



**For now &
our future**

Mataura Water Conservation Order

Over-allocation project update

Presentation

- Introduction – Paul Hulse
- Background – Don Rule
- The science of stream depletion – Peter Callander
- Extent of over-allocation – Bianca Sullivan
- Resolving the over-allocation – Bianca Sullivan

The Maitara Water Conservation Order

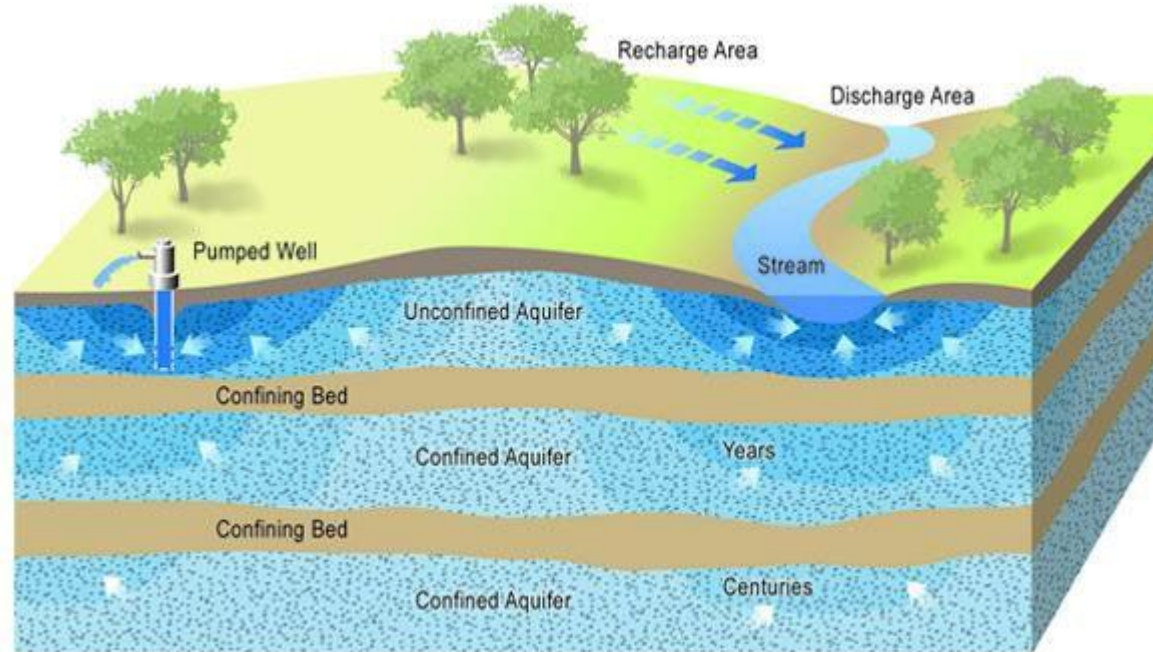
- The WCO applies only to protected waters:
 - the Maitara River from its source to the sea
 - the Waikaia River and its tributaries, the Otamita Stream, and all other tributaries of the Maitara River upstream of its confluence with the Otamita Stream
 - the Mimihau Stream and the Mokoreta River and each of their tributaries
- It requires that 95% of the flow remains in the protected waters above the Maitara Island Road bridge, and 90% below the Maitara Island Road bridge
- The Maitara catchment is overallocated upstream of Gore under the WCO and the proposed SWLP
- ES cannot legally grant replacement consents that are in over-allocated bands
- Consent reviews are proposed to address overallocation once a solution is determined in collaboration with affected consent holders & key stakeholders

How did this happen?

