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Non-notified resource consent application report and decision

Summary of decision

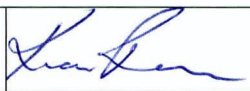


File Reference:	WGN160011 [33583]
Date Granted:	18 February 2016
Applicant:	Petone Property Holdings Limited
Decision made under:	Section 104B and 108 of the Resource Management Act 1991 (the Act)
Consent Granted:	Operative Regional Plans [33583]: Discretionary Activity To take and use groundwater from two existing bores (R27/1167 and R27/1168) located in the Lower Hutt Category B Groundwater Management Unit for industrial or commercial purposes.
Activity:	To take and use groundwater for industrial or commercial purposes.
Location:	476 – 496 Jackson Street, Petone
Map Reference:	R27/1167 at or about map reference NZTM 1758711.5433895 R27/1168 at or about map reference NZTM 1758789.5433913
Legal Description:	Lot 3 DP 341820
Duration of Consent:	Approximately 17 years to expire on 12 August 2033
Consent conditions:	Attachment 1

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Processing timeframes:

Application lodged:	16/7/15	Application officially received:	16/7/15
Application stopped:	24/7/15	Application started:	4/11/15
Applicant to be notified of decision by:	25/11/15	Applicant notified of decision on:	18/2/16
Time taken to process application:	20 (Section 37 approval provided for 45 working days)		

Decision:

Decision recommended by:	Kirsty van Reenen	Resource Advisor, Environmental Regulation	
Decision peer reviewed by:	Jude Chittock	Senior Resource Advisor, Environmental Regulation	
Decision approved by:	Jeremy Rusbatch	Team Leader, Environmental Regulation	

Reasons for decision report

1. Background and proposal

1.1 Background

Unilever NZ Trading Limited (Unilever) previously held a water permit (WGN070193 [25890]) to abstract groundwater from the Waiwhetu Aquifer for industrial purposes. The water was used in the manufacturing of soaps, detergents and personal care products at the Unilever factory located at 476 – 796 Jackson Street, Petone. Unilever has held water permits for the abstraction of water from the Waiwhetu Aquifer since 1997 but has progressively reduced its production and in 2013 made the decision to close the plant. The current consent is for the abstraction of 17,800m³ over any seven day period (average of 2,543m³/day) for 52 weeks a year, which equates to an annual take of 925,600m³. This water permit expires on 29 March 2017.

Petone Property Holdings Limited (the applicant) has purchased the Unilever site and intend to re-establishing industrial activity on the land. Water permit WGN070193 [25890] has been transferred from Unilever to the applicant.

1.2 Proposal

The applicant has applied to the Greater Wellington Regional Council (GWRC) to:

- Renew water permit WGN070193 [25890] for the same amount: to take up to 915,600m³/year, at 2,543m³/day, at a maximum pumping rate of 29.4L/s. This equates to 24 hours/day at 365 days/year based on the maximum pumping rate.

The water would be abstracted using three pumps from two existing bores (a main bore and a back-up bore) located on the site as shown on Figure A below. Each pump is fitted with a 30 kW pump and are capable of abstracting at a volume greater than that requested. Both abstraction bores currently have a flow meter. The bores located on site are:

- Main bore R27/1167. There are two surface mounted pumps connected to the single bore. It is envisaged that most of the water would be abstracted from this bore but this will be determined by the tenant.
- Back-up bore R27/1168. It is likely that some water will be abstracted from this bore but this will be confirmed by the tenant.
- Bore R27/7191 was previously used by GWRC for monitoring aquifer levels but is no longer used.



Figure A: locations of 'Unilever' site and abstraction bores

1.3 Further information provided

The applicant was asked to provide further information on a number of aspects of their proposal, including the following key matters:

Bore screen depth

In the Operative Regional Freshwater Plan the applicants bores are located within the Lower Hutt Groundwater Zone (LHGZ). Water in the LHGZ is currently 100.45% allocated.

