keep records of measurements of the volume of water taken under the permit each week.
- (2) The council must grant approval by providing a written notice to the permit holder that specifies the period of approval.

Regulation 9 heading: amended, on 3 September 2020, by regulation 10(1) of the Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 (LI 2020/176).

Regulation 9(1): amended, on 3 September 2020, by regulation 10(2) of the Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 (LI 2020/176).

**10 Approval to use device or system installed near (instead of at) location from which water taken**

- (1) The regional council that granted a water permit may, at its discretion, grant approval to the permit holder to keep records using a device or system that is installed as near as practicable to the location from which water is taken under the permit (instead of at that location).
- (2) The council must grant approval by providing a written notice to the permit holder that specifies—
  - (a) the location at which the device or system may be installed, which must be a location that, in the council's opinion, is as near as practicable to the location from which the water is taken; and
  - (b) the period of approval.

**11 Approval may be revoked**

- (1) The regional council that granted an approval under regulation 9 or 10 may revoke the approval at any time if, in the council's opinion, the approval was granted on the basis of incorrect information provided by the permit holder.
- (2) The council must revoke approval by providing a written notice to the permit holder that specifies when the approval is revoked.

**12 Relationship with regional rule or condition of water permit**

- (1) These regulations prevail over a regional rule or a condition of a water permit.
- (2) However, a regional rule or a condition that is more stringent than these regulations prevails over the regulations.
- (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.

Regulation 12(3): replaced, on 3 September 2020, by regulation 11 of the Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 (LI 2020/176).

**13 Transitional provision for existing water permits***[Revoked]*

Regulation 13: revoked, on 3 September 2020, by regulation 12 of the Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 (LI 2020/176).

## Schedule 1 Transitional, savings, and related provisions

r 3A

Schedule 1: inserted, on 3 September 2020, by regulation 13 of the Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 (LI 2020/176).

**Part 1**

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

Schedule 1 Part 1: inserted, on 3 September 2020, by regulation 13 of the Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 (LI 2020/176).

**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  $\geq 20$  litres/second:
  - (b) 3 September 2024 for a water permit for  $\geq 10$  but  $< 20$  litres/second:
  - (c) 3 September 2026 for a water permit for  $\geq 5$  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.

Schedule 1 clause 1: inserted, on 3 September 2020, by regulation 13 of the Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 (LI 2020/176).

Rebecca Kitteridge,  
Clerk of the Executive Council.



## **Reprints notes**

### **1    *General***

This is a reprint of the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### **2    *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3    *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4    *Amendments incorporated in this reprint***

Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 (LI 2020/176)