Questions arising from November 2006 community meetings

Restorative Programme for Lowland Streams

1. If the reviews go ahead, will pro-rata restrictions on takes be applied to all consent-holders (ability to vary year on year through seasonal availability)?
   A: The intention is that seasonal availability would be applied uniformly to all water permits, e.g. if the winter recharge indicated that 80% of the total consented annual volume should be available that year, then that percentage would be applied to all takes irrespective of size. As a point of clarification, restrictions would not be applied to water allowed for basic domestic purposes, for an individual's reasonable stock watering, or for fire-fighting purposes.

2. What percentage are consent-holders being asked to give up?
   A: The annual volume on the face of a consent would be set subject to a reasonable use assessment (according to land area, crop, soil type etc.). Schedule WQN 9 in the proposed Natural Resources Regional Plan (NRRP) would, in most cases, be used to assess reasonable use but does not cover all possible uses. So, we would apply other techniques to assess reasonable use in situations where WQN9 is not appropriate or where a consent-holder or applicant believes they need more water than WQN9 suggests. As long as the consent-holder or applicant can justify that increased amount, it is likely to be accepted. The answer to question 1 above, deals with restrictions when the available groundwater is less than the total consented volume in any particular year.

3. Where is the data/evidence that justifies this programme?
   A: The evidence was that put forward by Environment Canterbury at the recent Rakaia-Selwyn hearings. A synopsis was presented to the advisory group at their first meeting and points of clarification and questions arising were answered prior to the second meeting. Copies of the information and material provided to the Advisory Group will be posted on the website shortly.
   A further, more comprehensive report is being compiled and will be made available when it is complete, early in 2007. This report will detail the critical justification for the review of consents, and will be part of the formal review process which allows consent-holders to challenge this report. It is also planned to hold further meetings with consent-holders and other stakeholders.

4. What is the long-term prediction for water use in Canterbury?

   A: The prediction for Canterbury is for an increase in water demand as the population increases and land use intensification occurs. Consent holders are likely to use more of their allocation as the climate warms and rainfall on the east coast of NZ decreases. Our records show a marked increase in consented volume over the past 10 years.

5. What is the latest update on the Canterbury Strategic Water Study?

   A: Stage II of the Canterbury Strategic Water Study which looks at large potential water storages is complete and is now being peer reviewed. Stage III of the Study which evaluates the potential storages of Stage II from a broad sustainability perspective is due for completion in June 2007. Once complete, both studies will be made available publicly.

6. What are the impacts of forestry on water storage and movement in the zone?

   A: Forestry plantations can make a significant contribution to the lowering of flows in streams in dryish catchments like the Selwyn. Under the proposed NRRP (http://www.ecan.govt.nz/Plans+and+Reports/NRRP/), any substantial forestry development above Whitecliffs is likely to require a resource consent because of the potential effects on environmental flows.

7. How far away from a stream do you have to be not to have an impact on river water levels?

   A: There is no prescribed distance in the Natural Resources Regional Plan but as a first cut ECan has been looking at the effects of abstraction from wells up to 2km from a stream.

8. What is the effect on water resource from the last 8 years of resource consents both volume and wells?

   A: Abstraction now exceeds the sustainability limit of the zone, hence its classification as 'red'. The amount consented for abstraction year by year since 1990 can be seen in the bar chart attached. Reports summarising the effects of increased abstractions on the spring fed tributaries of Lake Ellesmere/Te Waihora will be available from Environment Canterbury's website.

9. What is ECan going to do with regards to providing information on evapotranspiration as a guide to when to water most efficiently?
   A: ECan is going to continue to investigate evapotranspiration and soil water holding capacities in the zone. Findings will be made available to the public in time through our website. However, Environment Canterbury will not be providing advice for individual properties on when and how much to irrigate.

10. There was a previous study carried out by ECan on lowland streams – where is this study (eg Living Streams/Min flow)?
    A: There are a number of studies including the Lake Ellesmere Resource Report. ECan will collate the relevant reports and make them available to the public on request through ECan's customer services early in 2007.