In the Proposed Natural Resources Plan (PNRP) the Lower Hutt Groundwater Management Unit is divided into Lower Hutt Category A Groundwater (0 – 15m deep) and Lower Hutt Category B Groundwater (from 15m and deeper). Under the PNRP Category A groundwater is 100% allocated and Category B groundwater is 91% allocated.

The GWRC Wells database has bores R27/1167 and R27/1168 as being owned by Lever Bros which is what the company was known as before it became Unilever. The Wells database has the bore drill depths as 37.5m and 33.5m respectively. The depths of the screens in the bores are not recorded on the Wells database.

To confirm which PNRP groundwater management unit the applicant was proposing to abstract water from (category A or B), further information was sought on the depth at which the bores on the site were screened. The application states that the bore screen depths are unknown as bore construction details are unavailable. The configuration of the bore headworks means that it is currently not easily possible to dip the bores to confirm their screen depth.

The applicant considers that the bores are likely to be screened in the Waiwhetu Aquifer. I have consulted with Doug Mzila, GWRC Environmental Scientist, and he is confident that the bores will be screened within the Waiwhetu Aquifer at a depth of >15m. GWRC is therefore confident that the proposed groundwater take is within Lower Hutt Category B Groundwater Management Unit.

Information about intended use of water

The application states that PPL is seeking to renew the water permit so that they can attract tenants to the site. The applicant has requested the same daily and annual allowance as that consented under WGN070193 [25890] without any justification for the amount of water sought.

The National Policy Statement for Freshwater Management (NPSFM), Operative Regional Freshwater Plan (RFP) and PNRP have provisions requiring an assessment of whether the amount of water sought is reasonable considering its intended use. The applicant was requested to provide details of the intended use of the water to justify the amount of water sought. The applicant has stated that a water bottling plant could be established on site and that other activities could concurrently be located on the property. As the intended use of the site is unknown, the applicant could only provide information on the amount of water used by other water bottling plants in NZ. The further information provided shows that the typical volumes required by water bottling plants around the country vary substantially.

GWRC sought legal advice about whether GWRC had enough information about the intended use of the water. The advice provided was that it is open to Council to grant consent for the volume sought, effectively rolling over the existing consent. Uncertainty about the volume needed and measures to demonstrate reasonable and efficient water use could be addressed primarily through the term of the consent and a specific review condition.

Consultation with Wellington Water

Wellington Water abstracts on average approximately 40% of the drinking water supply to Wellington, Porirua, Lower and Upper Hutt City Council's from the Waiwhetu Aquifer. The RFP and PNRP give priority to water allocation for public supply. As such, the applicant was asked to consult with Wellington Water and seek their written approval to the application.

Both the Wellington Water and Unilever water permits include a condition of consent requiring the consent holder to comply with all abstraction restrictions and/or rostering as directed by Wellington Regional Council when the 24 hour mean groundwater level in the Waiwhetu Aquifer drops to less than +2.3m above mean sea level (as measured at the McEwan Park water level monitoring station).

Wellington Water requested that if the water permit for the applicant was granted that the same condition be placed on the consent along with a sentence stating that should the aquifer drop to +2.3m above mean sea level priority will

be given to abstraction from the Waiwhetu Aquifer for public water supply. The applicant accepted this request and Wellington Water subsequently provided their written approval.

It is worth noting that Policy P121 in the PNRP is less stringent than the current trigger level requirements. P121 requires water levels to be maintained at 2m above sea level at the foreshore of the Hutt Valley aquifer zone and cessation of water takes when the water level falls below 1.7m above mean sea level.

