

Meeting Thirty-Six Record

When: Wednesday 30 January 2017, 9:30am – 4:40pm

Where: Ellwood Function Centre, 12 Otene Road Hastings 4172

- Note: this meeting record is not minutes per se. It is not intended to capture everything that was said; rather it is a summary of the proceedings with key comments noted. *Text in italics indicates a response from HBRC to questions posed during the meeting.*
- *Where additional information has become available subsequent to the meeting (such as answers to questions unable to be answered in the meeting), this is included in red italics*

Key to text boxes

	Actions required
	Recommendations
	Decisions, agreement/disagreement

Meeting Objectives

1. TANK Programme 2018 Update
2. Agree to proposed mapping of Zone 1 to incorporate in draft rule
3. Agree to application of proposed calculator in draft rule for stream depleting groundwater
4. Agree drafting instructions for water allocation and priority

AGENDA ITEMS

1. Welcome and karakia

Robyn Wynne-Lewis greeted everybody and opened the meeting with a karakia.

2. Apologies, housekeeping, Agenda, meeting objectives and notices

- Housekeeping matters covered.
- Apologies were confirmed (see attendance table above).
- The meeting agenda and objectives were outlined.
- Ground rules for observers confirmed.
- Engagement etiquette was covered.
- Review of minutes and actions from meetings 33, 34 and 35 deferred until later in the day
- Open floor for TANK members for notices and announcements.

3. Notices

A member asked that the group understand this is a busy time of year for the primary sector.

4. Update TANK programme/WCO - James Palmer Chief Executive, HBRC

James Palmer spoke to the Group of the anticipated 6 months ahead and thanked everyone for their commitment to date. He explained that the Draft Plan Change would not be the final document, and that the product was actually the collaborative process itself. James explained that the plan change itself is going to take some time to work through (maybe 2-3 years until it becomes operative) and wanted the Group to be aware of the timeframes ahead. There remains a strong commitment from the Regional Council towards undertaking non-regulatory work whilst the Plan Change is developed, and that this non-regulatory package being developed would be one that the community would embrace.

5. Special notice from HBRC Chairman Rex Graham - Karamu Action Group

Rex had a few words to offer to the Group around the 'Karamu Action Group' which he is developing. This would be a group of stakeholders committed to delivering non-regulatory actions which would enhance the Karamu River and deliver clean water in the streams whilst maintaining a vibrant economy. This would run alongside the TANK process.

6. TANK programme for the next 6 months - Tom Skerman

Tom Skerman (Group Manager Strategy and Policy, HBRC) then got up and spoke about the WCO special tribunal and the timelines associated with this which has allowed for the TANK Group to deliver what it thinks is the appropriate management regime for the catchments. Tom explained that as a result of the WCO requirements the TANK process is fundamentally out of time and the draft needs to come to a conclusion by June 2018. For the Group this would mean that they would be making decisions under uncertainty, but it is not expected that the draft would deliver all the answers, but would be built on an adaptive management regime, with importance placed on non-regulatory actions. The key being to optimise the collective principles that the Group want to deliver on (not individual expectations).

Tom explained to assist in delivering the Plan Change we have Nazlee Josephs who will be ensuring we get information to the Group in time, and Joella Brown will be assisting with providing cultural values and knowledge. Ceri Edmonds has taken over Desiree's role as project manager.

Questions/comments:

A member thanked Tom for his frank delivery. He queried the deadline to deliver a report to the Tribunal by the end of January

Tom – this update related to the science plus an outline of the TANK process and confirmation that the Council are open to ongoing discussions with the applicants.

There was discussion around the segregation of TANK (all catchments) from the WCO which is focussed on the Ngaruroro, there was comment that not a lot of focus had been made on the Tutaekuri

Tom – explained that TANK Group will be delivering the TANK Plan Change in tandem with the WCO, but will not be purely focussed on the Ngaruroro.

James – The WCO cannot segregate the Ngaruroro from the other rivers as they are interlinked by groundwater. He noted that there is still more work to do on the Tutaekuri.

A member commented that the TANK process was largely developed to align with consent expirations in 2018, the WCO distorts this now.

James – WCO timetable broadly aligns with the TANK programme. Noted that this is an opportunity to demonstrate the hard work of the Group over the 5 years, demonstrate that the Group has done enough to make good judgments.

He also noted that he felt the economic impacts had been poorly covered, not heard from the Primary Industry regarding the impact on business

James – Acknowledged this. This will be the focus over the next few months. Economic modelling has to come at the end of the process.

A member queried how TANK should be viewing the afforestation challenge

James – there should be a focus on outcomes e.g. science on instream ecology health indicating what is acceptable sediment loss for the region. In parallel there will be the Implementation Plan with financial resources committed through the LTP and Central Government co-investments, as well as individual land owners showing willingness.

