Combined hui - Tairāwhiti Freshwater Planning & Waipaoa Catchment Plan ADVISORY GROUPS

Joint hui agenda, minutes, and actions
Hui #11
Held at Waikanae Surf Club, 9 October 2024 at 09:00am

Advisory Group facilitator	Dr Jill Chrisp
Advisory Group members present	Laura Watson, Seanne Williams, Colin Kerslake, Mere Tamanui, Owen Lloyd, Alan Haronga, Samuel Lewis, Grant Vincent, Stuart Davis, Tim Tietjen, Tim Rhodes, Nick Briant, Murray Palmer, Taylor Howatson, Hannah Kohn
Council	Janic Slupski, Oliver Vetter, Ariel Yann le Chew, Paul Murphy, Sarah Thompson, Katrine Ungco
	Adele Dawson
Apologies	Shanna Cairns, Bella Hawkins, Leo Kelso, Joss Ruifrok, Tash Irwin, Stan Pardoe, Dave Hawea, George Horsfall, Jacob Harrison

Agenda

Session 1 – Context 1.1. Karakia and whakawhanaungatanga • Welcome • Housekeeping • Minutes and actions from hui #10	**09:00**
Session 2 – Water Quantity: Regional policy direction 2.1. Regional policy direction • Recap • Te Mana o Te Wai and water allocation • Values based allocation • Mana whenua allocation • Addressing over-allocation • Municipal and community water supply	**09:10**
Lunch	**12:10**
Session 3 – Water Quantity: Waipaoa catchment 3.1. Regional policy direction • Recap • Minimum flows on Waipaoa River • Groundwater allocation – Makauri Aquifer • Timeframe and approach to reductions	**13:10**
Next Steps, Closing karakia	**15:00**

Supporting documentation

- **Report 1:** Water Quantity Management – Direction for Policy Development

- **Report 2**: Direction for Policy Development – Municipal and Community water supply
- **Report 3:** Water Quantity in Waipaoa Catchment – Summary and Update

Summary of actions

*Future Action *Refer to Parked List for summary* *Current task*

Notes:

- ***Each task is allocated a unique identifier e.g. T2 for ease of reference***
- ***The numbering continues from previous meeting minutes***

Task	Actions	Responsible	Due
T30	Provide proposed schedule for next year's meetings	Freshwater team	20 November
T31	Present and discuss in the November hui agenda the water supply solutions/options	Freshwater team	20 November

Minutes

Session 1 – Karakia and whakawhanaungatanga, next steps

1. The hui commenced at 9:05AM with an opening karakia. Staff noted apologies and outlined housekeeping matters.
2. The minutes and actions for both Advisory Groups held on 21 August 2024 were taken as read and accepted as an accurate reflection.
3. The Group agreed to staff's suggestion to postpone the field visit to Tangihanga to sometime next year.
4. Staff recapped the topics that both Advisory Groups have covered since 12 July 2023.
5. Staff outlined the agenda for the 20 November hui (also joint hui):
6. Staff explained that technical work is expected to complete at various times of next year. Technical work includes a region-wide sediment model (by March 2025), water quality expert panel (by June 2025) and water quantity (estimated timeframe yet to be determined).
    6.1. Question if Council is aware of the dispute over the methodology used for the region-wide sediment model. Staff are unaware of any disputes on the methodology but will reconfirm with Manaaki Whenua.
7. Members agreed to reconvene next year once various aspects of the technical work is completed.

Session 2 – Water Quantity: Regional Policy Direction

8. Staff introduced the focus of this session: to recap the Regional Freshwater Advisory Group discussions on water quantity, and to seek feedback on the proposed policy direction and next steps for each aspect of water quantity.

Regional Water Quantity Issues

9. Staff summarised the water quantity issues heard from Hui 7 to 9 for the Group's feedback:
    9.1. First in, first served allocation can be considered inefficient.
    9.2. Transitioning to any new management framework will be complex and could result in significant impacts on businesses and communities.
    9.3. Current approach may not give effect to Te Mana o Te Wai.
    9.4. Perceived ownership of water.
    9.5. Demand for water will/does exceed supply.
    9.6. Further information is needed to make decisions.
    9.7. Current allocation approach is inflexible.
10. Members provided the following feedback:
    10.1. The current approach (i.e. First in, first served) is not inefficient. Suggest changing "inefficient" to "unfair". Environmental impact assessment and cost-benefit analysis will be needed to justify why we're moving away from the first in, first served approach.

10.2. Agreement with point 9.2. One member suggested using incentives to support transitioning, such as moving to crops that don't require huge amounts of water.

