

Notice is given that a Tasman Resource Management Plan (TRMP) hearing will be held on:

Date: 19 November 2018
Time: 1.00 pm
Venue: Council Chambers, 189 Queen St, Richmond

Environment and Planning Committee Tasman Resource Management Plan

Hearing 76

Change 67: Waimea Water Management Technical Amendments

AGENDA

MEMBERSHIP

Chairperson

Cr T King

Deputy Chairperson

Cr S Brown

Members

Mayor R G Kempthorne

Cr P Canton

Cr S Bryant

Cr M Greening

Cr P Hawkes

Cr K Maling

Cr D McNamara

Cr D Ogilvie

Cr P Sangster

Cr T Tuffnell

Cr A Turley

Cr D Wensley

(Quorum 7 members)

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TIMETABLE

1.00 am	Opening, Apologies, Welcome Confirmation of Order and Submission Timetable Decision on any Late Submissions
1.15 am	Hearing of Submissions / Presentation of Reports

CONTENTS

			Pages
SAR No.	Staff Assessment Report Title	Author	Page No.
630	Waimea Water Management Technical Amendments	Steve Markham	1 - 18

630 Change 67: Waimea Water Management Technical Amendments

Evaluation Overview

Proposed Plan Change 67 proposes to make mainly technical amendments to a number of existing provisions concerning Waimea Plains water management in Chapters 30 and 31, to update them, clarify their effect, and correct errors. These amendments affect provisions for managing the transitional decisions concerning the Waimea Community Dam (WCD).

Previous Plan amendments:

- Established freshwater objectives for quantity and environmental flow and allocation limits and targets for the zones under three scenarios concerning the WCD (no WCD; with WCD affiliated permits; and with WCD unaffiliated permits (including affiliated until WCD commences).
- Linked affiliated permits to the funding of the construction and operation of the WCD via water supply agreements.
- Established a decision-making transition over a time period into the future concerning the advent of these scenarios, through the decision about the WCD, and checks with its progress with construction and its commencement of operation. Under this transition the zone objectives, limits or targets, and restrictions for taking and use of Waimea Plains water, change either for all water permits, affiliated permits or unaffiliated permits.
- Provided and amended date stamps to govern this time transition.

The purposes of proposed Change 67 are:

- (1) to correct technical errors and update provisions where more current information allows this; and
- (2) to clarify the effect of unclear provisions, and mitigate decision risks concerning the fate of the Waimea Community Dam in relation to granting of renewal permits and exercise of Council's community water supply permits.

This report deals with issues raised by two submissions, in terms of the five matters which proposed Change 67 addresses.

These are:

1. Restrictions on community water supply end-use under adverse WCD outcomes and amendments to Policy 30.2.3.13(b) to extend the scope of lands able to be serviced and to clarify assessment matters to give effect to the policy.
2. Rates of irrigation application under new soils information and need for crop-based restriction for affiliated permit-holders after the WCD commences under that scenario, and updating Figure 31.1D in Rule 3.1.2.2 dealing with rates of water use for irrigation, and the Soils Area Special Map 236 and its legend, to reflect new soils information and the applicable rates of application for the soil series; and amending Rule 31.1.2.3A.
3. Inappropriate extent of Golden Hills zone in with WCD scenarios (because of low hydraulic influence) and amending the extent of the Redwood and Golden Hills zones under two of the WCD scenarios on the planning maps, and consequentially amending the allocation limits applicable to these zones in Rule 31.1.2.5 and references to these zones in Schedule 31C under the "with WCD" and "no WCD" scenarios, and the two maps numbered 232 to show all three scenarios and the zone extents under them.
4. Technical amendments to displays of the rationing steps and trigger flows for the Waimea Plains zones under the three WCD scenarios in the tables of Schedule 31C to clarify their intended effect.
5. Amending the WCD transition date stamps (as amended by Change 63 in 2016) by extending forward into the future by 12 months all date stamps.

The report accepts in part, submission requests about the amended extent of the Golden Hills Zone and Redwood Zone variously under the three WCD scenarios and recommends further amendments to clarify and simplify the two affected zones across all WCD scenarios. The report accepts the request to extend further the scope of Policy 30.2.3.13(b) for community water supply permit exercise in the event of no WCD.

The report explains the reasons for other amendments submitted against and recommends rejection of remaining points in the submissions, including a number of requests that are outside the scope of the change. The report also finds that there is no validity to the third submission (2852) as there is no relevant relief requested or even implied that allows a council decision on the change.

Submissions Dealt with in this Report

C67.1223.1	Garnett, Colin J	C67 GEN	Delete all amended timestamps in the policies and rules.
C67.1223.2	Garnett, Colin J	30.2.3.12	Delete amendments to timestamps in (B)(a) and B(b).
C67.1223.3	Garnett, Colin J	30.2.3.13	Delete amendments to timestamps.
C67.1223.4	Garnett, Colin J	C67 GEN	Correct inconsistency of reference of these zones in Waimea Plains zones affected by Dam scenarios.
C67.1223.5	Garnett, Colin J	30.2.3.13	Delete amendments to clause (b) or provide a 10 or 15 year earlier date for connections to Redwood valley CWS.

Oppose	FC67.2802.1
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C67.1223.6	Garnett, Colin J	30.2.30	Delete amendments.
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Staff Evaluation Report : 630 - Change 67: Waimea Water Management Technical Amendments