2. Reasons for resource consent

2.1 Operative Regional Plans

RMA section	Plan	Rule	Status	Comments
S14	Regional Freshwater Plan	7	Permitted	The proposed exceeds the maximum daily limit of 20,000 litres and does not comply with the conditions relating to maximum pumping rate and maximum abstraction points per certificate of title.
		16	Discretionary	<p>Rule 16 applies to water takes which are not provided for by any other rule as a discretionary activity. Rule 16 excludes takes of water from the Lower Hutt Groundwater Zone that would cause the maximum rate of take authorised by resource consents to exceed 32.85 million cubic metres per year. Takes which cause the maximum rate of take authorised by resource consents to exceed 32.85 cubic metres per year are a non-complying activity under Rule 19.</p> <p>According to GWRC's records, the Lower Hutt Groundwater Zone is currently 100.45% allocated.</p> <p>While the Lower Hutt Groundwater Zone is currently over-allocated, as this application is for the renewal of an existing allocation, I consider that the proposed renewal is a discretionary activity under Rule 16. This is consistent with how Rule 16 and 19 have been applied by GWRC in the past and has been confirmed as an appropriate approach by GWRC's lawyers.</p>

2.2 Proposed Natural Resources Plan

The Proposed Natural Resources Plan (PNRP) was publicly notified by the Council on 31 July 2015. All rules in the Proposed Natural Resources Plan have immediate legal effect under section 86B(3) of the Act.

However, under section 88A of the Act, the activity status is determined, as it was at the date of filing the application. The operative plans determine the activity status and the application continues to be processed, considered and decided as an application for that type of activity – in this case a discretionary activity. The provisions of the PNRP will however be relevant for the section 104(1)(b) assessment (see section 6.2).

As outlined above the proposed groundwater take is located within the Lower Hutt Category B Groundwater Management Unit (from 15m and deeper). Lower Hutt Category B Groundwater is separated into water that is directly connected and not directly connected to the Hutt River. Tables 8.2 and 8.3 of the PNRP set out the allocation limits as follows:

Catchment management unit for the Hutt River Catchment	Allocation amount
Hutt River and tributaries, category A groundwater and category B groundwater (directly connected)	2,140L/s
Lower Hutt category B groundwater (not directly connected)	36,500,000 [Waiwhetu Aquifer and Taita Alluvium]

I have sought advice from Doug Mzila and Mike Thompson (GWRC Environmental Scientists) about whether the proposed take is classified as directly connected or not directly connected to the Hutt River. Dr Mzila and Mr Thompson confirmed that a portion of Category B groundwater in the Lower Hutt Groundwater Zone is directly connected to the Hutt River (approximately 51%) and a portion is not directly connected (approximately 49%). The amount of current water allocated for each of the groundwater management units in the PNRP has been calculated. This has taken into account the proportions of each take that is considered directly connected and not directly connected. Lower Hutt Category B groundwater which is classified as directly connected is currently 100% allocated. Lower Hutt Category B groundwater non directly connected is 91% allocated. As the proposal is for the same amount of water, this allocation status will not change.

It should be noted that the applicant has stated in their application that under the PNRP there is more water available in the Lower Hutt Category B Groundwater Zone. While there is more water available in the category B not directly connected groundwater management unit, because the directly connected category B groundwater is fully allocated any available water is effectively 'locked up' (because any Category B groundwater take would include a portion of directly connected and non directly connected groundwater).

3. Consultation

Iwi authority	Comments
Ngati Toa Rangatira	GWRC sent Ngati Toa Rangatira a copy of the resource consent application. No response was received, therefore it is assumed they have no concerns. The applicant also notified Ngati Toa Rangatira that they were intending to apply for resource consent for the water take prior to submitting the resource consent application. The applicant did not receive a response.
Port Nicholson Block Settlement Trust	GWRC sent Port Nicholson Block Settlement Trust a copy of the resource consent application. No response was received, therefore it is assumed they have no concerns.
Wellington Tenths Trust	The applicant notified the Wellington Tenths Trust that they were intending to apply for resource consent for the water take prior to submitting the resource consent application. The applicant did not receive a response from the Wellington Tenths Trust.
Other parties or persons	Comments
Shandon Golf Club	The applicant has sent a letter to the Shandon Golf Club about the application and spoken with the greens keeper.
Wellington Water Limited	The applicant has consulted with Geoff Williams at Wellington Water Limited on the proposal. Mr Williams requested a change to one of the consent conditions proposed by the applicant to ensure that water for public water supply was given priority during dry periods when the water level in the aquifer had reached its trigger level. The applicant agreed to the suggested change and Wellington Water provided their written approval to the application.
Andrea Broughton	I have consulted with Andrea Broughton, consultant groundwater scientist, about the application. Andrea reviewed the technical report that was provided with the application. Andrea's comments are included in Section 5 of this report.
Doug Mzila and Mike Thompson. GWRC Environmental Scientists, and Murray McLea, GWRC Senior Policy Advisor	I have consulted with Dr Mzila, Mr Thompson and Mr McLea regarding the status of the Waiwhetu Aquifer water under the Proposed Natural Resources Plan and the requirement for flow conditions. Their comments are incorporated in the assessment outlined in this report.

