



Tairāwhiti Regional Freshwater Planning Advisory Group – Hui 8

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Title of report: Water quantity management – limit setting

Report no: **1**

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Purpose of this report

This report provides information on the region wide “default” approach to setting environmental flow and take limits.

Outcomes sought

- Members of the Advisory Group understand the current default minimum flow and take limit methodology.
- Members provide feedback on incorporating Te Mana o te Wai into the default minimum flow and take limit methodology.

Getting ready for the hui

Please consider the questions in this report ahead of the next hui. This will aid the discussion at the hui.

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1. Background

1.1. Recap of previous hui

At the last hui on 24 April 2024, we discussed:

- the importance of water quantity in Tairāwhiti
- the requirements for water quantity management under the National Policy Statement for Freshwater 2020 (NPS-FM)
- current approaches and issues that may need to be addressed in the new Regional Freshwater Plan.

A number of key points were raised by the Advisory Group – these are summarised in **Appendix A**, with more detailed feedback captured in the minutes for Hui 7.

This report focuses on setting water quantity limits using a default approach which will apply across the region where specific environmental flow and take limits are not developed. It builds on points raised by the Advisory Group, particularly the need to consider how we give effect to Te Mana o Te Wai. The following session (and subject of Report 2) will build on other issues raised in the last hui around how we allocate water.

1.2. Regulatory context

The NPS-FM sets out requirements for managing water quantity. As part of this, Councils are required to set environmental flows for each Freshwater Management Unit (FMU), or parts of an FMU. Councils are then required to set take limits in order to meet environmental flow levels. These environmental flows and associated take limits need to give effect to Te Mana o te Wai and the environmental outcomes identified.

The Tairāwhiti Resource Management Plan (TRMP) review is being undertaken in different steps and this group is advising on matters that apply across the region. Catchment advisory groups such as the Waipāoa Freshwater Advisory Group and the Mōtū Catchment Advisory Group are working alongside Council to develop the environmental flow levels and take limits that apply to specific waterbodies within these Catchments.

2. Default environmental flow and take limits

2.1. What are default environmental flow and take limits?

Default environmental flow and take limits set the bottom line for abstraction to manage the level of alteration to river or stream flows. They also clarify water availability for potential water users. Default environmental flow and take limits are especially important where environmental flow and take limits don't exist.

The concept of default environmental flow and take limits was discussed nationally in 2008 when the Ministry for the Environment was developing proposed regulations that sought to prescribe the process for establishing these limits in regional plans.

The proposed national regulations included interim limits that were to apply to all waterbodies not specifically addressed in a regional plan process. The regulations were never formally

introduced; however, this body of work was, in part, used by Councils and is still relevant to limit setting today.

The TRMP includes a default methodology for determining environmental flow and take limits for both surface water and groundwater. It specifies the following limits (where no limits in a catchment plan apply):

- where a river or stream is identified as an Aquatic Ecosystem Waterbody, the minimum flow level is to be set at no less than mean annual low flow (MALF)
- for all other rivers or streams, the minimum flow level is to be set at no less than 90% MALF
- the take limit is the greater of:
 - for rivers and streams and groundwater that has a direct hydraulic connection to surface waterways 30% of MALF, or 30% of annual average rainfall recharge of groundwater that does not directly affect a river or stream; or
 - the total allocation on the date the decision on the Freshwater Plan is released.

2.2. Is the current TRMP approach appropriate?

As the TRMP was developed prior to the NPS-FM 2020, the current default methodology is required to be reviewed and amended in order to give effect to the current NPS-FM.

The NPS-FM and the objective of Te Mana o te Wai prioritises the health needs of freshwater and freshwater ecosystems, followed by the health needs of people and lastly the social, economic and cultural wellbeing of the community.

The current TRMP default methodology may not specifically align with this hierarchy. For example:

- the environmental flow levels may not provide for ecosystem health as described in the NPS-FM and implemented in Tairāwhiti.
- the take limits may “grandfather”¹ allocation that does not provide for ecosystem health.
- there is no prioritisation of human health needs in the take limits.

Council will obtain expert advice on the current TRMP method to determine what changes (if any) are required to ensure the health and well-being of waterbodies and ecosystems will be provided for. However, advice is sought from the Advisory Group to inform this process and better understand the second and third obligations of Te Mana o te Wai.

