

PROPOSED PLAN CHANGE 67

Waimea Water Management Technical Amendments

Section 32 Evaluation Report

1 Introduction

This report evaluates Proposed Change 67 to the Tasman Resource Management Plan (TRMP). Before a proposed plan change (the proposal) is publicly notified, the Council is required under Section 32 of the Resource Management Act to evaluate:

- whether the objectives of the proposal are the most appropriate way of achieving the purpose of the Act;
- whether the provisions in the proposal are the most appropriate way to achieve the objectives;
- identifying other reasonably practicable options for achieving the objectives; and
- identifying and assessing the efficiency and effectiveness of the proposal's achieving its objectives, including the benefits and costs of the effects of implementing the proposal, including opportunities for provision or reduction in economic growth and employment.

2 Issues and Purposes of the Change

2.1 The issues

The water management regime for the Waimea Plains water management zones has been developed over three sets of changes to the TRMP since 2013 following the commencement of planning work to provide for water management decision-making whether there was to be a Waimea Community Dam or not. These three sets are: Changes 45 – 48 (notified 27 April 2013; operative 19 September 2015) Changes 54 – 56 (notified 19 September 2015; operative 24 September 2016) and Change 63 (notified 24 September 2016; operative 7 April 2018).

These three sets of 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 for decisions or outcomes regarding the WCD.

During the course of implementing the sets of changes to the TRMP to provide for the three scenarios during this transitional period for the Waimea Plains zones, several problems with the provisions have become known through consent renewal assessments and discussions with water users.

There are five sets of provisions with various issues:

- Policy 30.2.3.13 (restrictions on community water supply exercise with adverse Waimea Community Dam (WCD) scenarios (no WCD or no WCD progress with construction) would not protect rural zoned areas serviced for community water supply (CWS) at 2013 or since. Because there is a legal issue of potential conflict with Council's duties to maintain water supply connections once made, the policy should signal no further connections to rural lands.
- The soil types referred to in Figure 31.1D are linked to rates of irrigation application for controlled and restricted discretionary take and irrigation use in Waimea water management area (Rules 31.1.2.2(d), 31.1.2.3(f) and 31.1.2.3A(b)) and grouped as shown on Part 5 Special Map 236. The soils and rate groupings or classes, do not account for recent soils information available to Council in 2017. Both the figure and map need updating with additional soils and amended extents of each class on the map.
- There is an area of land currently within Golden Hills Zone on its western extent that (in the event of the WCD) abstraction from groundwater under it does not influence drawdown of the Plains aquifers and so should not be included within allocation limits for the two scenarios of with WCD. In these scenarios, this area should be part of the adjacent Redwood zone. Consequently there are incorrect values for allocation limits for zones under these two scenarios for both these zones (31.1.2.5(a) and Figure 31.1FA), and related incorrect referencing and extent of Golden Hills Zone in provisions under the two scenarios (Sch 31C, and Part 5 Special Map 232 (two maps) show only two of the three scenarios).
- There are unclear displays and incorrect references to rationing triggers and minimum flows for certain Waimea Plains zones under the three WCD scenarios (Figure 31.1C and Schedule 31C).
- Current risks with achieving decisions within the present date stamp triggers in timeframe for starting the WCD transition, now arising from securing land, financial close, and construction commencement.

2.2 The Purposes of the Proposed Change

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 to 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.

The purposes of this change have an administrative efficiency rationale and are appropriate within the context of the operative TRMP water allocation planning framework for the Waimea catchment. They seek to clarify and update the water allocation management requirements to achieve the objectives in the TRMP for the water bodies of the Waimea Plains under either a Dam or no Dam. This allocation planning framework has already been established by three previous sets of changes, all operative.

Section 32 also requires those existing TRMP objectives to be evaluated by extension. These are assessed as appropriate in that they are providing for a reduction in over-allocation to better meet the freshwater objectives given in the TRMP for all the Waimea water management zones for both quantity and quality.

3 Options Assessment

The provisions of Proposed Change 67 are the amendments to policies and rules that implement or give effect to the purpose of the proposed change. The possible options for the proposed provisions vary for each identified issue. For simplicity given the largely technical nature of this change, the reasonably practicable options do not cover more than the proposed provisions for each issue.