James commented that it is vitally important that people don't hold back. They need to put on the table what their views and concerns are (and not wait until the Environment Court). This is an 80-20 game, there will always be uncertainty and imperfect information – it's about what is good enough based on the science and information that we have before us.

7. Food Security Presentation - Lesley Wilson (Information item)

Lesley presented some slides on food security and the gaps within NZ legislation around this, drawing on comparisons elsewhere in the world. She explained that food security is interlinked with water security. She suggested that irrigation for food production should be given the same priority as stock and health.

8. Stream Depleting Groundwater Takes Within Zone 1 - Jeff Smith

Jeff Smith presented a number of maps, firstly identifying the Zone 1 area and those areas where the model has low confidence and then the proposed recalibrated model for Zone 1. This new Zone 1 proposes to incorporate 26 consents which were deemed previously to be 'not stream depleting'. There are also 122 consents that are currently treated as directly connected to surface water bodies, but the modelling has identified as excluded from Zone 1. A report had been pre-circulated to the Group in advance of this meeting for review and consideration.

Jeff presented recommendations to the Group for consideration and adoption.

Questions/comments:

A member queried the swathe of green triangles?

Jeff – These are currently regarded as directly connected to surface water bodies (specifically, the Raupare for the consents the member is referring to). Pawels modelling considered all streams but 400m rule is relating to parts of the Ngaruroro and Tutaekuri Rivers where there is lower confidence in the model results.

Do we know how much water the 26 consents are actually taking? If on ban, how much impact does it have on the river? Are they having a discernible effect? This could put them out of business.

Jeff - Don't think we need to know the amount of water. Those consents are located within the zone and were probably left out due to the age of the consent. They have an opportunity to provide an independent assessment to prove they are not stream depleting.

James noted that SkyTEM is within the LTP and will provide a stronger scientific assessment and evidential base

Action: Assess impacts of changes in classification of the point of take to another zone for all consents that might change

Concern was raised to the inequity of changing the rule for the 26 consents and queried how the change would come into effect.

Jeff suggested that upon expiry/renewal of the consent they may then be in Zone 1 and therefore stream depleting. The requirement for stream depletion assessment would have happened anyway, upon consent expiry.

A member commented that the Zone had stretched, and now includes those areas where the model has low confidence.

Jeff – explained that the 400m in the maps is the same as RRMP. There is modelling uncertainty and this provides a solution to this, ultimately it is up to the Group to make a decision on this.

Mary-Anne – explained that it is about managing effects. We are confident of the geology (that these would be stream depleting) not confident of the model. The science shows the 26 should be within Zone 1 but accept that it may have an impact.

It was questioned whether the 400m zone is based on science

Jeff – suggested this is likely an arbitrary number developed for the regional plan therefore there is an ability to provide an independent assessment.

A member stated that this could cost in excess of \$30,000 for each bore. He queried whether we are dealing with a 'flat' map, or actual maps including depths. He felt scientific assessment will also have an impact on those (other bores) around the bore.

Jeff – The modelling did consider different depths, in that it is a two layer model. Depending on location in the Plains, the upper Layer 1 has depths of 20m to 100m below ground. Layer 2 is between 50 m and 100 m thick, so the model simulates stream depletion to a maximum depth of 250m. Stream depletion in both layers was very similar. He noted that he is happy to speak with anyone who felt they should be excluded.

A query was raised whether there would be a mechanism to move the allocation limit

Mary-Anne – will need to review all existing consents according to this framework

Action: Need a mechanism for those treated as a river take but actually a groundwater take to measure what the new allocation limit will be

A member commented that there needs to be a mechanism to allow for consents to come in/out There was discussion around the designation as a stream depleter and how they move in/out without added expense. Mary-Anne noted that this was a policy drafting issue.

Action: Due to low confidence in the model need a protocol to allow for consents to 'move'.

The Group discussed the recommendations which were presented. The Group were asked to vote in respect of each recommendation (Agree; Agree with Conditions; Disagree & Why; Abstain). This was noted on the whiteboard and collated as an appendix to this meeting record, incorporating staff responses.

9. Pawels Calculator – Pawel Rakowski

Pawel presented the online tool for measuring stream depleting impacts on the rivers within the catchment and how costs may be apportioned to the water takes.

(Note: there was an error on the slide titled 'response functions' (Page 21) this should read 45 l/s depletion, not 5l/s).

Questions/Comments:

A member asked what rate of input this should be. He suggested this should be average actual used, and noted that anyone who is already on telemetry would have this readily available.

