

# Questions and Answers: Proposed Waiau River Moratorium

## 1. What area and interests will be affected by the moratorium?

The proposed moratorium applies to the entire Waiau River and connected groundwater.

The Waiau River is one of seven major alpine rivers within the Canterbury region, and the largest water source within the Hurunui-Waiau Water Management Zone.

Water is taken from the Waiau River for community drinking and stockwater supplies and for irrigation, mostly on the Amuri Plains. It is also popular for recreational activities. The river is the habitat for a variety of rare and threatened species. The catchment is in the tikawa of Te Rununga o Kaikoura, and wetland values, water quality and integrated water management are of particular importance to rununga.

The size of the catchment – some 3310km<sup>2</sup> – means that the river yields a substantial flow. The water take from the Waiau River is at its maximum. However, the combination of catchment size and flow characteristics means the Waiau River can provide a substantial volume of water for harvest and storage. Interest has already been expressed in the use of additional water from the Waiau for irrigation and hydro-generation.

## 2. Why is the Government in favour of a moratorium for the Waiau River?

The Waiau and the Hurunui catchments are inter-connected, as they have the potential to serve as dual sources of water for activities located in the area.

The Canterbury Water Management Strategy takes an integrated approach to their management, through the mechanism of a Hurunui-Waiau Water Management Zone. Environment Canterbury is consulting with local community groups on the preparation of Environmental Flow and Water Allocation Plans for the combined catchments.

The Government recently approved a similar moratorium for water takes in the Hurunui catchment. A complementary moratorium on water takes from the Waiau provides time for Environment Canterbury to establish an integrated planning framework for the Zone.

### 3. What does the Waiau moratorium mean in practice?

New consents to take and use water from the Waiau will not be able to be granted during the time of the moratorium (from 6 December 2010 until 1 October 2011). The moratorium will not affect takes for reasonable domestic needs, animals' drinking water or fire fighting purposes. Because these activities do not require consent, they will not be caught by the moratorium.

People with consents that come up for renewal during the moratorium are entitled to continue to take water until the moratorium is removed under the provisions of the Environment Canterbury Act.

The proposed moratorium timeline is as follows:

What	When
Waiau moratorium takes effect	6 December 2010
Waiau-Hurunui Environmental Flow and Water Allocation Plan publicly notified	September 2011
Waiau (and Hurunui) moratoria end	1 October 2011
Consents can be granted for water takes in the Waiau (and Hurunui) catchments	April 2012

### 4. What factors were considered by Environment Canterbury when proposing a moratorium?

The Environment Canterbury Act sets out what must be considered in determining whether to impose moratoria. These are:

- Criterion 1. The vision and principles of the Canterbury Water Management Strategy as set out in the Environment Canterbury Act; and
- Criterion 2. The extent to which freshwater in an area is subject to high or increasing demand or to diminishing water quality or is fully allocated, nearing full allocation, or over-allocated; and
- Criterion 3. Any other matter.

It is Environment Canterbury's assessment the Waiau catchment meets the criteria in the Act, particularly as it is nearing full allocation, and its remaining potential is otherwise the subject of potentially competing interests.

The use of moratoria is not subject to the consultation provisions of the Local Government Act but does require prior approval from the Minister for the Environment.

Environment Canterbury considers the moratorium should apply until there is a clear planning framework in place for water quantity in the inter-related Waiau and Hurunui catchments. Interim, complementary moratoria provide the most effective basis for integrated management over the longer term. Environment Canterbury considers that will occur once Environmental Flow and Allocation Plans for both rivers have been notified.

## **5. How will the proposed moratorium affect the work of the Hurunui-Waiiau Zone Committee and the Regional Committee established under the Canterbury Water Management Strategy?**

The moratorium will provide time and space for the Canterbury Water Management Strategy committees to collaboratively develop a water framework for the area without the pressure of resource consent water applications.

The storage of water from the major alpine rivers underlies the Canterbury Water Management Strategy. Stored water is a key part of improving environmental flows, addressing groundwater over-allocation, incentivising efficiency and land management improvements, and providing a new more reliable source of water for irrigation.

The Hurunui-Waiiau Zone Committee is scheduled to have produced a draft zone implementation programme by March 2011, and the regional committee will work towards a context document on regional infrastructure.

One of the main roles of the Canterbury Water Management Strategy Regional Committee will be to assess the seven water supply options identified in the Canterbury Water Management Strategy Framework document (released in November 2009).

## **6. What major consents will be affected?**

There are 18 consent applications to take water currently lodged with Environment Canterbury. It is likely the most recent consent application will be granted before the moratorium takes effect. Of the 17 consent applications remaining, 3 were lodged in 2010 and can be granted before the moratorium takes effect if the applicants accept the consent conditions they have for consideration. The other 14 consents are from 2009 and 2008 and are either on hold at the applicant's request, subject to further information requests or subject to the applicant's decision to proceed as the applications will require a notified hearing. Environment Canterbury will be speaking with all effected consent applicants to discuss their individual situations.

## **7. What does the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 do?**

The Act achieves two main functions:

(a) it provides for the replacement of the elected members of the Canterbury Regional Council with Commissioners who will act as the Council's governing body until new elected members come into office following the next election (2013); and

(b) it provides the Council with certain powers that it does not otherwise have to address issues relevant to the efficient, effective, and sustainable management of fresh water in the Canterbury region.

The Commissioners have been given three broad additional powers:

- The Commissioners have been given the power to fast-track the completion of the regional plans in Canterbury. This means that appeals on the plan will be limited to points of law to the High Court and not to the Environment Court. This is necessary to get a plan in place and operating.
- The Commissioners have been given the power to provide a targeted moratorium on water take consents in areas that are, or are near to being, fully allocated, subject to the approval of the Minister for the Environment. The purpose is to enable a constraint on new water takes in areas under pressure until a proper water plan is in place.

Thirdly, the Commissioners have been given the power to determine water conservation orders in the Canterbury region under new criteria including the Canterbury Water Management Strategy and Part II of the RMA. These would otherwise go to a Special Tribunal appointed by the Minister for the Environment and be subject to decisions of the Environment Court. Final decisions remain with the Environment Minister.

The Environment Canterbury Act also gives formal legal status to the Canterbury Water Management Strategy and requires the Commissioners to give formal recognition to the Strategy in their decisions on the regional plan and water conservation orders in the region. The government believes that the inclusion of the Strategy in legislation will ensure that any decisions that Commissioners make on the planning framework are taken in the context of this well-supported expression of community aspirations.

Under the Act Commissioners are still subject to all the rules and processes as set out in the Resource Management Act 1991 and the Local Government Act 2002.