<i>Oppose</i>		FC67.2802.2	
C67.1223.7	Garnett, Colin J	31.1.2.2	Delete reference to Golden Hills with WCD Zone in Figure 31.1C.
C67.1223.8	Garnett, Colin J	Sch. 31C	Add to Table 1B Waititi, Waititi Dam Service and Redwood zones.
C67.1223.9	Garnett, Colin J	Sch. 31C	Clarify in Table 1B note (2) whether the reference to unmodified flows at Irvines includes the modifications from Roding dam discharges and show how this is calculated or delete.
C67.1223.10	Garnett, Colin J	Sch. 31C	Delete reference to Golden Hills with Dam Zone in Table 1B and retain reference to Golden Hills Zone.
C67.1223.11	Garnett, Colin J	Sch. 31C	Delete reference to Golden Hills with Dam Zone in Table 1C and retain reference to Golden Hills Zone, and in note (3) clarify whether the reference to unmodified flows at Irvines includes the modifications from Roding dam discharges and show how this is calculated or delete
C67.1223.12	Garnett, Colin J	Sch. 31C	Delete reference to Golden Hills with Dam Zone in Table 1D and retain reference to Golden Hills Zone, and clarify in the note whether the reference to unmodified flows at Irvines includes the modifications from Roding dam discharges and show how this is calculated or delete
C67.1223.13	Garnett, Colin J	Sch. 31A	Amend date to other than 31 November 2039 or delete.
C67.1223.14	Garnett, Colin J	31.1.2.5Fig. 31.1F	Reconcile different values in Table 1 for amended allocation targets for Golden Hills with WCD zone (67; 65) and Redwood with WCD zone (13; 14) in different online versions of the Change, and clarify why the table does not include the Waititi zones.
C67.1223.15	Garnett, Colin J	31.1.2.5Fig. 31.1F	Retain Redwood zone in Table 2 and clarify the basis for the Appleby Gravel Zone limit value
C67.1223.16	Garnett, Colin J	31.1.2.5Fig. 31.1F	Clarify the reasoning in Table 2 for subtracting from the limit value for the Appleby Gravel Zone, any permit allocations granted in the Upper Catchments Zone or delete the note
C67.1223.17	Garnett, Colin J	Map 232	Clarify the reason for this map as part of the change or delete it.
C67.1223.18	Garnett, Colin J	Map 232A	Clarify why this map does not show the Wai-iti Zone west of the Wai-iti Dam Service Zone or delete it.
C67.1223.19	Garnett, Colin J	Map 232B	Clarify why this map shows the Redwood with WCD extending over part of the Golden Hills zone.
C67.1223.20	Garnett, Colin J	Map 232B	Retain the current Golden hills zone extent on this map or delete the map.
C67.1223.21	Garnett, Colin J	Map 232C	Clarify why the two Wai-iti zones are not showing on the map or delete the map.
C67.1223.22	Garnett, Colin J	Maps 236 & 236A	Clarify why there is no legend for the maps or delete the maps.
C67.1223.23	Garnett, Colin J	31.1.2.3A	Clarify why this matter is part of the change or delete.
C67.1223.24	Garnett, Colin J	Sch. 31C	Clarify why references to rules are provided in the Schedule or delete.

C67.2802.1	Tasman District Council - Engineering Services Manager	30.2.3.13	Retain amendments in clause (b) but insert additional subclauses concerning servicing land that has a resource consent requiring community water supply and commenced before 14 July 2018, and that has special housing area status granted before 14 July 2018.
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Support	FC67.2802.3
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C67.2852.1	Riley, Trevor H	C67 GEN	The change has no legal effect [no decision requested].
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Evaluation and Recommendations 630.1

A. Evaluation

1.0 ISSUE 1: Restrictions on Community Water Supply Use under Adverse Dam Outcomes in Policy 30.2.3.13

1.1 Introduction

Two submitters take different positions on the need for and scope of limitation on the use of water for community water supply (CWS) (reticulated urban including industrial supply) in the event of either no Waimea Community Dam (WCD) or of insufficient progress with WCD construction. One submitter (1223) opposes the amendments and the other (2802) seeks an expansion to this scope.

One further submission on the change was received.

Amendments to Policy 30.2.3.13 and new matters in water take rules, protect a modestly expanded limitation on future exercise of CWS permits and for giving effect to such policy restrictions under either of the two adverse WCD outcomes. The policy intention is reducing growth in demand for CWS use on lands reliant on the exposed water resource, with the twin objectives of limiting increasing insecurity risk for CWS use over time and encouraging the finding of a solution to this water insecurity.

1.2 Affected Plan Provisions

Policy 30.2.3.13 requires certain restrictions on the exercise of take permits for CWS use in the event of insufficient progress with Dam construction as one of two adverse WCD scenarios. The other event that could lead to the policy applying is if there is no WCD through no water supply agreements by the date proposed in C67 of 1 November 2019. Change 67 amended clause (b) to expand the exercise of CWS permits under either of these outcomes to include CWS connections on rural zoned lands in existence before the change was notified. The change also added into the relevant matters for take permits in rules applicable to the Waimea Plains zones, provision for such restrictions to be imposed as consent conditions.

1.3 Issues

Submitter 1223 (Colin Garnett) is concerned that the policy expansion in C67 would exacerbate over-allocation, and wants the amendments deleted or limited to only those connections at a 10 to 15 year earlier date for Redwood Valley scheme. The reason given is a view that later connections in rural areas would exacerbate restrictions in drought events and so worsen the effects on earlier connections.

However, restrictions in droughts would apply at the sites of take that supply schemes, not at individual connection points. There are complex effects of take restrictions at the bores on the CWS schemes, and so on individual connections. Practicably there could or would not be priority in time-based restrictions on individual connections. Council has recently consulted on a water supply bylaw which would introduce staged restrictions applying to all connections on CWS schemes, whether domestic, commercial or industrial, and whether urban metered or rural restricted, to respond to reduced rates of taking required for each of the several CWS bores operated by the Council.

The submission does recognise the objective of the policy and that ongoing urban and rural CWS demand has to be capped or limited in some way in the event of no WCD and resulting greater CWS water insecurity through drought restrictions.

Submitter 2802 (Council's Engineering Services Manager) requests a further extension to the scope of CWS use protection in addition to the C67 amendment, to cover:

- resource consents commenced before 14 July 2018 that "permit...the land to connect to council's

water supply”; or

- land having special housing area (SHA) status under the Housing Accords and Special Housing Areas Act 2013 (HASHAA) given before 14 July 2018.

The submission explains that resource consent grants and SHAs in effect before C67 over lands in a range of circumstances outside the current scope of the policy are additional sources of CWS demand and commitment and so should be included in the policy.

Where consents are granted prior to 14 July 2018 but outside the scope of the amended policy, the submission is holding out that the allotment yield under these commenced consents, amounts to committed connections. No information has been provided about form of such commitments or the likely number of additional connections this might be. The policy has been operative for three years. In the event of the policy being activated, consents granted before the proposed amendment to the policy was notified, with expectations of servicing, are broadly in the same category of non-supply risk as the rural zone connections made after the policy was first operative.