4. Notification decision

A decision was made to process the application on a non-notified basis on 3 September 2015. Further information on the notification decision is provided in document #1521205.

5. Environmental effects

The applicant provided an Assessment of Environmental Effects (AEE) with the application.

I concur with all matters discussed in the AEE and adopt the AEE in accordance with section 42A(1B)(a) of the Act. The effects of the activity and my assessment is outlined below.

5.1 Effects on saline intrusion

There is the risk of saline intrusion on an aquifer where that aquifer has a hydraulic connection with the ocean. The risk is increased where abstraction rates are high and effectively there is a backflow from the sea into the aquifer.

The applicants assessment is that the risks of saline intrusion as a result of the proposed water take are less than minor if they are managed through the inclusion of a condition which sets a trigger level to protect against saline intrusion (such a condition is currently on the Unilever consent). Ms Broughton has reviewed the application and agreed that the effects of the water take on saline intrusion are no more than minor given the current trigger levels are proposed to be carried over.

The applicant has consulted with Wellington Water about the proposal. Wellington Water provided their written approval to the proposal on the proviso that the saline intrusion trigger level (currently on the Wellington Water and Unilever consents) is included and that an amendment to the conditions is made which gives priority to bulk water supply.

I am satisfied that the adverse effects of the activity on saline intrusion can be appropriately managed through the recommended consent conditions in Attachment 1, specifically:

- When the pressure in the Waiwhetu Aquifer drops to an average, over a 24 hour period, of 2.3 metres relative to mean sea level, as measured at McEwan Park, or any other official GWRC water level monitoring station, the consent holder may only abstract water at the discretion of the Wellington Regional Council. This will include priority given to abstraction from the Waiwhetu Aquifer for public supply purposes.

5.2 Effect on other water users

There is a risk that the water take will have a drawdown effect on neighbouring bores. The applicant has provided an assessment of these effects. The closest neighbouring bore is the Shandon Golf Club. The applicant's assessment concludes that there will be no effect on the ability of Shandon Golf Club to abstract groundwater and the effect on other bores will be minimal. Ms Broughton has reviewed the application and agrees that any effects of the proposal on the Shandon Golf Club will be no more than minor.

As outlined above, a significant amount of water is abstracted from the Waiwhetu Aquifer for public water supply. The regional planning documents include provisions that give priority to water from the aquifer for public water supply. As such, Wellington Water (who hold the consents for abstraction from the aquifer) were considered an affected party to the proposal. After consultation between the applicant and Geoff Williams at Wellington Water, written approval was provided by Wellington Water to the proposal subject to the condition outlined above.

Provided the applicant complies with my recommended conditions of consent I am satisfied that the adverse effects of the activity on other water users will be no more than minor.

5.3 Stream depletion effects

The applicants abstraction bores are located within 150m of the Hutt River. As there is connection between groundwater and the Hutt River, the abstraction of water will have drawdown effects on the river.

The applicant has provided a brief assessment of the effects of the proposal on stream depletion effects in the Hutt River. The applicant concludes that drawdown effects will be small.