10.3. Agreement with point 9.3, where the current approach does not consider the impacts on the environment.

10.4. A question was asked whether eels are used as determinant for Mean Annual Low Flow (MALF). Staff responded that longfin eel physical habitat requirements were used as an ecological indicator to inform the minimum flow setting in the current freshwater plan. They may also be used to inform the minimum flow setting requirements through discussion with the Water Quantity Expert Panel.

10.5. Agreement with point 9.7, where new users are unable to enter the market.

Limit Setting Methodology

11. Staff proposed retaining a broad approach in the TRMP, where specific limits would be set in the catchment plans, while the default limit methodology is reviewed to ensure alignment with Te Mana o Te Wai. The default limit applies to waterbodies that do not have bespoke limits.

12. Members provided the following feedback:

12.1. A question was asked about who will be aligning the default limit methodology with Te Mana o Te Wai. Staff responded that, as a first step, a local understanding of Te Mana o Te Wai (done through the catchment planning) will be required before any alignment can occur.

Te Mana o te Wai

13. Staff drafted the proposed expression of Te Mana o Te Wai as follows:

13.1. Firstly, provides for the health and well-being of water bodies and freshwater ecosystems, including mahinga kai species.

13.2. Secondly, provides for the health needs of people, including drinking water, primary contact and cultural immersion activities and mahinga kai gathering or practice.

13.3. Thirdly, provides for all other social, economic and cultural needs in the following order of priority, to the extent practicable:

- Social and cultural wellbeing
- Animal health and safety
- Permanent horticulture
- Annual horticulture
- Other economic uses that do not relate to growing plants or animals.

14. There is a consensus in supporting the hierarchy of obligations. Members provided the following feedback:

14.1. Current approach is unbalanced. Solution to current issues will involve those who do and those who don't benefit from the current approach. The challenge is that the Waipaoa catchment is overallocated.

14.2. Suggestion to further simplify the hierarchy: environmental at the top, then human health or people as second, and economic third.

14.3. While the hierarchy of obligations makes sense under normal circumstances, the first and second priority switches places when the region is in a state of emergency.

14.4. The first priority implies that mahinga kai species are now prioritised above other species in the environment. A member suggested using the term "taonga tuku iho", which would also include sensitive species.

14.5. Based on the context, should "cultural" be further clarified as "Māori cultural"? Using "mahinga kai" in the first priority but Te Tiriti is not reflected anywhere in the hierarchy.

14.6. A member asked why cultural immersion activities was included as the second priority. Staff responded that cultural immersion activities was noted in previous hui as part of supporting human health.

14.7. The third priority (and its order of priorities) does not reflect whakapapa to fit the other priorities in the hierarchy. There is also uncertainty of where agriculture should sit within the third priority's order of priorities.

14.8. The words "mana" and "mauri" should be reflected in the hierarchy of obligations.

Values based Approach to Allocation

15. Based on discussions in Hui 8 to decide a new approach to water allocation, the Group agreed for staff to further investigate the feasibility of implementing a values based approach. Staff noted, following legal advice, that a values based approach could be lawful.

16. Members provided the following feedback:

16.1. Several members are concerned with the associated complexity in implementation (for the consenting process and consent compliance assessment) and the cost from this approach.

16.2. A member asked for more information on how this approach works to better inform the discussion.

16.3. A question was asked whether the values identified through the catchment planning process for each catchment would be the values used in this approach. Staff confirmed that this is the case.

16.4. Work done by Professor Ruru and Judge Williams on allocation should be considered.

16.5. The risk associated with the enforcement of certain values, such as preference for highest economic value, may see the region losing its current rich diversity of crops. An example is seeing a surge of kiwifruit orchard dominating the crop variety in the region because of its high value.

16.6. Emphasis that balance is important. Economy is the lowest priority on the hierarchy, yet the sector uses the money made from its profits to undertake environmentally-beneficial projects (e.g. constructing wetland on the Taruheru River).

16.7. Preference for a trusted system/approach where water users are honest with their actual water usage.

16.8. Suggestion for the consenting process: moving away from common expiry dates, using a global consent approach to water allocation – where a group of water users will share an allocated water take among the group, but consented under one resource consent.

16.9. Question if a new user can still be allocated water through this approach, where most new users would be Māori that were initially financially disadvantaged and now wanting water. Staff commented that a land- or area-based approach, where water is allocated according to the land parcel size had been considered.

16.10. Considering that we are currently at maximum allocation, we actually need to get more water. Either take back unused water from consented users, or create new water to meet the demand.

16.11. Consider cascade cut-offs instead of hard cut-offs, which forces water users to work together.

Mana Whenua Allocation

17. Staff noted, following legal advice, that mana whenua allocation could be lawful. Staff shared the example of Northland Regional Council implementing mana whenua allocation in their region.