A further submission from submitter 2802 opposes submission 1223 request to delete the amendments to the policy, for the reason that the policy amendments further safeguard all current connections and that there is a legal obligation to maintain such connections.

Two of the five affected SHA declarations that have been made under the Housing Accords and Special Housing Areas (Tasman) Order 2017 are already provided for within the scope of the current amended policy. These two total a minimum of 1050 residential lots and possibly a further 50 non-residential lots on 5 ha of one of these SHAs. Future consenting across all proposed stages for these SHAs might yield a larger number than this.

But three of the five SHAs (Highland Drive, Angelus Avenue and Hill Street, Richmond) have 88 lots for connection with two giving a minimum only, are only partially provided for, in that the zoning in these declared SHAs is not all “urban”. Submission 2802 regards these types of locations as effectively urban. However, there is some uncertainty as to how strictly zoning can be used to define “urban” development for the purposes of applying the policy, as only “urban area” is defined by zone in the TRMP and there is no meaning given to “urban zone”. So unless there is inclusion of potential connection demand from these SHAs, accepting that the minimum total may be exceeded, there will be implications for these three to be given effect through the resource consent decisions that may follow.

In the preparation of C67, Council carried out an analysis of the spatial pattern of CWS connections actually and potentially subject to the policy before its amendment (ie. across urban and rural areas serviced both at and since 27 April 2013, to May 2018). The total connections made to May 2018 are:

Urban zoning connections to May 2018	Rural zoning connections to May 2018	Total
7344	1628	8972

In addition to these there are an unknown number of lots within the 2013 urban zonings yet to be created and so connected. An estimate of this number could be made; it includes the two Richmond west SHAs with minimum lots of about 1100 and with some clarification on “urban”, the three further SHAs with a minimum total of 88 lots. But the further connection demand for protection given by resource consents granted before 14 July 2018 as requested by submission 2802, is not known.

The amended policy under C67 partially freezes the CWS resource demand on the Waimea Plains zones, to that serviced by CWS schemes (connections for urban and rural service levels over urban and rural lands to 14 July 2018 together with potential urban servicing over 2013 urban lands) but protects this present or potential servicing under the adverse WCD scenarios.

The key reasons for the extension of the scope of protection of CWS use to cover rural connections to the present, are both practical and legal. The CWS schemes of Council are sourced from more than one take location and service both urban and rural zoned lands under two service levels (urban metered and rural restricted). If the policy were unamended by C67, it would be practically difficult to separate out the rural extensions of schemes and set up means of enforcing arbitrary limitations for their service driven by historical zoning.

As well, the local government legal framework (ss130, 193 Local Government Act, s69S Health Act) requires observance of the principle: once connected always connected. So all CWS connections whether with urban or rural service levels, that are factually in existence from the time any policy amendment takes effect need to be accounted for. It would be effectively unlawful to cut existing

connections from the scope of the amended policy as submission 1223 requests as well as being arbitrary in costs

However, in order to serve the purpose of the policy, a limit has to be drawn in clause (b) on the scope of acceptable CWS servicing demand to be in effect, protected in the event of the adverse WCD outcomes. This policy as both a protection of committed development and a constraint on future development in the three affected towns remains relevant, despite the decision-making by Council to continue with the WCD project to financial close. At the time of writing, the assessed risk of either WCD scenario materialising and the policy being activated, is moderate to low. This could change in either direction.

1.4 Options

Options for resolving the key issue of defining a limit for CWS connections in the face of adverse WCD outcomes but also of pressure to expand CWS demand through future connections, are as follows:

1. To cut back the scope to only lands zoned urban or deferred urban as at April 2013 (ie. not continue with the C67 acceptance of rural connections) (submission 1223).
2. To retain the scope as under C67 of current and potential urban connections within the 27 April 2013 land footprint, and rural connections to 14 July 2018 but no other rural zoned connection commitments.
3. To expand the scope by including rural zoned connections under either or both SHAs and resource consents declared or granted before 14 July 2018 (submission 2802).

1.5 Preferred Options

The preferred option is option 3.

Option 1 is not lawful and would be impracticable to comply with.

Option 2 has the risk that certain lands variously committed to connections before 14 July 2018 would be arbitrarily excluded, with legal risks and compliance difficulties given the potential scheme controls required.

Option 3 includes a broadly known number of current and potential connections to a finite date that can be adhered to as the policy protection scope, until substantial risk of adverse WCD scenarios happening is past, and the policy is spent. This option has the benefit of avoiding legal and practical difficulties or risks in separating out types of potential or committed CWS connections from actual connections to 14 July 2018. It has the modest risk of extending the aggregate connection demand to be serviced and subject to restrictions that over time might be triggered earlier, if either adverse WCD is triggered. But this risk is balanced by the opportunity cost of urban development foregone, by constraining all identified committed connections to the notification date.

B. Staff Recommendations

It is recommended that the policy clause (P30.2.3.13(b)) be further amended to clarify that its scope of protected CWS permit exercise includes connections yet to be made in:

- urban SHAs within the 2013 urban zoned extent, and parts of SHAs not zoned urban, declared as SHAs in any gazetted order before the notification date of 14 July 2018, and
- rural zoned lands subject to granted consents before the notification date of 14 July 2018 with a formal agreement or requirement to be connected to an affected CWS scheme.

C. Reasons

The reasons for this recommendation are as follows:

1. The principle from the legislation of once connected, always connected is applicable to this situation of limiting for responding to a water management risk but protecting continuation of CWS service, regardless of when the first connections were made or the location or level of service.

2. Council is able to limit the scope of a service to potential customers once a known water insecurity risk is assessed as likely to be exacerbated by further connections.
3. It is appropriate to limit and so protect CWS use under adverse Waimea community Dam outcomes, to the degree proposed, to avoid direct conflict between the water management and water supply service functions of Council.
4. The additional connections available where actual or potential resource consent commitments for CWS service are also protected, is not a significantly increased exposure to the CWS insecurity risk faced by CWS use before Change 67.