It was queried whether everyone is going to buy in to the augmentation scheme. Pawel noted that the calculator could be applied to multiple augmentation schemes, and whilst we are unclear on how it would work in practice the tool allows for cost to be allocated proportionally to users.

Pawel clarified that the red bars in the graph is the total depletion from all rivers.

A member commented that the timing and size of the stream depletion effects would need to be accounted for and that the model would need to be sophisticated enough to deal with the differences

Pawel said the calculator allowed both long and short term impacts to be modelled for urban takes.

One member asked that water users be given choices/options for alternative mitigation measures

(The Group broke for lunch).

Following lunch the recommendations were discussed within the Group and as before the Group were asked to vote in respect of each recommendation (Agree; Agree with Conditions; Disagree & Why; Abstain). This was noted on the whiteboard and collated as an appendix to this meeting record, incorporating staff responses.

10. Water Allocation, Priority Allocations – Mary-Anne Baker

Mary-Anne explained to the Group that this item builds on discussions from previous meetings. A report had been pre-circulated to the Group in advance of this meeting for review and consideration.

The Group had considerable discussion around the ability for the plan to prevent water bottling above other users. Mary-Anne questioned the Group about what makes water bottling different from other uses? If the Group felt that it was different than other industrial or commercial end uses then they needed to be clear about how, so this could be written into policy and consents.

Questions/Comments:

It was suggested that water bottling was not time bound – *Mary-Anne countered that should all industries that were not time bound be imposed with similar restrictions? How does it become relevant when looking at an annual allocation?*

One member suggested restricting allocation for bottling at times where water is limited for other users e.g. summer

Mary-Anne - What criteria would water bottling not be meeting? Need a clear reason why they should be excluded.

A member made it clear to the Group that under the RMA the TANK process could not manage social engineering, it could not pick winners and losers in that way, and it is purely about assessing the environmental effects.

It was questioned if this was not an issue which the Group could manage then who? *This would need to be managed at Central Government level.*

There was discussion about management of urban water supplies within the proposed priority recommendation. It was sought that it be extended to cover community supplies and papkainga water as well. The need for efficient water use in urban networks was sought. A request to the local authorities for more information about how they manage water was sought.

Action item: More information to be provided from the urban water supply managers about water efficiency and water management programmes
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The Group was asked to vote in respect of each recommendation (Agree; Agree with Conditions; Disagree & Why; Abstain). Comments were noted on members' papers and collected after the meeting. These were then collated as an appendix to this meeting record, incorporating staff responses.

11. Surface Water Allocation – Malcolm Miller

Malcolm gave a presentation on Existing Use, this followed on from his previous presentation at Meeting 36 in November 2017. A report had been pre-circulated to the Group in advance of this meeting for review and consideration. Some corrections were needed to the agenda paper - in paragraph 4 and the footnote on page 33 reference was made to consented allocated volume as being 2.9 million cubic metres – this should be 3.9 million cubic metres.

Questions/Comments:

A member questioned what is actually used

Malcolm – noted that 26% of the allocation was actually used last year, but this was not a dry year. Currently allocated for a 1/5 year drought. For groundwater there was no allocation previously, but we now have the science to enable this.

He also suggested that we need to look at capping allocation of surface water

Malcolm – noted that we are looking at allocating based on minimum flows rather than an annual average, summing the total taken from the river. As consents are renewed council would be asking for details on what they are actually taking and asking why they can't be more efficient if usage is less than the allocated amount
(Member– assuming people have the records)

The sinking lid was questioned and the augmentation of the Ngaruroro and lowland streams - whose allocation does this come out from?

Malcolm explained that the augmentation could come from storage to sustain the flows in the Ngaruroro. As an example Twyford haven't asked for more water they are using some of their allocation to augment the Raupare.

Action: Augmentation Group may come back with some concepts (TBC)

It was queried whether there was a timeframe for the sinking lid

Malcolm explained that there is currently discussion on how this would be incorporated within the Implementation Plan. James suggestion of 3 years for the Plan to become operative, and consents team are watching those consents which are expiring up to 2026. The Group could recommend to Council to look at reviewing the expiring consents prior to this. There would be an expectation at consenting stage for applicants to demonstrate a timeline and requirement for water.

Comment was made that there needs to be a mechanism to make water transfer easier where it is not being used. *Malcolm noted that he was comfortable with this so long as this was not impacting on the allocation or rate of take.*

12. Groundwater Allocation – Malcolm Miller

Malcolm continued with his presentation on groundwater.

Questions/Comments:

A member questioned what happens if we go over the 90 million, if consent holders exceed this?

Malcolm noted that there was an annual allocation on each consent to address this. **He also noted that it would be helpful to have a values base applied.**

A member queried whether there were guidance notes on efficient use and asked what is going to guide the judgement behind “is water needed”.

