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Attachment A

New Restricted Discretionary Activity Rule for replacement consents for specified community water supplies for consents expiring prior to 31 December 2035

Despite any other rule or rules in this Plan where the take and use of water is for a community water supply listed in Schedule X:

- a) any activity that is currently authorised under a Deemed Permit; or
- b) the take and use of surface water (including groundwater considered as surface water under policy 6.4.1A (a), (b) and (c) of this Plan) that is currently authorised by an existing water permit where that water permit expires prior to 31 December 2025;

is a restricted discretionary activity providing the following conditions are met:

- i. The applicant seeks a consent duration that ends no later than 31 December 2035; and
- ii. The activity meets conditions (ii), (v) and (vii) of Rule 10A.3.1.1; and
- iii. The rate of take and the volume of water sought is within the existing consented rate of take and volumes; and
- iv. [Placeholder: Priorities].

The Council will restrict its discretion to the following matters:

- a) The extent to which there is a need to provide for population growth within the term of the consent informed by a comprehensive assessment of existing and future demand for water, including any assessments required under the National Policy Statement on Urban Development 2020, or undertaken under the Local Government Act 2002 such as in a long-term plan, growth strategy or spatial plan; and
- b) The extent to which the supply is used for purposes other than drinking water; and
- c) How the water supply system is being designed and managed to minimise water losses as far as reasonably practicable; and
- ~~d) Water conservation measures to increase the water use efficiency and reduce water demand by the permit holder and by the end users supplied; and~~
 - ~~i. Alternative methods of water supply for uses such as irrigating gardens, reserves and parks through rainwater harvesting and greywater recycling; and~~
 - ~~ii. The collection and storage of rainwater and the use of reservoirs to reduce the demand for the take and use of water when there are likely to be constraints on its availability; and~~
- ~~d) The contents of the procedures in a water management plan to setting out information in relation to matters insecure the outcomes in (b) and (c) and procedures to be followed to implement water conservation measures within the term of the consent to increase the water use efficiency and reduce water demand by the permit holder and by end users supplied, including (f); and~~
 - i. Alternative methods of water supply for uses such as irrigating gardens, reserves and parks through rainwater harvesting and greywater recycling; and
 - ii. The collection and storage of rainwater and the use of reservoirs to reduce the demand for the take and use of water when there are likely to be constraints on its availability; and
- ~~e)~~

Commented [WW1]: The parties suggest this inclusion so that it is a more objective assessment of what is practicable.

Commented [BI2]: Parties suggest that (d) is included in the water conservation management plan. We have some reservations about these requirements being a standalone matter of discretion. For example – does a matter of discretion requiring alternative methods of supply to be implemented by 3rd parties present vires issue as a condition of resource consent? Or with respect to reservoirs, further resource consents would be required to facilitate this. There is also an issue as to certainty – e.g. a certain condition might specify the number of rainwater harvesting tanks to be installed (but as highlighted above compliance may not be achievable because it requires 3rd parties to take steps). To address these potential concerns we have attempted to refine (e) (which was the water conservation management plan condition) to distinguish between the different types of requirements articulated in the preceding paras – i.e. system information in (b) and (c) and implementation included the detail of paragraph (d), including a requirement to set out the procedures to implement the water conservation measure identified.

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- f)e) Any existing consent conditions concerning operating procedures administered through a water allocation committee that exists for the catchment; and
- g)f) Any other conditions on the expiring permit to be replaced, where those matters are not otherwise addressed by the entry conditions of this rule or matters of discretion; and
- h)g) [Placeholder: Priorities]; and
- i)h) Review conditions; and
- j)i) Compliance monitoring; and
- k)j) The point and method of measurement and the method for transmitting recorded data to Council.

In this rule drinking water means water intended to be used for human consumption, including water intended to be used for food preparation, utensil washing, and oral or other personal hygiene.

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Commented [B13]: The parties spent some time discussing this and whether a different definition was warranted. They agreed that adopting definition consistent with Planning Standards etc was the most appropriate and would avoid potential unintended consequences of a change. ORC maintains the position that water to be used for non-human consumption purposes such as commercial, industrial, stock drinking water or dairy shed washdown would not meet this definition of drinking water and therefore would be a 'purpose other than drinking water' for the purposes of matter of discretion (b).

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