

# Clarifying Residual Flows for Water Takes – Developing a Plan Change

## Summary of Community Consultation on Issues and Opportunities

### Introduction

This report summarises the feedback received from the first stage of public consultation to identify issues and opportunities in the development of Proposed Plan Change 1D: Flow Requirements for Water Takes. This is the first of four stages of public consultation that will occur to develop a plan change before it is formally notified 2018.

The feedback identified elements of the existing Water Plan and surface water permit application process that cause concern for people, areas of existing confusion and suggestions for how to address the objectives of this plan change.

This feedback is used to assist Otago Regional Council (ORC) staff to identify a range of options for the plan change.

### Consultation process

The information available on the ORC website and at the drop-in sessions included a quick fact sheet which explained the purpose of the upcoming plan change, a diagram illustrating the consultation and plan change process, an overview of how flow requirements currently work in the plan, and a handout of the current water plan provisions for flow requirements.

A feedback form was available that could either be filled in on the day or taken home to fill in at a later time. The key questions from the feedback form were also presented as large A1 posters, and participants were invited to provide feedback to these questions on the day by writing their comments directly on these.

Informal drop-ins on the identification of issues and opportunities for the plan change were held from 1pm-3pm and 6.30pm – 8pm in six locations across Otago at the end of February:

- Oamaru, Monday 20 February
- Ranfurly, Tuesday 21 February
- Cromwell, Wednesday 22 February
- Arrowtown, Thursday 23 February
- Balclutha, Friday 24 February
- Dunedin, Monday 27 February

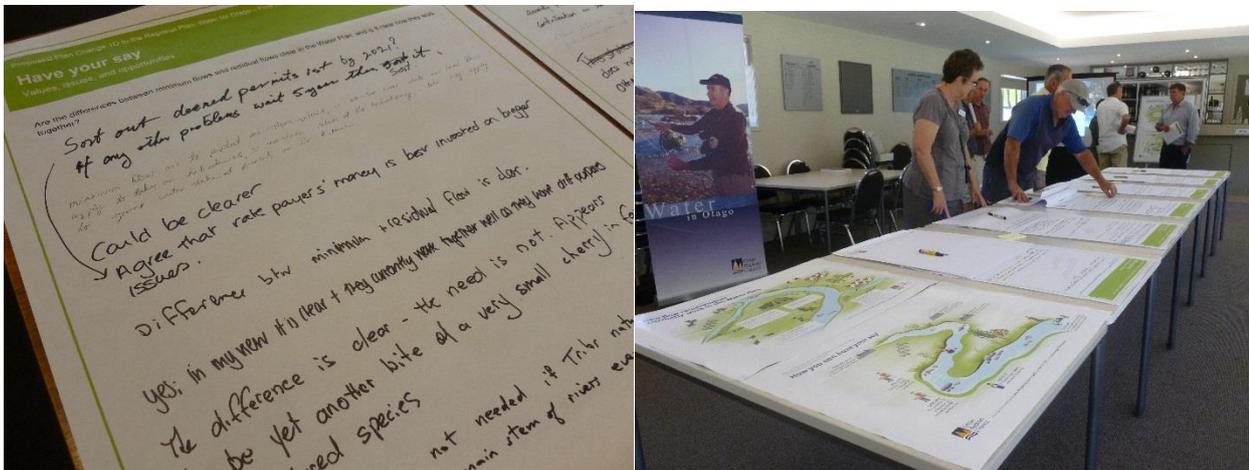
Feedback was received by:

- listening to verbal feedback from the community at the drop-ins
- Email
- Responding to key questions on large posters on the day
- Feedback form

149 participants attended the drop-in sessions and spoke to staff, 57 comments were recorded on the posters with key questions, and 18 feedback forms were received. The busiest drop-ins were in Ranfurly with 37 people through and Cromwell with 49 people through.

## Summary of feedback

The feedback form asked six key questions to gain a better understanding of the issues (if any) people have with the currently residual flow and other flow provisions in the water plan, and the opportunities (if any) for improving them. Feedback in response to these key questions is summarised in the following pages.



