

Proposed Plan Change 3 to the Regional Freshwater Plan for the Wellington Region June 2007

Changes to water allocation provisions

Background (section 32) report

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1. Introduction

A change is proposed to the Regional Freshwater Plan for the Wellington Region. The change is set out in full in the accompanying document *Proposed Plan Change 3 to the Regional Freshwater Plan for the Wellington Region: Proposed Plan Change Provisions*.

The proposed change amends provisions for the allocation of water from groundwater zones and rivers in the region. This Background report should be read with the accompanying report giving the text of the proposed plan change.

This report provides background information on the proposed plan change, the reasons for the proposed plan change and an evaluation of the proposed plan change to meet the requirements of section 32 of the Resource Management Act 1991. The consultation that has occurred during preparation is also included.

The operative Regional Freshwater Plan is on our website www.gw.govt.nz. There are copies available in the public libraries or copies can be obtained from the library at Greater Wellington Regional Council .

2. Background

2.1 The Regional Policy Statement and Regional Freshwater Plan

The Regional Policy Statement and the Regional Freshwater Plan (the Plan) are the statutory documents that guide and direct Greater Wellington's management of water quantity and allocation.

Provisions in the Regional Policy Statement aim to meet the range of uses and values for which fresh water is required, safeguard its life supporting capacity, and have the potential to meet the reasonably foreseeable needs of future generations. Policies for surface water in the Regional Policy Statement emphasise the need to safeguard life supporting capacity and avoid, remedy and mitigate any adverse effects on aquatic ecosystems. The emphasis on groundwater management is to control use and allocation of water so that it is not depleted in the long term.

The Regional Freshwater Plan has policies for the minimum flows and allocation limits for 14 rivers in the region. The reason for minimum flows is to ensure sustainable river management by safeguarding the life supporting capacity of aquatic ecosystems. Setting minimum flows relies on having adequate information about flows, ecology and values people place on rivers. Allocation limits specify how much water can be taken from rivers, and setting them relies on having information about how much water is used.

The Plan also sets extraction limits for groundwater, called safe yields, for all aquifers in the region with sufficient quantities of water to be used. These safe yields identify the amount of water that can be taken from an aquifer while still protecting groundwater levels, flow and quality. Safe yields are established to

ensure sustainable management of fresh water by avoiding depletion of aquifers.

2.2 *Measuring up 2005* and other investigations

In 2002, Greater Wellington introduced policies on the taking of water from the surface water bodies and groundwater areas addressed in Proposed Plan Change 3. The policies stated that additional water should not be taken from these water bodies. However, such policies are not statutory instruments that the Council can place much weight on when considering resource consent applications to take water.

Further monitoring and investigations have confirmed that the water resources addressed by the policies are either fully-allocated or over-allocated. These results are reported in *Measuring up 2005 - the state of the environment report for the Wellington region*. *Measuring up 2005* looks at how well we are managing our resources, including fresh water, against the Regional Policy Statement objectives. *Measuring up 2005* is supported by technical reports for surface water hydrology (Watts 2005) and groundwater (Jones and Baker 2005).

Measuring up 2005 (and the supporting technical reports) identify the rivers included in this Proposed Plan Change 3 as fully-allocated. They are under pressure from abstraction and are high priorities for setting minimum flows and allocation limits. Work has started with a view to setting minimum flows for some of these rivers, but there is insufficient information available at the present time.

Measuring up 2005 (and the supporting technical reports) also confirmed that water levels have been declining in the three groundwater zones that are included in this Proposed Plan Change 3. Declining groundwater levels in these zones over the last 12 years indicates that the amount of groundwater allocated is not sustainable. Investigations are now underway that will enable more robust allocation limits to be established for aquifers in these groundwater zones.

Other investigations of groundwater zones carried out since the Plan became operative have updated allocation limits (called safe yields) for a number of them. Groundwater zones investigated are Parkvale, Battersea (Professional Groundwater and Environmental Services 2001a), Martinborough (Professional Groundwater and Environmental Services 2001b), Huangarua ((Professional Groundwater and Environmental Services 2001c) and Rathkeale (Professional Groundwater and Environmental Services 2004).

3. Reasons for the changes and evaluation of them

3.1 Surface water

New Policy 6.2.1A identifies allocation limits for rivers in the Wairarapa and a new non-complying activity rule for taking water from these rivers when the allocation limits are exceeded.

The following rivers that are considered to be fully allocated are:

- Makoura Stream
- Otukura Stream
- Papawai Stream
- Parkvale Stream
- Booths Creek
- Stonestead (Dock) Creek
- Tauweru River (upstream of Kourarau Stream)
- Makahakaha Stream.