11. If Lake Ellesmere wasn't touched (i.e. not opened to the sea), would it help with water supply? Is there potential benefit from altering the timing of openings (leaving longer in summer to raise the water table)?
    A: No, it wouldn't help with water supply. The primary reason for opening the lake is to limit the extent of flooding on land used for agricultural production. Also when the lake water level is lower, this assists drainage of farmland. Openings have both beneficial and negative impacts on fish, wild fowl and water quality. With respect to the timing of the lake openings, the effect on wells and groundwater levels of opening Lake Ellesmere/Te Waihora less frequently during the summer would be minor and increase the risk of flooding.

12. What is an environmental flow? How are the criteria for a minimum flow set?
    A: Environmental flows are the same as minimum flows but the term is perhaps a more meaningful description of why they are necessary. Environmental flows are set to enable access to surface water use to gain social and economic benefits while protecting instream values (cultural, ecological, amenity and recreation).The criteria for setting a minimum flow are given in Objective WQN1 of Chapter 5 of the Proposed Natural Resources Regional Plan and are set by ECan with community involvement.
    ECan has commissioned an assessment of the instream values set out in Objective WQN1(a)-(h) of the Proposed NRRP using a range of independent people with expertise in one or more of the (a)-(h) values. This assessment also incorporates local knowledge provided by community advisory groups. Fieldwork has been completed but dialogue is still ongoing with the advisory groups. It is anticipated that by 30 June 2007, a set of proposed environmental flows will have been notified and opened for public submission.

13. Trends have been shown over a 5-7 year period – so how do seasonally-based decisions fit with that?

A: The purpose of applying seasonal availability is to arrest downward trends by restricting abstraction. It would be based on data taken over a number of years, i.e. the 'trend'. A seasonally based limit would also allow ECan to lift restrictions in wet periods. (See also answer to Q1).

The seasonal available water would be set prior to the irrigation season to give users certainty for the coming season. Also, during the season if the weather is such that more groundwater could be made available, then another allocation would be set. This timing and level of reliability would be more certain than that provided to river water users, where the amount of water available changes day by day during the low flow summer period.

14. Does Environment Canterbury have legal justification for this review programme? What right does ECan have to take water away?

Under section 128 1(a)i of the Resource Management Act which deals with the circumstances under which consent reviews are justified, "…to deal with any adverse effect on the environment which may arise from the exercise of that consent…". Environment Canterbury has a considerable amount of technical information that indicates that the amount of water being abstracted in the Rakaia-Selwyn groundwater zone exceeds the sustainable limit and that there are adverse effects on the environment as a consequence. The adverse effects are reduced stream flows and reduced reliability of supply for existing water permit holders. One view might be that Environment Canterbury not only has the justification for a review but that it is obliged to start this review programme.

15. Is water allocation based on land area or land use? Will consents be transferable between land use types?

Water allocation decisions are based on both land area and land use. Both form part of the information that goes towards determining "reasonable use". Schedule WQN9 sets out this process. Consents can be transferred between land use types subject to controls (including the requirement for a consent to use water) as specified in the Resource Management Act, the Regional Policy Statement and the proposed NRRP. There are broadly three situations where a water permit may be transferred:

a. A property is sold and the permit sold (transferred with it);
b. A water take is transferred to a different location in the same catchment;
c. A permit to use water is changed to a different use and/or a different location.

In all three cases, ownership of the land or the permit-holder may also change.

The RMA (s136(4)) states that the transfer process should be a joint application by the permit-holder and the person to whom the interest in the water permit will transfer. This is in

effect the same as the process used in applying for a resource consent. The interest or part transferred is cancelled for the original holder and regarded as a new permit for the new holder. Generally, providing the transfer is within the same catchment, there are no anticipated adverse effects associated with the transfer (including those on other users) and achievement of objective WQN1 of the proposed NRRP is not compromised, transfer would be allowed.

16. What data and information is actually required from metering?

    The information needed from metering is the annual volume of groundwater abstracted, the maximum instantaneous rate of take and the location of that take. This information needs to be verifiable as accurate, i.e. from flow meters and dataloggers that are tamperproof. In addition, checks will be made to ensure that when restrictions are in place, consent holders are complying with all the requirements of those restrictions.

17. Where do new consent applicants fit in this process?

    The advice from ECan staff to decision makers when considering new resource consent applications is that the Rakaia Selwyn zone as a whole cannot provide additional water sustainably and that totally new water permit applications should therefore be declined.