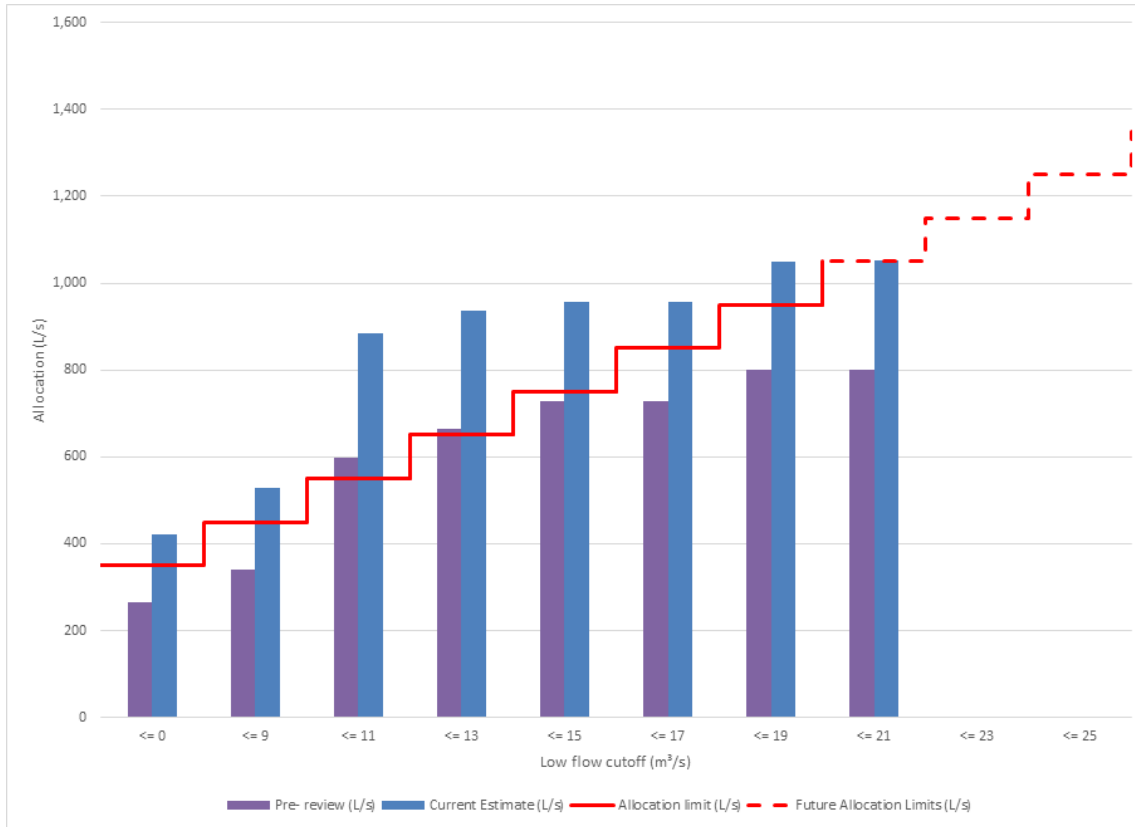
- An independent review concluded that individual consent decisions appear to have been made consistent with the WCO given the state of science, knowledge and plan at the time those decisions were made
- There were challenges keeping an increasingly complex database current over time – at some points this was not as up to date as it could have been
- The WCO does not specify that hydraulically connected groundwater takes are included in the allocation
- However, the proposed and operative plans require hydraulically connected groundwater takes to be included in the allocation

Stream Depletion

- Calculated figure
- Based upon best available data
- Not precise science - ever evolving
- Direct, high and moderately connected takes included in the allocation



Consented allocation



The over-allocation

- The allocation is calculated based on the maximum rates of take on water permits – it is a paper allocation and not based on actual water use
- The allocation upstream of the Gore recorder exceeds the 5% of flow allowed by the WCO
- The allocations are within the WCO limits downstream of the Gore flow recorder
- We estimate that 56 resource consents are affected by the over-allocation, which are held by 44 consent holders
- This is a conservative estimate – some consents may have a low connection and be removed following hydrogeology review
- Over-allocation is in the lower bands only (11 cumec cut-off and below)
- 31 consents have a moderate connection and no flow cut-off
- Water use varies between areas and uses, but averages <60% of the maximum rate

Options

- Do nothing = replacement and new consents would be issued in higher bands to be within the WCO allocation
- Address over-allocation, preferably by working with consent holders
- Any changes that need to be made to individual consents would be implemented by consent reviews

How consent reviews work

- A review is a formal RMA process, similar to a consent application process
- Commences with the issuing to consent holders of formal notices of review
- Notices of review are issued in accordance with the timing specified on individual consents (most provide for reviews between May and September)
- A review cannot have the effect of cancelling a consent
- The review will only address overallocation and is not an opportunity to address other issues with individual resource consents
- Costs will be covered by Council, except any independent advice sought by consent holders.
- Consent holders can propose alternative conditions and reviews, like resource consent applications, can be limited or publicly notified

A possible approach?

- We want to collaborate with consent holders
 - There are advantages to consent holders working as a collective
- Agree on some principles for resolving the over-allocation, for example
 - Solution has to be fair and equitable
 - Effort should be made to avoid the Environment Court
 - Everyone should retain a rate that's efficient for their use
- Initial agreement on the extent of over-allocation
 - Seek a common position on planning and legal interpretations
 - Confirmation of stream depletion numbers
 - Need to confirm consent information with consent holders, especially bore location
- Explore and agree on ways to reduce the allocation
 - Options include rate reductions, water user groups, alternative water sources
- Once approach is settled, issue notices of review to consent holders whose consents need amending

Next steps

- Consents holders to confirm whether they want to work as a collective
- ES and collective representatives agree to principles, next steps and timeframe
- ES will engage with individuals who do not join a collective
- Issue review notices between May and September 2022, as provided by consent conditions



Questions