18. Staff proposed 3 options of how mana whenua allocation could work in Tairāwhiti:

18.1. Option 1: % of allocation for use by mana whenua.

18.2. Option 2: Allocation determined by mana whenua during catchment plan process in accordance with principles.

18.3. Option 3: Allocation based on developable Māori land.

19. Overall, members preferred option 2. Members provided the following feedback:

19.1. Only possible in catchments where there is still an excess of water – difficult for Waipaoa catchment where water is already overallocated.

19.2. Mana whenua allocation and how it works should be discussed with mana whenua – however this member disagreed with the idea of mana whenua allocation, when Council does not own water.

19.3. Comment on how Māori was a created word. There is a difference between mana whenua and tangata whenua – need clear definition.

19.4. A question was asked about who mana whenua allocation applies to – does it apply to individuals, or to a group (such as iwi or hapū)? There were members who view that individuals should be able to access mana whenua allocation as

long as they had contributed to an agreed fund (as per Northland Regional Council's approach).

19.5. Suggestion that, if equity is the concern, then should get a progressive, well-funded Māori group or iwi that takes the whole allocation. Staff responded that Council can't allocate to iwi – rather this mana whenua allocation is for anyone (or people who whakapapa to iwi in the region).

Addressing Over-allocation

20. Staff proposed to use a flexible framework that allows "new" water and set out principles for setting timeframes to reduce overallocation in the catchment plans. Staff noted that as a next step, the draft principles to address overallocation will be aligned with the scenario testing for the Waipaoa catchment.

21. Members provided the following feedback:

21.1. Discussions to date focused mostly on reducing water allocation and 5-year consent – when businesses such as horticulture sector are looking for longer-term consents and more water.

21.2. Observation on how Council operates in siloes; where this Group does not have the opportunity to discuss solutions for "new" water. Staff responded that the team has the role of developing a regulatory framework that considers the scenario of no "new" water to increase the supply.

22. Staff agreed to add to the 20 November hui agenda on solutions/options for "new" water.

23. The Group break for lunch at 12:18PM.

Regional Policy Direction (cont.) – Flexibility in framework, Water user groups

24. The Group reconvened after lunch at 1:06PM.

25. Staff went over the need for flexibility in the allocation framework for the management of "new" water and other alternative water sources. Staff also noted that there will be implementation challenges associated with integrating flexibility in the framework.

26. Staff outlined the requirements for water user groups or collective management, which was mentioned earlier in the session by some members.

27. A member suggested that Council could streamline the consenting process in support of the water user groups.

Session 3 – Water Quantity: Waipaoa Catchment

Policy Direction, Scenario Development

28. Staff introduced the focus of this session: to recap the Waipaoa Catchment Advisory Group discussions on water quantity, and to seek feedback on the proposed policy direction and next steps for each aspect of water quantity.

29. Staff summarised water quantity issues heard from Hui 7 to 9 for the Group's feedback:

29.1. **Waipaoa River** – MALF is 2,550 L/s, not 2,000 L/s.

29.2. **Makauri Aquifer** continues to decline and is now at the risk of saline intrusion.

29.3. **Waipaoa Gravels** and the **Shallow Fluvial Aquifer** are not as strongly linked to the Waipaoa River as previously thought.

29.4. **Te Hapara Sands Aquifer** appears to be relatively stable – but climate change will reduce recharge rate and increase the risk of saline intrusion risk.

29.5. **Te Arai River** – minimum flow required by 2026.

30. A member sought clarification on point 28.3. Staff responded that there are stronger connections between the Waipaoa Gravel Aquifer in close proximity to the Waipaoa River. As the Waipaoa Gravel Aquifer spatially distances itself further from the Waipaoa River the connection becomes weaker.

31. Staff proposed to retain the current water quantity zones:

31.1. Waipaoa River, Shallow Fluvial Aquifer and Waipaoa Gravels

31.2. Deep aquifers – Matokitoki and Makauri Aquifers

31.3. Te Arai River

31.4. Te Hapara Sands Aquifer

31.5. Taruheru River and Waikanae Stream.

32. Staff shared that scenarios for Waipaoa River and Makauri Aquifer have been developed, informed by science work, water use information and feedback from Hui 7 to 9. A range of different timeframes have been included, and supply measures were also included in recognition that demand management alone is not enough to address water constraints.

33. Members provided the following feedback:

33.1. Observation that the NIWA report noted that further work was needed. Staff responded that the expert panel will provide more clarity on what additional work needs to be procured and/or guidance for the policy development.

33.2. A member sought clarification on Project Wai, the purpose of the Project and who is leading the Project. Staff responded that Project Wai is an initiative looking to develop surface storage ponds throughout the Waipaoa Catchment area to store surplus water for use during droughts and other dry periods. Staff noted that, from Council, Consultant Amanda Langley is leading Project Wai as part of Council's Water Security Programme. Given the Group's interest, staff will look to invite Consultant Amanda Langley to present at the next hui.