D. Plan Amendments

Topic : 30.2.3.13

1. Insert in the introductory paragraph as amended after the words: "water availability" the words: "in the Waimea Plains Zones".
2. Delete clause (b) and replace with:
 - (b) requiring permits for community water supplies to be exercised to service only land that:
 - (i) was zoned for urban development as at 27 April 2013, including:
 - any urban deferred zones that existed at that time, and
 - any such zoned land in Nelson city reticulated for community water supplies from the Council's supply
 - land the subject of a Special Housing Area declared in any order that was gazetted under the Housing Accords and Special Housing Areas Act 2013 before 14 July 2018; or
 - (ii) was connected to a community water supply before 14 July 2018, including land zoned for rural development connected to rural extensions or to the Redwood Valley community water supply;
 - or
 - (iii) is the subject of any resource consent granted before 14 July 2018 in relation to which a binding agreement or requirement exists for any connection to a community water supply.

E. Other Action

Not applicable.

F. Submission Recommendations

C67.1223.5 <i>Allow</i>	Garnett, Colin J FC67.2802.1	Disallow
C67.1223.6 <i>Allow</i>	Garnett, Colin J FC67.2802.2	Disallow
C67.1223.23	Garnett, Colin J	Disallow
C67.2802.1 <i>Allow</i>	Tasman District Council - Engineering Services Manager FC67.2802.3	Allow

Evaluation and Recommendations 630.2

A. Evaluation

1.0 ISSUE 2: Rates of Irrigation Application under New Soils Information and Need for Crop-Based Restriction for Affiliated Permit-Holders after the WCD Commences

1.1 Introduction

One submission could not find the legend and seeks clarification or deletion of the amended maps.

1.2 Affected Plan Provisions

As part of the planning map amendments in Change 67, the Part 5: Water Map Locator and Legend map is replaced with an amended spatial cutup of water management maps and has an amended legend for amended map 236 and new map 236A.

1.3 Issues

There are no issues requiring amended TRMP content.

1.4 Options

There are no applicable options.

1.5 Preferred Options

No action is required.

B. Staff Recommendations

No change is required.

C. Reasons

The legend to the soil series within irrigation rate classes is within the Change as requested.

There is no reason to delete the maps.

D. Plan Amendments

Topic : C67 GEN

There are no required amendments.

E. Other Action

Not applicable.

F. Submission Recommendations

C67.1223.22

Garnett, Colin J

Allow

Evaluation and Recommendations 630.3

A. Evaluation

1.0 ISSUE 3: Incorrect Extent of Golden Hills Zone and Amendments to it and Redwood Zone under 'With-Dam' Scenarios

1.1 Introduction

One submission (1223) requests deletion of the various references to the Golden Hills with Waimea Community Dam zone and the Redwood with Waimea Community Dam zone on the maps and in the rule amendments. As well, the submitter seeks clarification of three technical features in the proposed change:

- different amended values for allocation limits for these zones for with WCD scenarios in different versions of the change
- the exclusion of the Wai-iti zones from Waimea Plains zones restrictions, and
- the meaning of "unmodified flows" at the Wairoa monitoring site.

1.2 Affected Plan Provisions

Figure 31.1C containing rationing steps for the group of water management zones included in the Waimea Plains zones, and tables 1B, 1C and 1D in Schedule 31C giving rationing triggers under the various WCD scenarios, refer to these zones as such and as with WCD versions. Text moved from a table heading into a note in these tables, refers to triggers being based on the unmodified flow at the Wairoa river at Irvines [monitoring site]. Figure 31.1FA tables 1 and 2, containing allocation limits for the two sets of zones under with WCD scenarios applying to affiliated and non-affiliated permits, had different amended values in different online versions of the change as errors; these have been since corrected. Planning maps 232B and 232C show the extent of the zones introduced as Golden Hills zone with WCD and Redwood zone with WCD.

1.3 Issues

The starting point for the issues arising from these requests is an understanding of the hydrogeology of the sets of zones included in the Waimea Plains zones, and in particular, the situation for a strip of land on the western margin of the current Golden Hills zone. The Waimea Plains zones are different two sets, depending on the WCD scenarios, that share a key hydrogeological feature. All these zone extents are the surface expression of the unconfined and confined groundwater bodies or aquifers under the Waimea Plains that are both recharged by the Wairoa and Waimea Rivers, and from which pumping of groundwater from bores appreciably draws down both pressures and levels in the aquifers and so flows in these rivers. This property of the river-groundwater resource system informs the spatial extent within which there may be Wairoa River flow augmentation of both groundwater and river flows and there may be influence of takes on groundwater drawdown and river recession, under different WCD scenarios. The different sets of zones and the water take restrictions for these scenarios reflect this hydraulic attribution for recharge or drawdown and recession. In relation to decisions about the funding of the WCD, this extent is called the zone of effect.

The Wai-iti zone and Wai-iti Dam Service Zone are not amended by Change 67. These zones, while extending over parts of the Waimea Plains, are not hydrologically connected with the Wairoa and Waimea rivers in the way the Waimea Plains zones are. While the Wai-iti River flows and groundwaters from these zones contribute to Waimea river flows and groundwater pressures, because of the direction of the groundwater pressure gradient from these zones, abstraction and drawdown in the Waimea Plains zones does not materially influence pressures and levels in these zones.

Before Change 67 was proposed, the two operative planning maps (confusingly both numbered Map 232), attempted to show the extent of zone restrictions under the three WCD scenarios (ie. no-WCD zones; with-WCD affiliated permits and zones; and with-WCD non affiliated permits and zones). On the operative no-WCD zones map 232, the western margin of the Golden Hills zone following the Eves Valley Stream and extending south to include a small part of the current extent of the Waimea west zone, is a defined area within which there is no significant hydraulic influence on the Plains system. On the operative with-WCD affiliated zones map 232 can be seen this area included in the Redwood zone. The Redwood zone that includes this area is recharged from western hillslopes and parts of Eves Valley stream catchment rather than from the Waimea River. Water takes from this area are unreliable in dry periods.

The relevant problem that Change 67 responded to was that not only was the no-WCD map 232 also trying to display another scenario – the with-WCD non affiliated scenario - but also the map did not

show the reduced extent of the Golden Hills zone that did influence drawdown and that so should be subject to rationing restrictions under the situation of with WCD non affiliated (ie. augmentation but no contribution to it). This map included the western margin that because of very limited yield, is considered not to influence the drawdown of groundwater under the Plains land to the east such that takes from it should be restricted with low river flow.