### Q1: Are the differences between minimum flows and residual flows clear in the Water Plan, and is it clear how they work together?

Just over half of the participants who responded to this question considered that the differences between minimum flows and residual flows **were not clear** in the Water Plan. The common reasons for this were:

- It requires explanation to water users who may not have come across it yet, particularly lay people.
- Telling people how much the minimum flows and residual flows are would help.
- It is not clear how minimum flows and residual flows meet the higher order objectives in the water plan.
- There needs to be stronger linkages between residual and minimum flows
- Clarification of how residual flows contribute to water availability in the catchment, and how water should be equitably allocated between users and balanced with environmental flows is needed.
- This should not be an excuse to combine minimum flows and residual flows to the detriment of water users.

Just under half of the participants who responded to this question considered that the difference between minimum flows and residual flows **were clear** in the Water Plan. The common reasons for this were:

- Some of the confusion is due to some minimum flows not being set in the Water Plan yet.
- It is clear to those familiar with the Water Plan, but those who have not yet replaced deemed permits may not understand it that well until it is explained to them and they go through the deemed permit replacement process themselves.
- It is clear that minimum flows apply to whole catchments and that residual flows apply on a case by case basis.
- It is clear as staff have now explained and clarified it through this process.

## **Q2: Are there any other values we should consider when setting a residual flow condition on a water permit?**

Most people who responded to this question considered that additional values should be considered when setting a residual flow condition on a water permit.

What these additional values should be varied greatly between individuals, and there was no clear preference based on the responses provided. These included economic and use values, community, social and cultural values, other permitted and consented users, values associated with water storage, amenity values and the same values that are considered when setting a minimum flow.

A small number of people considered that the current values, being natural character and instream ecological values, were enough and that the other policies in the Water Plan adequately provide for other values.

## **Q3: Is it clear in the Water Plan when a residual flow would be needed as a condition of consent for a water permit application?**

Most of the responses to this question considered that the Water Plan was sufficiently clear when a residual flow would be needed as a condition on a water permit. Some of these responses stated that although it was clear for practitioners, it needed a bit more explanation for a lay person.

Of the 27% of those who considered that it was not clear, issues were raised about what the environmental baseline for measuring residual flows should be, what 'source waterbody' means, and a suggestion was made that this information could be supplied when lodging a consent application.

## **Q4: Would more guidance in the Water Plan be useful to determine what a residual flow should be?**

33% of the respondents would like to see more guidance given, however many caveated this with concerns that areas across Otago vary widely and this shouldn't be lost in creating guidance and a one size fits all approach.

Interestingly those who indicated they didn't want to see more guidance given, also identified concerns that this approach wouldn't sufficiently acknowledge the various areas within Otago and it would become too prescriptive.

One respondent, who didn't state their preference for further guidance or not, identified a concern that changing the water plan is not necessary if what is needed is just additional guidance.

### **Q5: Do you think the residual flow provisions should be modified to be more flexible?**

The majority of respondents agreed that there should be more flexibility in where and how the residual flows should be measured. Comments in support of this included the ability to participate in group applications, supporting sites best suited for monitoring and that it would enable the characteristic of the tributary to be taken into consideration.

### **Q6: Do you have any other suggestions to improve the flow requirement provisions in the Water Plan? Have we missed anything important to you?**

A number of respondents also provided comments in addition to those made in response to the specific feedback questions. These include the following:

- Changes to the water plan should reflect common sense.
- Concern that the plan change is not required, as existing policies within the plan are sufficient. This will create delays for deemed permit applications.
- Confusion remains as to how residual and minimum flows will work together. Concern is expressed they together they will create too much restriction.
- There is a need to maintain flexibility in how residual flows are monitored to avoid being too onerous and requiring expensive recorders.
- The reliability of supply must be maintained through this process.
- The obligation to provide adequate information to be able to assess a permit application needs to remain that of the applicant.
- The existing policy is being applied too literally and the plan adequately provides for all the values in surface water bodies to be considered.
- The process of applying for a new surface water permit is expensive.