



Report 06.199
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Committee Policy, Finance and Strategy Committee
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Draft Plan Change 3 to the Regional Freshwater Plan

1. Purpose

To seek approval of the Committee for public consultation on draft changes to the Regional Freshwater Plan (the Plan).

2. Significance of the decision

The matters for decision in this report **do not** trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

3. Background

The Plan became operative in December 1999. An evaluation of the Plan was reported to the 5 April 2006 meeting of the Environment Committee (Report 06.86). The evaluation reported on the efficiency and effectiveness of policies, rules and other methods in the Plan to date, as required by the Resource Management Act 1991.

As a result of the evaluation, the Environment Committee recommended that staff investigate the preparation of draft changes to the Plan that limit the taking of additional water from the following water bodies:

- the Makoura Stream, Otukura Stream, Papawai Stream, Parkvale Stream, Stonestead (Dock) Creek and Tauweru River
- Parkvale, Martinborough Terraces, and Kahutara groundwater zones.

Policies on the taking of water from these water bodies were adopted by the Council in 2002 following investigations that showed they were either fully-allocated or over-allocated. The policies stated that additional water should not be taken from these water bodies. However, such council policies (or moratoria) are not statutory instruments that the Council can place much weight on when considering resource consent applications to take water. To date, only one application has been made to take water from one of these water bodies since the policies were adopted. The application for resource consent was declined by the Council but has been appealed to the Environment Court.

The Environment Committee's recommendation to investigate changes to the Plan follows the adoption of the policies (moratoria), information reported in *Measuring up 2005*, and the evaluation report on the Plan. Some other small changes are detailed in section 4.3 of this report.

3.1 Fully-allocated surface water

The Plan identifies minimum flows and allocation limits for 14 rivers in the region. The Plan also identifies other rivers where the same approach will be taken once investigations of appropriate minimum flows are complete. The rivers identified in this draft plan change belong to this second group and are already fully allocated. Additional takes from them should be limited now even though we are not in a position to set minimum flows in the Plan. In the draft plan change, we have referred to "capped" allocation limits to highlight that the limits "cap" water takes and are different to the allocation limits used with minimum flows in the Plan.

3.2 Over-allocated groundwater

The Plan sets allocation limits, called safe yields, for all aquifers in the region. Safe yields identify the amount of water that can be taken from an aquifer while still preserving groundwater levels, flows and water quality. Allocations of water from the Parkvale, eastern Martinborough Terraces, and Kahutara aquifers are approaching the safe yields assigned to them in the Plan. The groundwater levels are falling in these three aquifers, which indicates that the amount of water currently being taken is not sustainable. Present provisions could allow resource consent applications for additional water takes to be granted.

4. Draft plan changes

Draft Plan Change 3 to the Regional Freshwater Plan for the Wellington region: Changes to water allocation provisions is included as **attachment 1** to this report. It contains background information, reasons for the plan changes, and the draft plan changes. The changes are outlined below.

4.1 Fully-allocated surface water

A new policy identifies allocation limits for six fully-allocated rivers in the Wairarapa and a new non-complying activity rule for taking water from these rivers when the allocation limits are exceeded. This means that new water takes are non-complying and can only be granted if their adverse effects are minor or they are not contrary to the new policy in the Plan. The application of a more stringent test to the granting of new resource consents to take water above the allocation limits identified is appropriate because we know such takes will not be sustainable.

The allocation limits are based on existing water takes. Existing water takes will continue to be discretionary activities and can continue, provided applications for resource consent are made prior to the expiry of current resource consents. The new provisions are an interim measure while investigations are carried out to establish comprehensive management regimes that combine minimum flows and allocation limits.

4.2 Over-allocated groundwater

A new policy identifies allocation limits for the three over-allocated groundwater resources. There is a new non-complying activity rule for taking water from these groundwater resources that exceed the allocation limits. New water takes will be non-complying and can only be granted if their adverse effects are minor or they are not contrary to the new policy in the Plan. The application of a more stringent test to the granting of new resource consents to take water above the allocation limits identified is appropriate because we know such takes will not be sustainable.

The allocation limits are based on existing groundwater takes. Existing takes will continue to be discretionary activities and can continue, provided applications for resource consent are made prior to the expiry of current consents. The new provisions are an interim measure until investigations are completed that will enable water to be allocated so that long term depletion of the resources are avoided.

4.3 Other changes

Other small changes to the Plan that have been drafted are:

- Revised safe yields for the Battersea, Rathkeale, Martinborough Terraces and Huangarua groundwater zones - since the Plan was made operative in 1999, safe yields in these zones have been investigated and new safe yields can now be included.
- A change to the unit of groundwater safe yield volume that is used for allocating water from cubic metres per day to cubic metres per year.
- A change to the explanation of the policy for groundwater allocation that explicitly states that groundwater zone boundaries should be regarded as a guide.
- Consequential changes.

5. Communication

This draft change to the Plan will benefit from public consultation before it is notified. The statutory minimum for consultation is set out in the First Schedule of the Resource Management Act 1991. It requires us to consult with the Minister for the Environment, territorial authorities in the region, adjacent regional councils and iwi. We will consult with these groups and others such as Federated Farmers, the Wellington Wairarapa Winegrowers Association, the Wellington Fish and Game Council, current resource consent holders and prospective resource consent holders.

6. Recommendations

That the Committee recommend that Council:

1. ***Approves** the release of “Draft Plan Change 3 to the Regional Freshwater Plan for the Wellington region: Changes to water allocation provisions” for the purpose of public consultation.*

Report prepared by:

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Attachment 1: Draft Plan Change 3 to the Regional Freshwater Plan