Change 67 introduced three maps to show the three sets of zones for each of the three WCD scenarios. Maps 232B and 232C show the reduced extent of the Golden Hills and Waimea West zones under both the with-WCD non affiliated scenario (this includes affiliated until WCD operation); and the with-WCD affiliated (after WCD operation). The extent of the Golden Hills zone and as a consequence, the Redwood zone under these scenarios, were distinguished by being named the Golden Hills with WCD zone and the Redwood with WCD zone. The applicable allocation limits for these zones were adjusted to reflect the transfers of allocations for the relevant aquifers.

Submission 1223 requests either clarification of the amended extents of these two zones or deletion of the amendments proposed by the change both in the rules and on the maps. The reasons for the zone names and extents is not made clear.

The evaluation report accompanying Change 67 provides a summarised explanation of the problems described above. An earlier evaluation report to the Council (REP18-05-03) provided a slightly fuller explanation and in hindsight that report should have been part of the notified evaluation report. That earlier report was made available on Council's website with the documentation for Change 67, during the submission process.

In the light of the request to clarify the need for the additional zone extents, the key difficulty remaining with Change 67 is that despite maps 232A and 232B for:

- no-WCD (showing the western margin in the Golden Hills zone and not in the Redwood zone)
 - with-WCD non affiliated (showing only the extent of the Golden Hills zone that influences Plains drawdown as Golden Hills zone with WCD, and the margin in the Redwood zone with WCD);
- the rationing restrictions under Schedule 31C place both of these scenarios in Table 1C. This results in only one of the two extents of the Golden Hills zone being reflected in restrictions in the table for these scenarios. In turn this highlights that the table's description of the triggers for no WCD are inconsistent with the policy that describes the triggers for no WCD (Policy 30.2.3.12(B)). There is no reference in the table to the first trigger for no WCD as given in the policy of no water supply agreements being available by 1 November 2019 (date as amended by the change). The first trigger that is given (no substantial progress with-WCD construction by 1 November 2020 (date amended by the change)) is actually not given in Policy 30.2.3.12(B). Policy 30.2.3.13 which refers to this trigger, deals only with the exercise of community water supply permits and does not include any more general reference to take restrictions.

A source of these problems in the TRMP text can be found in the retention on the no-WCD map (Map 232A) of the Golden Hills zone that includes the non-attributive western margin, rather than the placement of this margin land in the Redwood zone, and in the no-WCD allocation target values in Figure 31.1EA, where no adjustment has been made in the target values for these two zones as made under the with-WCD non affiliated scenario. Under the no-WCD situation, the logic for restrictions applying to takes within the western margin land and so inclusion in the appropriate zone, being that this land is within the zone of drawdown influence, is the same as under the with WCD non affiliated scenario.

As a consequence of this, in Figure 31.1FA dealing with Waimea Plains zones, there should be no reference to the Redwood zone and its allocation limit, as it is not a Waimea Plains zone as defined. Its allocation target of 13 l/s is given in Figure 31.1EA.

1.4 Options

Within the scope of the submission requests to clarify reasoning and effect or delete, options can lawfully include partial amendment or deletion, and potentially relevant consequential amendments such as completing all references to the no-Dam scenario in the table description. The key matter to be resolved is the rationale for retaining or amending the no-WCD extent of the two affected zones and associated allocation target values. This in turn can lead to retention or removal of the different extents of these zoned under with-WCD non-affiliated scenario and the rationing triggers applicable in Schedule 31C Table 1C.

These options are:

OPTION 1: provide consistent extents for Golden Hills and Redwood zones for all WCD scenarios, and adjust target values accordingly, delete references to Golden Hills with WCD zone and Redwood

with WCD zone, and provide a complete description in Schedule 31C Table 1C of the scenarios and the triggers for the application of the rationing and flow regime in the table; otherwise retain the amendments in Change 67.

This option applies a consistent approach to the hydrogeological situation independent of any WCD scenario, and so simplifies the references to Redwood and Golden Hills zones in the rules and on the maps. It clarifies that the area of land that is the Redwood zone including the western extent of the Golden Hills zone is a distinct hydrogeological and so water resource management unit separate from the eastern remainder of the Golden Hills zone that is part of the Waimea Plains zones as defined. It avoids the administrative risk of ambiguous explanations needing to be given about why there are different zone names and extents depending on the WCD scenario. It avoids the risk of ambiguity in the current name and zone listing in the “no Waimea community Dam” table 1C in Schedule 31C.

OPTION 2: retain the different extents of the two zones for different WCD scenarios in the amendments of Change 67 but seek to clarify the correct referencing in Table 1C Schedule 31C for both the no-WCD scenario and the with WCD non-affiliated scenario and to explain the need for different zone extents under different WCD scenarios.

This option is technically weak and administratively inefficient and carries an administrative risk of mis-application of the relevant provisions because of the complexity of references to the different zone extents and applicable restrictions.

1.5 Preferred Options

The preferred option is to amend the extent of the Redwood and Golden Hills zones under the no WCD scenario consistently with the extents shown for the two with-WCD scenarios as is driven by the hydrogeological situation. Amend accordingly the allocation target values for these zones, references to zones in the rule figures and schedule tables, and the displays of these zones on Map 232A No Dam enlargement to be consistent with the current Golden Hills and Redwood with-Dam zones limits and extents on the maps.

B. Staff Recommendations

It is recommended that the submission requests be allowed to the extent that the spatial extent and allocation target values of the Golden Hills zone and Redwood zone be made consistent with the allocation limit values and spatial extents of the Golden Hills with WCD zone and Redwood with WCD zone for the scenarios of unaffiliated permits and affiliated permits before the WCD commences operation. This means discontinuation of the names and listings in rule tables of these “with WCD” zone and reversion to Golden Hills and Redwood zones throughout the Plan. As an amendment consequential on reverting to the name of Golden Hills zone in Table 1C Schedule 31C (showing rationing triggers for no Dam and with-Dam unaffiliated permits before operation) the naming and scenario descriptions in that table can be completed to be consistent with the policy (P30.2.3.12(A)).

