

IN THE ENVIRONMENT COURT
AT WELLINGTON

I TE KŌTI TAIAO O AOTEAROA
KI TE WHANGANUI-A-TARA

IN THE MATTER of an appeal under cl 14 of Schedule 1 to
the Resource Management Act 1991

BETWEEN WELLINGTON WATER LIMITED
(ENV-2019-WLG-000123)

Appellant

AND WELLINGTON REGIONAL
COUNCIL

Respondent

Court: Environment Judge B P Dwyer sitting alone under s 279 of the
Act

Date of Order: 28 October 2021

Date of Issue: 28 October 2021

CONSENT ORDER

- A: Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that the changes set out in **Appendix A** be made to the Proposed Plan.
- B: The part of the appeal concerning Topic 25 - Schedule Q are otherwise dismissed.
- C: Under s 285 of the Resource Management Act 1991, there is no order as to costs.



REASONS

Introduction

[1] The Court has read the notice of appeal and the memorandum of the parties received 11 August 2021.

Other relevant matters

[2] The following persons gave notice of an intention to become parties to the appeal under s 274 of the Act, and have signed the consent memorandum setting out the relief sought:

- Royal Forest and Bird Protection Society of New Zealand Inc;
- Masterton District Council;
- South Wairarapa District Council; and
- Horticulture New Zealand.


[3] Kāinga Ora – Homes and Communities did not sign the consent memorandum, but in accordance with the Court’s direction in its minute dated 28 April 2021, it is deemed to have accepted the consent memorandum and order. Kāpiti Coast District Council and Porirua City Council advised they were not interested in this Topic.

[4] The Regional Council advised that s 274 parties Fire and Emergency New Zealand, CentrePort Ltd and CentrePort Properties Ltd and Federated Farmers of New Zealand were supplied with the consent order in accordance with the Court’s 4 June 2021 direction. They confirmed they have no interest in the matter.

[5] The Court is making this order under s 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order or are deemed to have done so in accordance with the Court’s minute of 28 April 2021;

(b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.



B P Dwyer
Environment Judge



APPENDIX A

PNRP MEDIATION VERSION OF PROVISIONS IN TOPIC 25: WATER ALLOCATION: REASONABLE AND EFFICIENT USE

Key:

Red track - changes at mediation on 19 August 2020

Green track - changes in the Decisions Version of the PNRP, with clause 16 changes

Purple track – clause 16 changes arising from mediation

Schedule Q: Reasonable and efficient use criteria measures

Irrigation

A resource consent application to take water for irrigation purposes shall include an assessment using a field validated model that considers land use, crop water use requirements, on-site physical factors such as soil water holding capacity, and climatic factors such as rainfall variability and potential evapo-transpiration. The model must reliably predict annual irrigation volume within an accuracy of 15%. The annual volume calculated using the model shall meet with the following criteria:

- (a) an irrigation application efficiency of 80%, and
- (b) demand conditions that occur in nine out of 10 years.

Community water supplies supply

A water management plan shall be submitted with a resource consent application to take and use water for community drinking water supplies supply that establishes a long-term strategy for the water requirements for municipal suppliers and their communities. It shall demonstrate that the volume of water required is justified and that the water take will be used efficiently. To aid in this determination, the following information will be provided, to an extent which is appropriate for the scale of the take and use:

1. A description of the water supply system including system operation, distribution extent, levels of service, water use measurement, maintenance and asset management procedures.
2. A comprehensive assessment of existing demand and future demand for water with regard to an assessment of reasonable population growth within the proposed consent term to meet the following:

- (a) the health needs of people;



- (b) Water used outside, e.g. for irrigation, vehicle or house washing or hosing but not including water consumed by animals;
 - (c) Water used by industry as process water or cooling water;
 - (d) If any of the information for (a)-(c) isn't available, a programme of works and timeframes to provide the information.
3. The effectiveness and efficiency of the distribution network, including How water reticulation networks are planned and managed to minimise their water losses.
 4. Whether water saving targets would be a useful mechanism for some or all demand conditions including demand saving targets for council owned facilities, domestic demand targets and demand saving targets for commercial and industrial customers. When setting water saving targets, particular regard shall be given to matters within the control of the water supplier. Reporting requirements on water saving targets shall be set out to help set realistic targets going forward, where appropriate.
 5. A drought management plan that includes:
 - (a) steps to be taken to reduce consumption during water shortage by all sectors at times when restrictions need to be placed on consented uses of water (summer low flow periods);
 - (b) targets for the water savings expected to be achieved via the restriction of activities identified in (a) above;
 - (c) public and commercial user education programmes;:
 - (d) use of stored water;
 - (e) adaptive management opportunities;
 - (f) enforcement procedures that are available to the water supplier.
 6. Actions and an associated timeline with an accompanying reporting framework to progressively improve the efficiency of the use, taking into account matters that are under the control of the water supplier.
 7. How the actions, timeline and reporting in (6) will tie into any relevant investment cycles such as Long Term Plans.
 8. Any consultation undertaken with key stakeholders and outcomes of such consultation.
 9. Identification of any anticipated increases in water demand over the term of the consent and ability to stage water take volumes to more closely reflect demand requirements over the proposed term of the consent.

Group ~~and community~~ water supplies supply

A water management plan shall be submitted with a resource consent application to take and use water for **group ~~or community~~ drinking water supplies supply** that addresses:

- (a) the reasonable demand for water, taking into account the size of the group or community, the number of properties that are to be supplied, the potential growth in demand for water, the sectors in the group or community that will use the water and the relative amounts that will be provided to each sector. Sectors in the community using water include:
 - households (domestic use)
 - businesses (commercial use)
 - industry
 - hospitals, other facilities providing medical treatment, marae, schools or other education facilities, New Zealand Defence Force facilities or correction facilities
 - public amenity and recreational facilities such as gardens, parks, sports fields and swimming pools
 - sectors requiring water for the reasonable needs of animals or agricultural uses that are supplied by the **group drinking water supply ~~or community drinking water supply~~** system
- (b) the amount of water required for the health needs of people and how the water supplier will manage water used by all sectors at times when restrictions are being placed on all consented uses of water (summer low flow periods), and
- (c) the effectiveness and efficiency of the distribution network.

Water races

Ahead of the implementation of Method M13: Wairarapa Water Races, information shall be submitted with resource consent applications to take and use water that identifies water race sections, and/or properties where water use efficiency within the water race network could be improved. This information shall set out a timetabled programme to be implemented during the term of a resource consent which investigates opportunities to proactively work with landowners in any identified water race sections and/or properties. This shall include (but is not limited to) investigating closing section(s) of water races where alternative sources of supply exist or are practical.

Other uses

An assessment of reasonable and efficient use must accompany a resource consent application for any other use of water. The amount of water applied for should be calculated in accordance with good management practices for efficient use of water in relation to that use or by demonstrating that water is not being wasted, such as by means of a water use audit by an independent party to identify any wastage and any opportunities for re-use or conservation.