Assessment based on available information indicates that existing allocation is greater than 40% of the one day mean annual low flow for the Papawai, Parkvale/Booths, Tauweru/Makahakaha, Otukura and Stonestead (Dock). Allocation may be as high as 70 or 80% of mean annual low flow in the Papawai and Parkvale/Booths systems.

Existing allocations may be lower for the Makoura Stream. However, it receives wastewater discharges, and flows required for dilution are an important consideration (the Papawai also receives wastewater discharges).

The high allocations are reinforced by anecdotal evidence that flows are unable to sustain demand for water in these streams during low flow periods, and that flow-sharing regimes are required in most irrigation seasons to ensure that water is available to all users. Water quality is degraded during times of low flow particularly in the Otukura Stream, Parkvale Stream and Tauweru River, and further abstraction is likely to impact water quality. Additional allocation of water from these streams is unlikely to be sustainable.

Investigations are required to determine appropriate minimum flows before allowing additional water to be taken. Proposed Plan Change 3 is an interim measure while investigations are carried out to establish comprehensive management regimes that combine minimum flows and allocation limits, as applies to other rivers in the Plan with allocation limits. In Proposed Plan Change 3, we have called them “capped” allocation limits to highlight that they “cap” water takes and are different to other allocation limits used with minimum flows in the Plan.

The allocation limits are based on existing water takes. Existing water takes will continue to be treated in the same way that they are now, provided applications for resource consent are made prior to the expiry of any take. They will be treated as discretionary activities and, having regard to the new Policy 6.2.1A, would be allowed when resource consent applications are made.

The suggested new Rule 19A makes the taking of water above the capped allocation limits a non-complying activity and these takes will be treated differently from existing water takes. Because new takes above the allocation limits are non-complying, they can only be granted if they are not contrary to policies in the Plan or if their adverse effects are minor. The application of a more stringent test to the granting of resource consents to take water above the

capped allocation limits identified is the most appropriate approach to take because we know such takes are not sustainable at times of low river flows.

The benefits of the new policy and rule are that the water quality and ecology of the rivers identified will not be degraded any further while investigations are carried out to establish suitable minimum flows for them. The costs of the new policy and rule are that new water takes will not be allowed when river flows are low.

The risk of not including the new policy and rule in the Plan is that allocating additional water from these rivers will lead to further degradation of water quality at times of low flows and the life supporting capacity of aquatic ecosystems will not be safeguarded.

3.2 Groundwater

3.2.1 New Policy 6.2.3A identifies allocation limits for three groundwater areas in the Wairarapa and a new non-complying activity rule for taking water from aquifers within these areas that exceeds the allocation limits

The three groundwater areas in the Wairarapa are over-allocated. They are the Parkvale groundwater zone, the Kahutara groundwater area (a sub-zone of the Lower Valley groundwater zone), and the Eastern Martinborough Terraces groundwater area (a sub-zone of the Martinborough Terraces groundwater zone).

Groundwater levels in wells within these groundwater areas have been declining over the last 12 years. The decline in groundwater levels that has been occurring indicates that water resources are being depleted and the allocation of water is not sustainable. The amount of water allocated is less than the allocation limits (safe yields) currently identified in the Plan.

Therefore, we consider that groundwater in these areas is over-allocated, although the allocation limits (safe yields) currently in the Plan allow allocation of water to continue.

The new Policy 6.2.3A identifies allocation limits for the three identified areas of the amount currently allowed by resource consents. The allocation limits are based on existing water takes. The terminology “capped allocation limit” rather than “safe yield” is used in new Policy 6.2.3A and new Rule 19B to distinguish the different treatment in the Plan of these ground water areas from the groundwater zones where safe yields will continue to be used for the purpose of allocating water. The new provisions are an interim measure while investigations are carried out to establish allocation limits that do not result in long term depletion of groundwater levels.

Existing water takes will continue to be treated in the same way that they are now, provided applications for resource consent are made prior to the expiry of any take. They will be discretionary activities and, having regard to the new policy, would be allowed when resource consent applications are made.

The proposed new rule makes the taking of water above the capped allocation limit a non-complying activity. New takes will be non-complying activities. They can only be granted if they are not contrary to policies in the Plan or if their adverse effects are minor. The application of a more stringent test to the granting of resource consents to take water above the capped allocation limits identified is the most appropriate approach to take because we know that present takes are not sustainable.