C. Reasons

1. The limited degree of hydraulic influence on Waimea Plains water resources recharge and drawdown in the western margin of the Golden Hills zone and its inclusion in the Redwood zone under with-Dam scenarios is the hydrogeological reason for this to also apply in any no-Dam scenario.
2. Consistent extents of the Golden Hills zone and Redwood zone under all WCD scenarios allows simplification of zone references in the rule tables and on the maps.
3. There is a current ambiguity in Table 1C Schedule 31C that if unamended does not correctly display the application of the relevant zone extents under the scenarios shown in that table.

D. Plan Amendments

Topic : 31.1.2.2

1. In Figure 31C, delete reference to “Golden Hills with Waimea Community Dam” zone.

Topic : 31.1.2.5

1. In Figure 31.1FA Table 1: in “Golden Hills with Waimea Community Dam” zone, delete the words “with Waimea Community Dam”; in “Redwood with Waimea Community Dam” zone, delete the words “Redwood with Waimea Community Dam” and the limit value of 13 l/s.
2. In Figure 31.1FA notes:
In note 1A, delete “Map 232B” and replace with “Map 232A”; in note 1B, delete “Map 232C” and replace with “Map 232B”.

Topic : 31.1.2.3

1. In Figure 31.1EA: for Golden Hills zone delete allocation target value of 90 and replace with 67; retitle Redwoods zone as Redwood zone and delete target value of 1.86 and replace with 13.

Topic : Sch. 31C

1. In Schedule 31C Table 1A in title of table, insert after “Dam”: “AFFILIATED PERMITS AFTER DAM COMMENCES OPERATION”
2. In Schedule 31C Table 1B, amend title of table as: “MINIMUM FLOWS AND TRIGGERS FOR RATIONING: WAIMEA PLAINS ZONES – AFFILIATED PERMITS UNTIL OPERATION OF THE WAIMEA COMMUNITY DAM COMMENCES”; and in “Golden Hills with Waimea Community Dam” zone, delete the words: “with Waimea Community Dam”
3. In Schedule 31C Table 1C, amend title of table as: “MINIMUM FLOWS AND TRIGGERS FOR RATIONING: WAIMEA PLAINS ZONES – NO WAIMEA COMMUNITY DAM OR UNAFFILIATED PERMITS UNTIL OPERATION OF THE WAIMEA COMMUNITY DAM COMMENCES”; in the table description, insert after “This rationing and flow regime applies if”: “there is no Waimea Community Dam or if”; and in “Golden Hills with Waimea Community Dam” zone, delete the words: “with Waimea Community Dam”
4. In Schedule 31C Table 1D, amend title of table by inserting after “WAIMEA”: “PLAINS”

Topic : Map 232A

1. Delete Map 232A.

Topic : Map 232B

1. Amend the number of Map 232B to “Map 232A”.
2. In the title to the map in the information template at the foot of the map, insert the words: “No Dam and”.
3. Amend the boxed detail on the application of the map to read:
“This map applies to the circumstances where:
 1. there is no Waimea Community Dam; and
 2. there is or will be the Waimea Community Dam and to permits:
 - (a) not affiliated to the Dam; and
 - (b) affiliated to the Dam, before the Dam commences operation”
4. In the name “Redwood with WCD” zone, delete the words: “with WCD”
5. In the name “Golden Hills with WCD” zone, delete the words: “with WCD”

Topic : Map 232C

1. Amend the number of Map 232C to “Map 232B”.

E. Other Action

Not applicable.

F. Submission Recommendations

C67.1223.7	Garnett, Colin J	Allow
C67.1223.10	Garnett, Colin J	Allow
C67.1223.11	Garnett, Colin J	Allow
C67.1223.12	Garnett, Colin J	Allow
C67.1223.14	Garnett, Colin J	Allow
C67.1223.15	Garnett, Colin J	Allow
C67.1223.19	Garnett, Colin J	Allow
C67.1223.20	Garnett, Colin J	Allow

Evaluation and Recommendations 630.4

A. Evaluation

1.0 ISSUE 4: Incorrect or Unclear Displays of the Rationing Steps and Trigger Flows for the Waimea Plains Zones under the Three WCD Scenarios in Schedule 31C

1.1 Introduction

Change 67 addressed several technical issues concerning the meaning and effect of some of the tables in Schedule 31 C that gives rationing triggers and minimum flows for the various WCD scenarios. These were incorrectly displayed cells in three of the tables, incorrect zone entries in columns and relisting notes to each table. While not a technical issue but rather standard formatting, the list of rules to which the schedule applies was included. Submission requests focus on two aspects of these changes. These are the text transferred to a note in tables of Schedule 31C and the listing of references to applicable rules in the schedule.

1.2 Affected Plan Provisions

Change 67 took text from Table 1D in Schedule 31C that described the basis for applying trigger values of Wairoa River flow for rationing takes, and relocated this text as a note under Tables 1B, 1C and 1D of the schedule. The note reads: "All triggers are based on the unmodified flow of the Wairoa River at Irvines." The change added rule references to the schedule as a standard cross-reference in all schedules to rules.

1.3 Issues

The note provided in the rationing tables gives an explanation of the unmodified status of flow values as at the monitoring site of Irvines that would trigger rationing under WCD scenarios. "Unmodified" refers to unmodified by WCD discharges, or in other words, river flows as if the WCD did not exist. This is important as the naturally receding river flow measured at the site above the points of irrigation and other takes in the Waimea Plains system is the fact that should drive controls on those takes. In the event of the WCD the outflows or discharges from it would mask the river recession and drawdown of the resource system that it recharges, and so without back-calculating the unmodified flows at that point, non affiliated permits would free-ride on the WCD augmentation.

The flow values used for triggering rationing restrictions are calculated using a routine that takes flows measured at the recorder site at Irvines on the Wairoa River, and accounts for upper Lee inflows to WCD, discharges from WCD and time lags between WCD and Irvines. The routine smooths out instantaneous flows at any point and timing errors, so that the flow values are represented as a moving mean flow at Irvines that simulates no WCD influence. This synthetic or computed record is used to activate the triggers in the relevant tables, and would be available to all water users to validate advice to all under the relevant WCD scenario.