2.3. Advice sought from Freshwater Advisory Group

To assist Council in reviewing the current default methodology, we seek advice from the Advisory Group on what should be accounted for in each of the three Te Mana o te Wai

¹ Grandfathering refers to determining historical usage or allocation for existing consent holders and protecting that allocation in a new allocation framework.

priorities.

Each priority is discussed below, along with guidance on things to think about ahead of our hui.

First Priority: Health and well-being of waterbodies and freshwater ecosystems

To assess whether the default methodology provides for the health and wellbeing of waterbodies and freshwater ecosystems, we need to understand what providing for their health means. Alongside Council's collection of science-based evidence, the Advisory Group is asked to provide their local experiences and mātauranga to assist in developing this understanding.

Questions to think about prior to the hui are outlined in the box below.

Questions for the Advisory Group

- ❖ Do you have personal observations/mātauranga about the impacts of river flows on indigenous species or their habitats.
- ❖ Are you aware of locations of ecological stress or degradation that may be linked to water abstraction.
- ❖ Are there specific indicator or 'kaitiaki' species that should be used to assess proposed limits?

Second Priority: Health needs of people

The current TRMP default method does not recognise this second priority of Te Mana o te Wai. It is also not clearly defined in the NPS-FM what the health needs of people includes. It is clear that this includes drinking water, however the Ministry for the Environment advice states that Councils need to actively engage with communities to understand what these needs encompass. Examples of other possible "needs" are:

- other uses associated with municipal takes - in practice it can be difficult to draw a distinction between final uses.
- mahinga kai.
- swimming and other contact with water, such as cultural practices that require immersion.

Once it is clear what is to be provided for to meet human health needs, these needs can be quantified or qualified and addressed appropriately in the default methodology.

Questions to think about prior to the hui are outlined in the box below.

Questions for the Advisory Group

- ❖ Should mahinga kai gathering and other immersion or contact recreation activities (such as swimming or cultural practices) be considered human health needs?
- ❖ Are there indicators or measures that should be used to understand if these needs are being met?

Third priority: Social, economic and cultural wellbeing

The third priority of Te Mana o te Wai relates to all other social, economic and cultural values. In the context of water quantity limits this may include flows required for recreational use, aesthetic values or take limits to enable abstractive uses for economic purposes.

A greater understanding of how the community values the social and cultural benefits of water quantity will assist in developing a default methodology.

Questions to think about prior to the hui are outlined in the box below.

Questions for the Advisory Group

- ❖ The third priority for water use is broad and could include recreational use, irrigation, commercial use, garden watering, animal drinking water and other cultural uses.
 - When considering social and cultural well-being, what water uses or activities should be considered when setting limits and making allocation decisions?
 - Would providing for ecosystem health and the health needs of people also provide for these uses/activities?
 - Does the Advisory Group have a view on if any of these “third tier” uses should be prioritised over others? If so, which uses have the highest priority?

3. Conclusion and next steps

This paper has presented the information necessary to understand the current default minimum flow and take limit methodology and sought feedback on incorporating Te Mana o te Wai.

In the next session, we will be discussing options for allocating water between users.

4. Appendix A - Recap of Hui 7

At the last hui on 24 April 2024, we discussed:

- the importance of water quantity in Tairāwhiti
- the requirements for water quantity management under the National Policy Statement for Freshwater 2020 (NPS-FM)
- current approaches and issues that may need to be addressed in the new Regional Freshwater Plan.

From the Advisory Group discussions, a number of key points were raised, which included:

- **Giving effect to Te Mana o te Wai**
 - need to recognise water has mauri and wairua.
 - consideration of ecosystem health needs but tension with the economic reliance on water.
- **Allocation equity**
 - difficult for new water uses to enter the system.
 - allocations should not be sold.
 - first in, first served needs to change.
 - trial different approaches to allocation in catchments that are not over-allocated.
 - allocation should support local interests rather than being exported out of the region.
- **Challenges of transitioning to a new framework**
 - impacts of reduced water availability have potentially significant impacts on local businesses and community wellbeing, not just those who hold water permits.
 - larger businesses can absorb impacts better than small business.
- **Lack of information about water use**
 - insufficient information about domestic and industrial uses.
 - we don't know if water is being "wasted".
- **Current limits and methods are too "blunt"**
 - the water quantity framework could be more nuanced or sophisticated to better represent how water is used and when it is required.
 - a more dynamic systems is needed.
- **Innovative solutions**
 - we need storage, alternative use and disposal (AUD), aquifer recharge as part of the solutions.
 - considerations of using stormwater to recharge aquifers.
 - view other "problems" as potential solutions.