

5. SUBMISSION ON THE PROPOSED PLAN CHANGE 1 WAIMAKARIRI RIVER REGIONAL PLAN



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PURPOSE OF REPORT

1. The purpose of this report is to seek retrospective adoption by the Council of the submission (**Attachment 1**) on Proposed Plan Change 1 to the Waimakariri River Regional Plan (WRRP) (**Attachment 2**). The submission was lodged with Environment Canterbury (ECan) on 11 September 2009.
2. Retrospective adoption of the submission by the Council is sought because of the short timeframes for lodging the submission with ECan. The absence of any written notification of the Plan Change also resulted in a delayed response from Council staff.
3. The Council has the option of endorsing the submission, in whole or in part, or could withdraw the submission.

EXECUTIVE SUMMARY

4. The WRRP manages water quality and quantity, including surface water takes, and the management of river and lake beds in the Waimakariri Catchment. ECan have prepared a number of changes to the plan (Proposed Plan Change 1) to deal with, essentially, water takes and diversions. This plan change primarily concerns a proposed allocation regime for the Waimakariri River and its tributaries (refer to the background section of the report).
5. The city recognises the need for a plan change due to the increased pressure to access large quantities of water from the mainstem of the Waimakariri River, and the concerns in interpretation of some of the WRRP provisions.
6. Although the city does not currently obtain water for domestic use from the Waimakariri River there is the possibility that in the future the city may require at least part of its essential community drinking water supply to be obtained from sources other than the aquifer system currently used.
7. Prior to the notification of the plan change Council staff were invited to meet with ECan staff to discuss the proposed plan change. Council staff presented a case for ECan to specifically recognise the potential requirement for water supply from the Waimakariri River for the purpose of community supply. A memorandum, summarising the discussion held, was prepared by the Council and sent to ECan.
8. The Council lodged a submission with ECan on 11 September 2009 which generally supports the plan change but seeks a stronger mechanism for water allocation for the purpose of providing for future community supply for Christchurch. The exact quantity of water which could be required is unknown at this time. However, a draft initial assessment, assuming 50 per cent of the existing water supply was contaminated, suggests approximately $1\text{m}^3\text{s}^{-1}$, on average, might be required. The plan change recognises the potential for the Council to require a water take in the future, but does not recommend making any provision to reserve a defined quantity of water for that purpose at this stage. Although the Council accepts that no absolute guarantees can be provided in the plan, the plan provisions need to remain flexible to ensure that water would be available if required.
9. The requirement for water supply from the Waimakariri River could result from the contamination of existing water supply aquifers or if they were physically disrupted by ground disturbance (high levels of ground shaking, or faulting) in a large earthquake. If either of these events were to occur a significant proportion of the city supply could potentially be unavailable indefinitely or at least for a considerable period of time. At that time an alternative long-term source would be required, and a potential source would be the Waimakariri River.

10. The proposed plan change has no immediate or short term impact on the water supply operation of the Council.
11. The Council recognises that there are a number of methods that could be used to obtain water from the Waimakariri River, including applying for a resource consent, or reaching an agreement with another major consent holder(s) to share or buy out their allocation. However, the critical issue for the Council is that any plan change proposed recognises the importance of providing for essential community water supplies and is flexible enough to provide a variety of feasible options for the Council to obtain water if required.

FINANCIAL IMPLICATIONS

12. There are no immediate financial implications for the Council. The plan change will not directly affect Council operations.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

13. The cost of preparing and presenting this submission is included in existing budgets.

LEGAL CONSIDERATIONS

14. The Resource Management Act 1991 (First Schedule, Part 1 (6)) allows the Council to make submissions on a variation to a regional plan.

Have you considered the legal implications of the issue under consideration?

