

**Taking, use, damming  
and diversion  
of surface water**

**(excluding in the Hangatahua  
(Stony) catchment)**

**Taking, use, damming and  
diversion of surface water**

**RULES**

## Taking and use of surface water

Activity	Rule	Standards/Terms/Conditions	Classification	Notification	Control/Discretion	Policy Reference
Taking and use of surface water <sup>19</sup>	15	<ul style="list-style-type: none"> <li>The rate of abstraction for any one property described in a particular certificate of title shall not exceed 1.5l/s; or 5l/s for not more than 30 mins/day for temporary taking and use of surface water<sup>20</sup>;</li> <li>The volume of abstraction for any one property described in a particular certificate of title shall not exceed 50m<sup>3</sup> in any one day;</li> <li>No more than 25% of the instantaneous flow, measured at the point of abstraction shall be taken.</li> </ul>	Permitted			
Taking and use of surface water, which does not meet the conditions of Rule 15, excluding the taking or use of water from those water bodies or parts of them listed in Policy 6.1.1	16		Discretionary	May be non-notified		3.1.2, 3.1.3, 3.1.4, 3.1.5, 3.1.6, 3.1.7, 3.2.1, 3.2.2, 3.2.3, 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.6, 5.1.1, 5A.2.1, 5A.2.2, 5A.2.3, 6.1.2, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7
Taking and use of surface water from within those catchments or water bodies listed in Policy 6.1.1 where the taking or use is not otherwise provided for in Rule 15	17		Prohibited			

<sup>19</sup> Taking and use of surface water for reasonable domestic and stock-watering needs is allowed under section 14(3) of the Act provided that there is no adverse effect on the environment. The conditions of this rule are designed to provide for these needs.

<sup>20</sup> The temporary taking and use of surface water means the occasional and temporary taking and use of surface water, but does not include taking and use of surface water that is of an ongoing and permanent nature but which occurs intermittently.

## Damming or diversion of surface water

**Advisory note:** Rules 18-20 of this Plan do not apply to damming or diversion of surface water associated with plantation forestry activities regulated under the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017* (NES-PF). The NES-PF regulations prevail over these rules in relation to plantation forestry unless the activity involves wetland habitat identified as regionally significant in accordance with Policy Bio4 of the Regional Policy Statement.<sup>21</sup>

Activity	Rule	Standards/Terms/Conditions	Classification	Notification	Control/Discretion	Policy Reference
Damming or diversion of water from a river or stream (excluding diversion or damming for the purposes of river and flood control, land drainage, or from wetlands listed in Appendix II)  <i>Note:</i> This rule excludes damming or diversion of surface water of plantation forestry activities regulated by the NES-PF unless the activity involves wetland habitat identified as regionally significant.	18	<ul style="list-style-type: none"> <li>Catchment area upstream of the damming or diversion is not more than 25 ha;</li> <li>Any dam or weir has a maximum height (measured vertically from the downstream bed to the crest) of not more than 3m;</li> <li>Structure must not impound water beyond the property on which it is built, unless agreed to in writing by that property's owner(s);</li> <li>Structure must have an auxiliary spillway which is capable of conveying flood flows;</li> <li>No take for domestic, stock water, school, public water supply, or fire fighting purpose, nor any take under any resource consent, is restricted as a result of the damming or diversion;</li> <li>There shall be no significant adverse effects on aquatic life or instream habitat;</li> <li>The activity shall not restrict the passage of fish;</li> <li>The Taranaki Regional Council shall be informed that the damming or diversion is to occur, at least two working days prior to the commencement of works.</li> </ul>	Permitted			
Damming or diversion of water undertaken by or on behalf of the Taranaki Regional Council for the purposes of river and flood control  <i>Note:</i> This rule excludes damming or diversion of surface water of plantation forestry activities regulated by the NES-PF unless the activity involves wetland habitat identified as regionally significant.	19	<ul style="list-style-type: none"> <li>No significant erosion, scour or deposition shall result or be likely to result from the damming or diversion;</li> <li>There shall be no significant adverse effects on aquatic life or instream habitat;</li> <li>The Taranaki Regional Council shall be informed that the damming or diversion is to occur, at least two working days prior to the commencement of the activity.</li> </ul>	Permitted			
Damming or diversion of water from a river or lake which does not meet the conditions of Rules 18 and 19	20		Discretionary	May be non-notified		3.1.2, 3.1.3, 3.1.4, 3.1.5, 3.1.6, 3.1.7, 3.2.1, 3.2.2, 3.2.3, 4.1.1,

<sup>21</sup> The NES-PF regulations that prevail over the Plan rules identified above include Regulations 19(2); 20 & 21; 68; 69; 70(3) & (4); 71; 73(2); 74 & 75, 83(2); 84 to 88; 92; and 97.

Activity	Rule	Standards/Terms/Conditions	Classification	Notification	Control/Discretion	Policy Reference
<p><b>Note:</b> This rule excludes damming or diversion of surface water of plantation forestry activities regulated by the NES-PF unless the activity involves wetland habitat identified as regionally significant.</p>						<p>4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.6, 5.1.1, 5A.2.1, 5A.2.2, 5A.2.3, 6.1.2, 6.1.3, 6.1.4, 6.1.5, 6.6.1, 6.6.2, 6.6.3, 6.6.9, 6.6.10</p>