Submission 1223 requests clarification of the influence on the WCD flow modifications by discharges from the Roding dam, to result in flow values that are "unmodified" at Irvines. The Roding dam is a consented storage dam within Nelson City with controlled releases into the Roding River which drains into the Lee River which in turn drains into the Wairoa River. The flow regime from Roding dam is treated as background noise in the inflows to the Wairoa River, that are unrelated to the WCD. The focus of the note is to explain the meaning of unmodified with respect only to the influence of the WCD, and so the Roding outflow is strictly irrelevant. That Roding outflow is subject to consent conditions to maintain a minimum flow that replicates to some extent a natural flow regime into the Wairoa system. It can be neglected as it is reflected in the Irvines flow measurements anyway.

Care is needed in clarifying the meaning of the explanatory note by rewriting it so that it explains the meaning of "unmodified" with respect to only the WCD.

As a minor matter, all rules to which every schedule of rules is applicable, are listed in the Schedule. Change 67 added these where they had not previously been given.

1.4 Options

The options are to amend the note to clarify or recast what is meant by “unmodified” where the triggers apply under the specified phases of the two with-WCD scenarios; or not to so amend or to delete the note.

Deletion is not recommended as then there is no explanation of the derivation of the flow values used to trigger rationing. No amendment is also not recommended as there is some ambiguity and opacity in the current wording of the note. It serves a useful purpose.

B. Staff Recommendations

It is recommended that the note to Tables 1B, 1C and 1D be deleted and replaced with:
 “The values for all triggers are derived from the flow record of the Wairoa River at the Irvines site that is corrected to remove any modification of those flows by the influence of the Waimea Community Dam on Lee and Wairoa River flows. Following operation of the Waimea Community Dam, all effects on flows and timing of storage and releasing from the Dam are computed and smoothed to represent the flow record at Irvines as unmodified or as if the Dam did not exist. All other influences on flows at Irvines such as the Roding dam are disregarded.”

C. Reasons

The note provides an important explanation of how flow record will be used to inform the triggering of rationing restrictions at reaching the relevant trigger values. The current wording does not explain the meaning of “unmodified”. The submission request can be satisfied by explaining the irrelevance of the Roding dam on the purpose of the unmodified flow record at the Irvines site.

D. Plan Amendments

Topic : Sch. 31C

Delete note (1) to Table 1B, note (2) to table 1C and the note to Table 1D and in each case replace with:
 "The values for all triggers are derived from the flow record of the Wairoa River at the Irvines site that is corrected to remove any modification of those flows by the influence of the Waimea Community Dam on Lee and Wairoa River flows. Following operation of the Waimea Community Dam, all effects on flows and timing of storage and releasing from the Dam are computed and smoothed to represent the flow record at Irvines as unmodified or as if the Dam did not exist. All other influences on flows at Irvines such as the Roding dam are disregarded."

E. Other Action

None

F. Submission Recommendations

C67.1223.9	<u>Garnett, Colin J</u>	Allow
C67.1223.24	<u>Garnett, Colin J</u>	Allow

Evaluation and Recommendations 630.5

A. Evaluation

1.0 ISSUE 5: Extending Forward by 12 months all Date Stamps for the WCD Transition

1.1 Introduction

Submission 1223 requests deletion of all amended date stamps in the policies and rules that extend the timeframe for activating the various WCD scenarios and trigger default outcomes under some of them. This opposition is considered by the submitter to not be justified in terms of the evaluation of this amendment under section 32 RMA.

1.2 Affected Plan Provisions

Change 67 amends date references in Policies 30.2.3.12, 30.2.3.13, 30.2.3.13A and 30.2.3.21, Schedules 30A and 30B, and various rules affecting the zones known as the Waimea Plains zones in Chapter 31, to extend date stamps by a further year into the future.

1.3 Issues

The submission opposes the further extension of date stamps that have the effect of deferring for a further year, the triggering of either a no-Dam or a with-Dam scenario, through potentially three transition phases until WCD operation by a date or not. The submission asserts that this second amendment to date stamps (the first was by Change 63 in September 2016) "has no basis under section 32".

The original need for a date stamp amendment in 2016 was to reduce the risk of failing to complete WCD decision-making within the original timeframe and so triggering by default a no-Dam outcome as the first point on the transition period to either remain or be replaced by a with-WCD outcome. This risk carried the contingent risk that with success over such WCD decision-making after that no-Dam scenario was to be triggered, about 330 take consent renewals might need revisitation to be replaced with affiliated or unaffiliated permits, an avoidable process cost risk. The positive effect of Change 63 as evaluated under section 32, was an administrative efficiency consideration to minimize this cost risk, well supported at that time by the number of WCD decision needed to be completed and evaluated as such for that TRMP change. The risk that that change continued by extending the transition that would have commenced on 1 November 2016, was the continuation of somewhat less stringent rationing steps and triggers on expired but continued permits compared with those triggered at the start of the transition period. This is a nominal risk to the water resources as that regime enabled the exercise of water shortage directions to restrict takes in drought events.

By July 2018 nearly two years on those process risks had not abated. Facing the Council was a decision on the funding allocation for the WCD and the outcome of securing the last remaining piece of the WCD impoundment footprint. The initial date stamp of 1 November 2018 in place by Change 63, assumed that WCD decisions would precede the permit renewals which in turn could logistically be done within that timeframe.

The essential effects of the one year extension to the 1 November 2018 date stamp by Change 67 remain as under the earlier change. Despite a subsequent position by Council on funding allocation and land securement that might lead to financial close, the current date stamp was impossible to achieve without realising the relevant risks of no action on this issue.

1.4 Options

There are stark options for this issue: the option of retaining the date stamps extension has a clearly defined evaluation as summarised above. The option of deleting the date stamps extension would have the avoidable adverse effect of triggering a no-Dam scenario after 1 November 2018 when the WCD decision-making will not yet be completed.

1.5 Preferred Options

The recommended option is to retain the date stamps extension as proposed and evaluated under section 32. Contrary to the submission there is a clear, evaluated basis for these amendments.

B. Staff Recommendations

1. It is recommended to retain the 1 year extension to the date stamps for the WCD transition in the change and disallow requests to delete these amendments.

