

AGENDA ITEM NO:	SUBJECT MATTER: Plan Changes to the Waitaki Catchment Water Allocation Regional Plan (WCWARP)
REPORT BY: Nick Regnault	
DATE OF MEETING: 18 March 2014	

FOR INFORMATION

Background

The Addendum to the Lower Waitaki Zone Implementation Programme, adopted by Environment Canterbury Commissioners in August 2012, made five recommendations regarding amendments to the Waitaki Catchment Water Allocation Regional Plan. Environment Canterbury has prepared two plan changes to address the recommendations. This report provides a summary of progress of these plan changes.

Plan Change 2

Plan Change 2 addresses over-allocation in the Maerewhenua river. It proposes including tributaries of the Maerewhenua river in the environmental flow regime; reduces the allocation; and proposes a minimum flow of 400 l/sec at Kellys Gully instead of at the confluence with the Waitaki river.

The proposed plan change was notified in December 2013 and fifteen submissions were received. Inclusion of tributaries, and reduction of allocation received full support. The proposal to measure minimum flow at Kellys Gully received submissions both in support and opposition. Opposing submissions seek a higher minimum flow at Kellys Gully to account for natural losses and abstraction. Supporting submissions cite the difficulty of knowing what the minimum flow should be when there are losses to ground, and willows that take up water, as reasons for the proposal.

A single independent Commissioner will be appointed to hear the Plan Change. A summary of Decisions Requested will be notified soon, and once further submissions are received, the plan change will be set down for a Hearing later this calendar year.

Plan Change 3

This plan change addresses reliability of supply for holders of existing consents (ie those granted before the Plan was made operative); reservation of water for enhancement projects, including for augmenting flows into Wainono Lagoon; measures to assist with the operation and replacement of consents for the Waitaki Power Scheme; and a number of minor amendments arising from an Efficiency & Effectiveness review of the Plan.

Notification of the plan change was to occur last year but was deferred to allow time for further consultation. This has occurred primarily with Ngai Tahu and Nga Runanga but meetings have also been held with Fish and Game. Further work has been done by Ryder Consulting to address concerns raised about the potential for lower flows to impact riparian wetlands. The work was done to address whether consent-holders should cease abstractions sooner and/or for a longer time period. The work concluded that adverse

effects on wetlands will be limited, and further restrictions on takes are not warranted (refer proposed Rule 2(4)(b)).

Consultation also identified areas where drafting could be improved, while retaining the intent of the recommendations of the Zone Committee. Insofar as amendments have impacted on generators, and/or irrigators who hold consents that are to be reviewed as part of the package, further discussions have been held with Waitaki Irrigators Collective, Meridian, and Genesis, and they are supportive of the amendments made. The primary amendments are:

- focusing the purpose of reserved water to projects that enhance mahinga kai, and increasing the allocation from 10m³/s to 11m³/s, with 1m³/s reserved for augmentation of flows into Wainono Lagoon;
- Inserting the words, '*or that of the existing consent, whichever is the higher*' into Rule 2(4) to match the reliabilities currently experienced by those consent holders. This prevents any 'windfall gains';
- Greater clarity on matters of reserved discretion for the replacement of hydroelectricity consents (Rule 15A). Decision makers will retain wide discretion where the plan has not set an environmental flow regime (ie Pukaki river, the Lower Ohau river, and the Tekapo river (above the confluence of Forks Stream)). Where the plan has set an environmental flow regime, the proposed change provides greater certainty and security of energy supply.

Consultation is more fully described in the s32 Evaluation Report that will be published when the plan change is notified. Environment Canterbury Commissioners will consider a staff recommendation to notify the plan change later this month. Subject to that recommendation being accepted, notification will take place on Saturday 12 April 2014. The timing and duration of the hearing will be decided once submissions have been received.