33.3. A member questioned if Council had done work to confirm the existence of the offshore aquifer. Staff shared that further investigation found that there are discharges indicating the existence of the offshore aquifer. Staff noted that while Council has planned to estimate the offshore discharge rate, we are yet to be in a position to estimate this.

33.4. Need to have further discussion on all aspects of aquifer recharge: a member asked whether water injected into the aquifer would be the same volume available to be taken, and would this help to combat saline intrusion (options

could be recharging occurs at specific sites or we look at creating water barriers).

33.5. Comment that shallow aquifers should also be protected from saline intrusion.

33.6. A member asked if Council is investigating alternative use for wastewater other than discharging into the sea. Staff responded that the 3 Waters Team are currently investigating this.

33.7. A member shared research done in Belgium, where treated wastewater were discharged into sand dunes to improve water quality before injected into aquifer. Example from South Africa where treated wastewater was injected into the groundwater system for eventual drinking water purposes.

33.8. A question was asked about whether water users could contribute to MAR and therefore able to take from Makauri.

33.9. A question was asked about whether Council had historic data on water usage in peak summer. Staff responded that there is work underway to clean the data. A member volunteered to process and turn the data into a visual representation of the trend over a 12-month period.

Regional Policy Direction (cont.) – Municipal and community water supply

34. Staff proposed the following definitions of drinking water takes, noting that the take limit will be known once technical research is completed in 2025:

34.1. **Single household drinking water** (Permitted) – intention is for permitted drinking water take to be separated from other permitted non-drinking water takes.

34.2. **Small community water supply** – reticulated network that serves less than 50 households. Example communities used are Makorori and Waihau.

34.3. **Medium community water supply** – reticulated network that serves between 50 to 300 households. Example communities used are Tolaga Bay and Ruatoria.

34.4. **Municipal water supply** – reticulated network that serves the City and satellite townships.

35. Members provided the following feedback:

35.1. For point 33.1, if the permitted take could include at least up to 5 households, given that granny flats (i.e. secondary dwelling) will soon be a permitted activity and therefore increasing the number of households within a land parcel. Concerns that the new definition will inadvertently trigger more need for consenting of what should be a permitted activity.

35.2. A question was asked about whether "reticulation" should be in the definition. Not all marae are on the reticulated network, and not all communities are reticulated.

35.3. Suggestion was made about aligning the definition with the Water Services Act, which uses "people" as the denominator and not "households".

36. Staff proposed the following changes to the drinking water consenting framework:

36.1. Introduce policy direction for metering.

36.2. Retain current assessment stringency for new supplies, but reduced stringency for renewals.

36.3. Drinking water consents and non-drinking water consents should have different assessment criteria.

37. Staff sought feedback from members if water can be taken below minimum flow or level, if the take can demonstrate the take is to meet the health needs of the people (i.e. second priority).

38. Members provided the following feedback by reiterating the discussion had in points 14, in particular point 14.3. Further comments are as follows:

38.1. No opposition received on metering.

38.2. Suggestion that Te Mana o Te Wai only applies under normal circumstance; when the river/aquifer goes below water flow/level, then the first and second priority will be reversed.

39. Staff proposed 2 options for a robust and resilient municipal water supply:

39.1. Option 1: Enable investigation of an alternative source for the municipal water supply.

39.2. Option 2: Increase take limit of the Waipaoa River, with the intention to elevate the Waipaoa River as a permanent supply instead of its current role as an augmented supply.

40. Members provided the following feedback:

40.1. Option 1 and 2 should be considered together, with option 2 as an intermediary solution until option 1 becomes a reality.

40.2. Concerns were expressed that option 2 will be hindered by the Waipaoa Treatment Plant capacity to treat higher volumes needed.

40.3. Resilient supply should also include ensuring the infrastructure, such as pipeline, is resilient and not easily broken.

41. Staff proposed to revise the Demand Management Plan according to the scale of drinking water supplies. No feedback received from members on this approach.

42. Staff proposed implementing Drinking Water Protection Zones (DWPZ) that was first introduced as a proposed amendment to the National Environmental Standards for Sources of Human Drinking Water. There is currently no provision in the TRMP for protecting drinking water supply.

43. Staff sought feedback about whether DWPZ should be applied to waterbodies of known drinking water takes, or to all waterbodies to ensure the unknown drinking water takes are protected.

44. Members found that only the former option is feasible, however sought further details on how the consenting process would be triggered. A question was raised for the Waingake Dams, whether the DWPZ would include the forests surrounding the dams.

Closing karakia

45. The hui closed at 2:46PM with a karakia.

46. The next monthly hui for both advisory groups will take place on 20 November 2024.