The assessment of practicable options for each issue is set out in the following table:

Options	Costs	Benefits	Risk	Effectiveness/ Efficiency
Issue 1: Policy 30.2.3.13 cl (b) scope of protection for community water supply under adverse WCD scenarios				
Option 1: status quo No change	No additional	No additional	Risk of legal conflict between laws requiring CWS connection maintenance and policy restrictions on serviced rural lands. Uncertainty of any policy effect with no clarified assessment matters	Limited effectiveness with no certainty of status of rural connections and ability to implement policy
Option 2: Amend Policy 30.2.3.13 cl (b) as proposed to include rural land connected as at proposed change notification and clarify assessment matters to give effect to policy	No additional	Clarity of policy avoids legal conflict and costs of resolving	No additional	Effective and efficient as existing rural connections covered and consent restrictions clear. Implements policy objective of mitigating increasing water shortfall risk to those communities reliant on the Council's CWS, under adverse WCD outcomes, by preventing growth beyond the level of existing connections
Issue 2: Out of date soil type groupings of irrigation rates in Figure 31.D and Map 236				
Option 1: Status quo No change	No additional	No additional	Risk of inappropriate irrigation rates applied to permits over some lands because of incorrect soils information of lands affected	Inefficient in relation to technically appropriate irrigation rates over some lands
Option 2: Amend figure of irrigation rates and soils information on irrigation rates map; and remove restriction on historical crop type for affiliated permits once WCD commences	No additional as the investigation and new information is a sunk cost	Likely improved efficiency in irrigation rates applied to lands under many permits	No additional	Improved efficiencies for irrigation rates applying over some lands and for flexibility in crop management for affiliated permits once WCD commences

Options	Costs	Benefits	Risk	Effectiveness/ Efficiency
Issue 3: Factually incorrect extent and allocation limits for Golden Hills and Redwood zones in event of with WCD scenarios				
Option 1: Status quo No change	No additional	No additional	Risk of inappropriate restrictions on a number of Golden Hills Zone abstractors in event of with WCD scenarios and so costs of resolving challenges	Inefficient and ineffective in relation to technically appropriate and consistent rationing for some abstractors and other restrictions through incorrect allocation limits in event of with WCD scenarios
Option 2: Amend extent of Golden Hills zone and Redwood zone for with WCD scenarios and amend allocation limits in rules and maps	No additional	Avoidance of inappropriate take restrictions in part of Golden Hills zone under with WCD scenarios	No additional	Both efficient and effective in imposing restrictions or not so imposing for part of Golden Hills zone under with WCD scenarios
Issue 4: Unclear displays and incorrect references to rationing triggers and minimum flows for certain Waimea Plains zones under the three WCD scenarios				
Option 1: Status quo: No change	No additional	No additional	Risk of incorrect permit renewal decisions being challenged or requiring review following rationing in certain WCD scenario and drought circumstances	Inefficient and ineffective in relation to technically correct and consistent rationing restrictions
Option 2: Amend displays of the rationing steps and trigger flows for certain Waimea Plains zones under the three scenarios in the tables of Schedule 31.C	No additional	Avoidance of inappropriate take restrictions for certain Waimea Plains zones under the three scenarios	No additional	Both efficient and effective in imposing appropriate intended rationing restrictions or not so imposing under with WCD scenarios
Issue 5: risks with achieving decisions on WCD within date stamp triggers in timeframe for starting the WCD transition, currently arising from securing land, financial close, and construction commencement				
Option 1: Status quo No change	No additional	No additional	High risk of amending process of granted permits if a WCD outcome changes (eg. no WCD to with WCD) after 1 November 2018	Ineffective response to risk of arriving at a with WCD or a no WCD outcome by 1 November 2018 for renewing water permits

Options	Costs	Benefits	Risk	Effectiveness/ Efficiency
Option 2: Consistent extension of the three date stamps for 12 months	No additional	Allows more time for Dam outcome to be determined. Reduced risk of cost of amending process for granted water permits if Dam outcome changes.	Substantial reduction in risk of needing to amend process for granted permits if a WCD outcome changes after the 12 months. Risk of drought response as extension of status quo (discretionary water shortage directions) for one further irrigation season in the event of a drought resulting in damage to the value of the Waimea River (compared with the more responsive alternative drought management restrictions applying)	Is able to be effective through adaptive consent renewal decisions within a longer time period

4 Conclusion

The options for the provisions preferred as being the most appropriate to achieve the purpose of the Change are Option 2 for each issue. This is for the reasons of:

- appropriate correcting of technical errors and updating provisions where more current information allows this; and
- appropriately clarifying the effect of unclear provisions, and
- mitigating decision risks concerning the fate of the Waimea Community Dam in relation to granting of renewal permits and restrictions on exercise of Council’s community water supply permits, where a no WCD outcome might change past the current first date stamp in the transition period.

Appendix: Section 32 Resource Management Act 1991 text extract

- (1) *An evaluation report required under this Act must -*
 - (a) *examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of this Act; and*
 - (b) *whether the provisions are the most appropriate way to achieve the objectives by -*
 - (i) *identifying reasonably practicable options for achieving the objectives*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives*
 - (iii) *summarising reasons for deciding on the provisions; and*
- (2) *an assessment under Subsection 1(b)(i) must –*
 - (a) *identify and assess the benefits and costs of the environmental, economic and cultural effects that are anticipated from implementing the provisions, including the opportunities for –*
 - (i) *economic growth that are to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
 - (b) *if practicable, quantify the benefits and costs referred to above; and*
 - (c) *assess the risks of acting or not acting if there is insufficient information about the subject matter of the provisions.*