



Report 07.240
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Committee Policy, Finance and Strategy Committee
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Proposed Plan Change 3 to the Regional Freshwater Plan – allocation provisions

1. Purpose

To seek approval for public notification of changes to allocation provisions in 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 20 July 2006 meeting of the Policy Finance and Strategy Committee (Report 06.199) gave approval for public consultation on a change to the Regional Freshwater Plan that limits the taking of additional water from the following water bodies:

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

The need to make these changes to the Plan follows a direction from the Environment Committee (Report 06.86) to investigate plan changes that limit the taking of additional water from these water bodies. Earlier, in 2002, the Council had adopted policies that additional water should not be taken from these water bodies because they were fully-allocated or over-allocated.

The policies adopted in 2002 are not statutory instruments that the Council can place much weight on when considering resource consent applications to take water. A far more effective way to influence decisions is to include provisions in the Plan – Greater Wellington's statutory instrument for managing

freshwater. However, it should be noted that the earlier “informal” policies have led to general acceptance in the community of the need to limit the taking of water from the water bodies identified in the plan change.

Sections 3.1 and 3.2 of this report provide further information on present water allocation provisions the Plan and how the changes relate to them. 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 a second group of rivers where the same approach will be taken once investigations of appropriate minimum flows are complete. Taking water from rivers is a discretionary activity in the Plan, which means that regard must be had to any relevant allocation limits when decisions are made on resource consent applications.

The rivers identified in this proposed plan change belong within the second group. Minimum flows have not yet been established for these rivers although they 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 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 establishes 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. Taking water from aquifers is a discretionary activity in the Plan, which means that regard must be had to the allocation limits (safe yields) when decisions are made on resource consent applications.

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 Plan provisions could allow resource consent applications for additional water takes to be granted and further increase the rate of groundwater level lowering.

4. Proposed plan changes

The proposed plan change is included as **Attachment 1** to this report and key elements are outlined below.

4.1 Fully-allocated surface water

A new policy identifies allocation limits for fully-allocated river systems 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. 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. Consultation

We have consulted with the public on a draft change to the Plan in the latter part of 2006. Letters and an information sheet on the plan change were sent to all resource consent holders in areas affected by the plan change. Since 2002 when Greater Wellington adopted informal policies that there should be no additional water takes from the water bodies identified, records have been kept of people expressing an interest in taking additional water. These people were also advised of the plan change by letter and provided with the information sheet on the plan change. Comment from people was invited and staff offered to meet and discuss the change with people if they wanted.

The draft plan change was sent to other people and groups with a potential interest, including Iwi, the Department of Conservation, Ministry for the Environment, territorial authorities, Wellington Fish and Game Council and Federated Farmers.

Four responses were received on the draft plan change. Federated Farmers had concerns about the plan change and the Department of Conservation supported it. Two landowners had concerns about “capping” water takes from the Taueru River and the other asked to be kept informed during the plan change process. Further discussions have been held with the parties with concerns about the plan change following their comments.

6. The Background Report

Before publicly notifying a plan change, the Council is required to prepare a report that evaluates whether policies and rules are the most appropriate means of achieving the Plan’s objectives. This report is given in Attachment 2 and will be made publicly available.

7. The next steps

Once the proposed plan change is approved by Council, it will be publicly notified. People can then make submissions and further submissions and there will be a hearing of submissions before the Council makes its decisions. The decisions of the Council are then subject to appeal to the Environment Court.

8. Communication

Once approved, the plan change will be publicly notified in newspapers and all people previously advised of the draft plan change, and people who have expressed an interest, will be sent copies of the plan change.

9. Recommendations

That the Committee:

1. **Receive** the report
2. **Approve** the public notification of Proposed Plan Change 3 to the Regional Freshwater Plan (Attachment 1 to this report).
3. **Adopt** the Background (section 32) report on Proposed Plan Change 3 to the Regional Freshwater Plan (Attachment 2 to this report).

Report prepared by:

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Attachment 1: Proposed Plan Change 3 to the Regional Freshwater Plan for the Wellington Region

Attachment 2: Background (section 32) report on Proposed Plan Change 3 to the Regional Freshwater Plan for the Wellington Region