The approach proposed recognises that existing takes can continue while investigations are carried out to establish sustainable groundwater levels and allocation limits. The benefits of the new policy and rule are that further allocation of groundwater does not increase the rate of groundwater level decline in the aquifers while investigations are carried out. The costs of the new policies and rules are that new water takes that increase the amount already allocated from each groundwater area will not be granted.

The risk of not including the new policy and rule is that additional water allocated from these groundwater areas will lead to further reductions in water levels and unsustainable management of the resource.

3.2.2 A change to the unit of groundwater volume for safe yields from cubic metres per day to cubic metres per year

Sustainable management of groundwater relies on annual water use. The estimates of safe yields in the Plan are based on annual groundwater recharge. Resource consents are usually granted for an annual amount and an instantaneous amount. Daily amounts are not used.

It is appropriate that policies for groundwater management refer to annual water use as an upper limit for water takes because it determines the maximum amount that can be taken. A limit on instantaneous amounts of water that can be taken will continue to apply but these rely on other policies in the Plan such as for localised interference with other groundwater users and surface water bodies.

3.2.3 A change in Policy 6.2.3 to safe yields for groundwater zones with improved estimates

Investigations completed since the Plan became operative have provided improved safe yield estimates for the Battersea, Rathkeale and Huangarua groundwater zones in the Wairarapa. As a result of these investigations, revised safe yields for the Battersea, Rathkeale and Huangarua groundwater zones can now be included in the Plan.

These revised safe yields are to replace those already in an existing policy of the Plan that limits the total amount of groundwater that can be taken from groundwater zones in the region. Regard must be had to these safe yields when resource consents are considered.

This change is appropriate because it applies the most up to date information available on allocation limits for the aquifers identified.

3.2.4 A change to the explanation to Policy 6.2.3 that explicitly states how groundwater zone boundaries should be regarded when allocating groundwater

The movement of groundwater across groundwater zone boundaries differs across the region depending on hydro geologic conditions. For any consent application, consideration needs to be given to the interaction with adjacent groundwater zones and aquifer characteristics as a result of pump testing. A statement to this effect in the policy for groundwater allocation will help clarify that any implications of hydro geologic conditions around groundwater zone boundaries need to be considered on a case by case basis.

This change is appropriate because it clarifies that groundwater zones are not discrete units and the hydraulic interactions between adjacent zones must be considered when resource consent applications are made to take water.

4. Consultation

The preparation of this plan change follows the collection and reporting of new information since December 1999 when the Regional Freshwater Plan became operative. In 2002, the Council adopted policies that additional water should not be taken from the rivers identified in this plan change as fully-allocated and the groundwater areas identified as over-allocated. These policies remain “informal” – they have no statutory weight – but they are known to people in the community who have spoken with Greater Wellington about taking and using water in the water bodies identified in the plan change.

Following release of *Measuring up 2005* that confirmed the status of the water bodies as fully-allocated or over-allocated, Greater Wellington released draft plan changes for public comment in November 2006. Letters and an information sheet on the draft plan changes were sent to all resource consent holders in areas affected by the plan changes. Since 2002 when the Greater Wellington adopted its informal policies for the water bodies, records have been kept of people expressing an interest in taking additional water in the areas identified. These people were also sent letters and the information sheet on the draft plan changes.

The draft plan changes were sent to other people and groups with a potential interest in the draft plan changes. Iwi, the Department of Conservation, Ministry for the Environment, territorial authorities, Wellington Fish and Game Council and Federated Farmers received copies of the draft plan changes.

Four responses were received on the draft plan change. Federated Farmers opposed the plan change and the Department of Conservation supported them. Two landowners also commented on the draft plan changes – one was opposed to them and the other was neutral. Further discussions have been held with the parties who opposed the plan changes following their comments.

References

Available on Greater Wellington's website at: www.gw.govt.nz

- *Regional Policy Statement for the Wellington Region 1995*
- *Regional Freshwater Plan for the Wellington Region 1999*
- *Measuring up - the state of the environment report for the region 2005*
- Jones, Andrew and Baker, Tim, 2005. *Groundwater monitoring technical report*
- Watts, Laura 2005. *Hydrological monitoring technical report*

Available on request:

- Professional Groundwater and Environmental Services, 2001a. *Groundwater Resources of the Battersea groundwater zone*
- Professional Groundwater and Environmental Services, 2001b. *Groundwater Resources of the Martinborough groundwater zone*
- Professional Groundwater and Environmental Services, 2001c. *Groundwater Resources of the Huangarua groundwater zone*
- Professional Groundwater and Environmental Services, 2004. *Groundwater Resources of the Rathkeale groundwater zone*