C. Reasons

1. There are imminent, significant and avoidable process risks of a no-dam scenario being triggered for all renewing permit-holders and a contingent risk of revisitation of such permits if WCD decision-making results later in a with-Dam outcome.
2. The extension of WCD transition period datestamps provides for an efficient sequence of WCD-related decisions including grants of 330 permits under the WCD scenario that is yet to be established before 1 November 2019.

D. Plan Amendments

Topic : C67 GEN

1. No Plan amendments.

E. Other Action

None.

F. Submission Recommendations

C67.1223.1	Garnett, Colin J	Disallow
C67.1223.2	Garnett, Colin J	Disallow
C67.1223.3	Garnett, Colin J	Disallow
C67.1223.13	Garnett, Colin J	Disallow

Evaluation and Recommendations 630.6

A. Evaluation

1.0 ISSUE 6: Out of Scope or otherwise Invalid Submissions Requests

1.1 Introduction

Several submission requests in submission 1223 concern provisions unamended by Change 67, and not directly affected by those amendments. These submissions are not on Change 67. Some of these requests disclose a misunderstanding of which Waimea water management zones within the Waimea catchment are implicated in WCD scenarios and which are not. Submission 2852 deals with historical, completed consent matters concerning the WCD and does not contain any requested decision even remotely relevant to Change 67.

1.2 Affected Plan Provisions

Several points of request in submission 1223 address the absence of listing of the Waiiti Zone, Waiiti Dam Service Zone and Redwood zone in Schedule 31C tables and elsewhere in lists of zones affected by the WCD scenarios, and on the planning maps.

1.3 Issues

The requests concerning the two zones forming part of the Waimea Plains (Waiiti Zone, Waiiti Dam Service Zone) and in one request, the Redwood zone, are to include these zones in the provisions amended by Change 67 concerning WCD scenarios, both in tables and on the maps. None of these zones were so listed or shown prior to Change 67. Therefore, they are all not dealing with Change 67, or in other words, are outside the scope of the change, and so are invalid for that reason.

Despite the invalidity of these submissions as being out of scope, it is useful to explain the situation regarding the contribution of various Waimea catchment zones in relation to WCD scenarios. At first face there is some difficulty in understanding why some apparently Waimea zones are not dealt with in the same way as others. The reason for this is because these zones are essentially unconnected with the influence of any of the WCD scenarios, either through the effects of abstraction under a no-Dam scenario, or effects on groundwater pressure and level changes under a with-Dam scenario, and influences on the hydraulic state of the system by affiliated or unaffiliated permits. The Waimea zones that are so connected are defined and (with some recommended consequential amendments under issue 3) consistently listed or shown on maps, as the Waimea Plains zones. The Waimea Plains zones constitute the spatial extent of points of taking surface or groundwater that are subject to restrictions under any WCD scenario, including as affiliated or unaffiliated permits. This extent is the same as the so-called "zone of effect", the term used for developing WCD funding allocation decisions.

Of course, it is accepted that the two Waiiti zones are in part on the Waimea Plains. However, the waters below these zones are not materially hydraulically influenced by any of the WCD scenarios and so are not included in provisions dealing with those scenarios. Neither is the Redwood zone, though it has been listed in Figure 31.1FA for Waimea Plains zones. This is recommended to be corrected under issue 3.

One request is to clarify the reasoning in a note given in Table 2 of Fig 31.1FA. The note has not been materially amended by the change. While this submission is out of scope, it is helpful to explain here the basis for this note. The note applies to the allocation limit for the upper catchments and its link with the Appleby Gravels zone limit, under the with-Dam affiliated scenario. There is no limit value given for Upper Catchments under this scenario as it is highly unlikely that any affiliated take will be in that zone. The factual allocation can only be the sum of affiliated permits to be allocated in this zone, essentially from surface waters. The note means that if or as affiliated permits are allocated in this zone, the allocatable amount in the downstream Appleby Gravels zone is to be reduced accordingly. This is because the flow regime from the upper catchments directly contributes flow to the downstream gravels zone, subject to the augmentation influence from the WCD, and for mass balance reasons needs accounting for.

One submission requests explanation of why Map 232 showing the Waimea deep Moutere aquifer is included in Change 67. The answer is that the map is already in the TRMP previously as Map 232A, introduced on 27 April 2013. Change 67 merely renumbered and reproduced the same map.

Submission 28 from Trevor Riley comes closest to Change 67 only where the documentation implies that Change 67 can have no legal effect (by virtue of issues raised about consents granted for the

WCD). This is not followed with any relief or decision requested regarding the Change. The rest of the submission documentation alleges incorrect features of evidence relating to the decisions on resource consents for the WCD. With respect to the submitter, this is irrelevant to Change 67. Consent and plan change matters are legally distinct. The submission is invalid as having no material relief given regarding Change 67, and could also be described as being out of scope.

1.4 Options

There are no legally supportable options for dealing with invalid submissions other than to identify different reasons for such invalidity. These reasons are covered in the commentary on the issues.

1.5 Preferred Options

The various requests concerning unamended provisions cannot be given relief by way of further amendment to the Change, and must be declined.

B. Staff Recommendations

It is recommended that the submission requests wanting Waiti zones and Redwood zone listed and shown as "Waimea Plains zones" be declined.

It is recommended that submission 2852 be declined as being invalid and out of scope.

C. Reasons

1. The requests are not on Change 67.
2. The zones are not defined as Waimea Plains zones and should not be so listed or shown.
3. There is no material decision requested in submission 2852.

D. Plan Amendments

Topic : C67 GEN

1. No Plan amendments.

Topic : Sch. 31C

1. No Plan amendments.

Topic : Map 232

1. No Plan amendments.

Topic : Map 232A

1. No Plan amendments.

Topic : Map 232C

1. No Plan amendments.

E. Other Action

Not applicable.

F. Submission Recommendations

C67.1223.4	Garnett, Colin J	Disallow
C67.1223.8	Garnett, Colin J	Disallow
C67.1223.16	Garnett, Colin J	Disallow
C67.1223.17	Garnett, Colin J	Disallow
C67.1223.18	Garnett, Colin J	Disallow
C67.1223.21	Garnett, Colin J	Disallow

C67.2852.1

Riley, Trevor H

Disallow