15. A legal review of the submission has not been carried out. However, any evidence prepared for a hearing will be subject to a legal review.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

16. This submission supports the LTCCP community outcome of a "well governed city", and in particular, planning for the future, and as part of this, the activity of providing a reliable supply of water which is safe to drink.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

17. As above.

ALIGNMENT WITH STRATEGIES

18. This submission supports work being done in preparation of the Water Supply Strategy (2009).

Do the recommendations align with the Council's strategies?

19. As above.

CONSULTATION FULFILMENT

20. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Regulatory and Planning Committee recommend to the Council that it endorse the attached submission on Proposed Plan Change 1 to the Waimakariri River Regional Plan.

BACKGROUND

21. The WRRP was first drafted in the mid 1990s and became operative in October 2004. Due to increased pressure to access large quantities of water from the mainstem of the Waimakariri River, ECan is reviewing some aspects of the plan. In addition, there has been some historical ambiguity and difficulty in interpretation of some of the WRRP provisions.
22. ECan decided to prepare a plan change that takes into account the needs of water users and to protect instream values.
23. The WRRP currently provides for a minimum flow of $41\text{m}^3\text{s}^{-1}$, an A block of $22\text{m}^3\text{s}^{-1}$, a B block with no upper limit on the size of the B block, and no gap between the A and B blocks.
24. The key water allocation related changes to the plan are new AA permits for community and stock water requirements, a decrease in allocation limit for A permits, an allocation limit on the B block permits, an allocation limit on B1 permits, and the establishment of a gap between the A and B allocation blocks. These changes are summarised in paragraphs 25-29 below.
25. AA permits: The total stock water and domestic community water supply is currently $4.895\text{m}^3\text{s}^{-1}$ (cubic metres per second). The plan does not currently manage water taken for community and stock water through an allocation, and has limited rules to manage these. It is suggested that a limit be set on the exempted takes for domestic community water supplies and stock water of approximately $5\text{m}^3\text{s}^{-1}$ and will limit use of this allocation to these activities.
26. A permits: The allocation limit for A permits has been reduced from $22\text{m}^3\text{s}^{-1}$ to $17\text{m}^3\text{s}^{-1}$.
27. B permits: Recent demand for B block water have identified that the present rule regime in the plan, which does not provide any limit on the amount of water that can be taken, is not appropriate. In preparation of the WRRP it was envisaged that only a small amount of B block water might be sought over the life of the plan. To date, many times the amount of water envisaged has been applied for. For this reason ECan considered it appropriate for the plan to provide an upper limit to the amount of water that may be taken from the B block in order to protect instream values. This has been set at $40\text{m}^3\text{s}^{-1}$ at a minimum flow of $104\text{m}^3\text{s}^{-1}$. The minimum flow of $104\text{m}^3\text{s}^{-1}$ results in a $30\text{m}^3\text{s}^{-1}$ gap being established between the A or B1 and B allocation blocks (refer to paragraph 28 below).
28. B1 permits: The B1 block has been introduced to recognise two existing resource consent applications. The B1 block is to commence immediately following the A block. The allocation limit for B1 permits has been set at $1.72\text{m}^3\text{s}^{-1}$.
29. A and B block gap: With the A and B blocks running consecutively, ECan identified the risk of abstractions taking all the water above the minimum flow for extended periods. By providing a gap between the A and B blocks of $30\text{m}^3\text{s}^{-1}$, flushing flows that are important in washing algal growth and sediment from the riverbed, and variability of flow for river users can be maintained. As part of the consultation phase, ECan received limited support for a gap regime. The preferred alternative approach was a 1:1 flow sharing regime from potential *out-of-stream* users (especially irrigators) as it would allow some *run-of-river* water to be taken.
30. In addition to water allocation matters, other matters included in the plan change are:
 - shifting the flow measurement point from the Old Highway Bridge to Otarama
 - removal of the term *unmodified flow*
 - removing the restriction on discretion to considering only the effects *near the point of take*
 - changing the monitoring requirement so that all takes are to be continuously measured and data transmitted via telemetry
 - correcting the planning maps to show the catchment boundaries of the *below Woodstock* area.