Mary-Anne noted that there will be standards written into the plan to outline what is ‘efficient’ and highlighted on page 38 of the pre-circulated report that there was an example of how the judgment could be dealt with. She noted it would be helpful if anyone has further suggestions that they share these with her.

A member noted that he is struggling with having confidence that the existing consents fall within the 90 million m³. He was of the opinion that as council sequentially review the consents they will need to be cut in half to fit within the allocation limit.

Mary-Anne noted that 180 million m³ is a pretty coarse calculation and this would be drawn back by putting actual use on consents as they are reviewed. 90 million m³ is still provisional, an estimate modelled off patterns of use.

A concern was raised that there will be a rush of consents being renewed in 2018.

Mary-Anne explained that a rigorous approach is being applied to the re-issue of consents. There will need to be policy around what happens whether we have hit the 90 Mm³ or are above or below that limit and noted that timing is an issue as consents are renewed at different times.

13. Efficient Use – Malcolm Miller

Malcolm presented slides relating to efficient water use and allocation. He noted that there is also SPASMO available as a tool and HBRC are currently getting this updated. Irricalc is online.

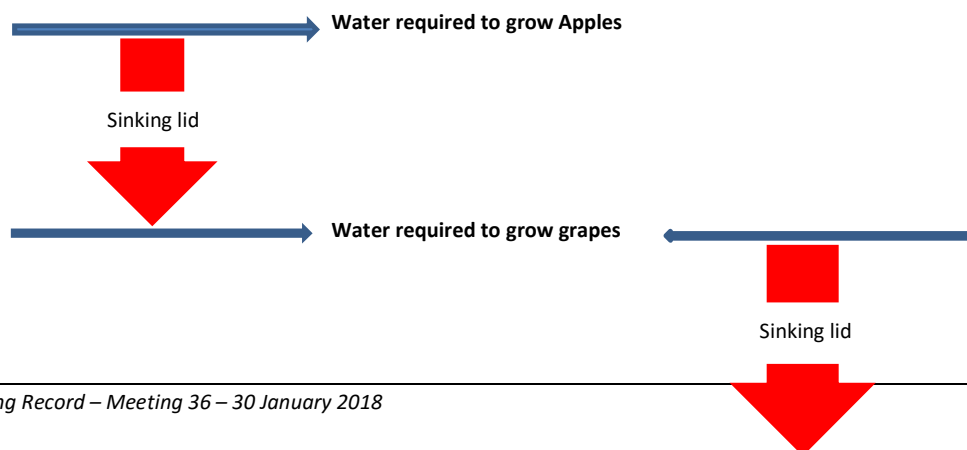
A member noted that whilst Irricalc is very informative as currently presented there would be 5,000ha of land which is currently in grapes, under the policy proposed in the future would not be able to be used for any other uses, including grapes. Irricalc is allocating 1/3 of the water which they would require.

Mary-Anne agreed that this is a consequence of setting limits. Could change the land use but would have to irrigate only 1/3 of the land.

It was highlighted that this is a problem with the global limit of 90 million m³. Not advocating that this be changed but want people to be aware of the consequences.

Malcolm noted that there is an opportunity for storing water to address this.

A member notes that there needs to be a clear policy on the what the sinking lid (he explained his interpretation of this as shown in the diagram below)



Can't function
Can't grow anything

Malcolm noted that if a consent holder doesn't need all their water e.g. 10% the water doesn't go anywhere else, it just changes the allocation. The cumulative amount reduces down.

A member stated that he could not agree on the 80% efficiency for municipal takes as there are no measures or mechanisms to understand what this means for urban takes.

It was suggested that Recommendation number 18 be changed. Replace 'removal' with 'no changes'.

The Group was asked to vote in respect of each recommendation (Agree; Agree with Conditions; Disagree & Why; Abstain). Comments were noted on members' papers and collected after the meeting. These were then collated as an appendix to this meeting record, incorporating staff responses.

14. Minutes – Meeting 33, 34 and 35

Robyn explained to the Group that some minor edits were required to be made to the Minutes, but that the content would remain the same. The Group agreed that the minutes were an accurate reflection of the meetings and they were accepted as read (subject to the minor edits being made).

Summary of Action Points

ID	Action item
36.1	Assess impacts of changes in classification of the point of take to another zone for all consents that might change
36.2	Need a mechanism for those treated as a river take but actually a groundwater take to measure what the new allocation limit will be
36.3	Due to low confidence in the model need a protocol to allow for consents to 'move'.
36.4	More information to be provided from the urban water supply managers about water efficiency and water management programmes
36.5	Augmentation Group may come back with some concepts (TBC)