18. How frequently is ECan going to monitor the meters, i.e. annually or seasonally?

    Environment Canterbury will continue compliance monitoring activities during the season, including the monitoring of meters to ensure ongoing compliance with the specified instantaneous rate of take and with restrictions. Environment Canterbury will also monitor abstractions on an annual basis to assess the annual amount of water abstracted. A project is currently looking at the practicality of various methods of monitoring metered information.

19. What happens if you don't use the full consented water take? Do you use it or lose it?

    There are policies in the Regional Policy Statement and the Natural Resources Regional Plan that mean that all water users are obliged to use water efficiently. Consent-holders would not lose water providing their water use complies with a reasonable use assessment. After metering is in place, actual water use would need to be justifiable in relation to land use. Clearly, the amount of water used will vary from year to year depending on the climate. Consents are normally granted to cover the water use in a dry year.

20. What controls do ECan have regarding drain maintenance?

    Environment Canterbury has a responsibility for the maintenance of some drains in the Rakaia-Selwyn groundwater zone (Selwyn District Council also maintains some drainage

systems). ECan also has responsibility for the management of the water resource irrespective of the water body that contains it – whether natural or man-made. Consequently, resource consents are generally required for the maintenance of the drains and the use of water from drains.

21. Why should cheaper land get more water?

    The value of land is not a factor that is taken into account in resource consent decisions.

22. How many consents can ECan optimally handle at one time?

    There is no set number. Environment Canterbury is obliged to process all resource consent applications made to it. However, there are clearly resource limitations and whether considering new applications or processing consent reviews, Environment Canterbury will endeavour to ensure that it has sufficient staff or contracted consultants to meet all its responsibilities.

23. Is ECan likely to block out the man-made outfalls to sea?

    There is no current Environment Canterbury proposal to block any existing authorised drain outfalls to sea.

24. Will ECan consider removing restrictions on shallow wells near the lake if they are deepened to reach to the next strata (aquifer)?

    Environment Canterbury does provide advice on a range of matters relating to groundwater availability and clearly in some situations deepening bores may remove the need for a stream flow restriction on a water permit. However, a consent will still be subject to this review process and restrictions may still apply according to seasonal availability.

25. How long will this process take?

    The overall consent review process for the Rakaia- Selwyn groundwater zone will take a number of years. It is likely that the review will not be complete until at least the 2008 irrigation season. Any new conditions on consents could be implemented over time rather than immediately. This would give consent-holders time to adjust to new conditions. Also, we could provide for the conditions to come into force at the same time for all consent-holders. This will be considered during the review process.

26. Portable surface pumps – will you measure the well or (water through) the pump?

    Environment Canterbury wants information on the quantities of water abstracted from the bore.

27. What is the legality (status) of the plan (NRRP) now?

    The proposed NRRP has status at the moment and many of the rules have to be complied with now. However the plan is not fully operative and it may be a number of years before all policies and rules become fully operative. It is thought the timing of the Rakaia-Selwyn consents review process and consideration of the relevant parts of the proposed NRRP fit well together and would run as a parallel process.

28. Where does this process sit with NRRP Schedule WQN9.

    The consent review process would occur in the context of the proposed NRRP as it now, i.e. WQN 9 applies to most land-uses unless the applicant can demonstrate that more water is needed.

29. How is urban development going to affect water supply – are urban users going to be metered as well as irrigation abstraction?

    Environment Canterbury's policy direction for all water use including rural, urban and industrial (other than domestic, stockwater or water for fire fighting purposes) is to apply appropriate water management regimes as per WQN6 of the proposed NRRP. This includes metering.

30. Who would pay for a consent review, and what might those costs be expected to be?

    Up until the formal notice of review is issued to consent-holders, this process will have been paid for by the general rate. From the issue of review notices, costs will be borne by consent-holders. However, ECan is currently looking at ways of reducing those costs primarily through streamlining processes (for example, through considering groups of 'like' consents together). There is no definite information on likely costs but indicative amounts are: $1,000 - $3,000 for a non-notified consent review; $3,000 -$10,000+ for a publicly notified review.

    It is expected that the formal notices of review will be issued during 2007.

Increase in allocated volumes (past 16 years)