I have consulted with Mike Thompson, Senior Environmental Scientist, about the effects of the water take on the Hutt River and whether a condition is necessary to protect the river during times of low flow. Mr Thompson noted that an assessment undertaken by Mark Gyopari suggests that all takes in the Waiwhetu Aquifer are contributing to depletion of the Hutt River in the recharge reach (downstream of Taita Gorge). The applicant has stated that because the Unilever take is very minor compared to takes for bulk water supply no regulation is needed. However, GWRC's approach is that under extreme low river flows all non-essential takes with depletion effects should cease and for essential water takes (such as for bulk water supply) to exercise all possible reductions. Mr Thompson also noted that the river rarely reaches minimum flow and the last time it was reached was in the 1970s.

Policy 6.2.1 of the Operative RFP states that the minimum flows in the table should be achieved in low flow conditions. The minimum flow for the Hutt River (measured at Birchville) stated in Policy 6.2.1 is 1200L/s. This minimum flow has been included in the PNRP. Policy P115 of the PNRP states that category A groundwater shall be required to reduce the take by 50% of the amount consented above minimum flow. Given that category A takes are only required to reduce their abstraction by 50% during periods of low flow, it would be unreasonable to require a full cease take during periods of low flow. As such, I have recommended a condition of consent requiring the pumping rate to be reduced by 50% when the Hutt River reaches 1200L/s as measured at GWRC's monitoring site.

5.4 Subsidence effects

The applicant's assessment concludes that due to the high transmissivity of the aquifer, drawdown is not expected to be significant, and consequently subsidence will not occur. Ms Broughton has reviewed the applicant's assessment and agrees with this conclusion.

I consider the subsidence effects of the proposed water take to be no more than minor.

5.5 Efficient use of water

The applicant does not have a tenant for the site, the intention is to have the water permit in place to be able to attract tenants to the site. As such

justification for the amount of water requested has not been provided with information about the actual use of the water.

The National Policy Statement, Regional Policy Statement and Operative and Proposed Regional Plans all include provisions relating to consideration of whether the amount of water sought is reasonable given its intended use. As GWRC cannot make a reasonable assessment of whether these provisions have been met based on the information provided with the application, legal advice was sought.

The advice received suggested that uncertainty about the volume needed and measures to demonstrate reasonable and efficient water use could be addressed primarily through the term of the consent and a specific review condition.

To ensure reasonable use and to avoid 'water banking' of a resource which is fully allocated I have recommended a condition of consent which would allow GWRC to initiate a review of the abstraction rate and quantity every year, taking into account the actual usage by the consent holder as reflected in meter readings.

The applicant has requested a 35 year consent duration. GWRC's practice is to grant water permit for a term of 10 years. I have recommended a consent duration of approximately 17 years. The intent is to have the same expiry date on the consents to abstract water from the Waiwhetu Aquifer for public water supply (12 August 2033). The Whaitua for the Hutt Valley will have been through the process of setting allocation limits for the catchment and these could be taking into consideration at the expiry of these consents.

5.6 Summary of effects

Given the assessment above, it is considered that the proposed activity will not result in any more than minor effects when undertaken in accordance with the recommended consent conditions.

6. Statutory assessment

6.1 Part 2

Part 2 of the Act outlines the purposes and principles of the Act. Section 5 defines its purpose as the promotion of the sustainable management of natural and physical resources. Sections 6, 7 and 8 of Part 2 define the matters a consent authority shall consider when achieving this purpose.

I am satisfied that the granting of the application is consistent with the purpose and principles in Part 2 of the Act.

6.2 Matters to be considered – Section 104-108

Section 104-108 of the Act provides a statutory framework in which to consider resource consent applications. All relevant matters to be considered for this application are summarised in the table below:

RMA section	Matter to consider	Comment
104(1)(a)	Actual or potential effects on environment	See Section 5 of this report.
104(1)(b)(ii)	Other Regulations – Measurement & Reporting of Water Takes 2010	<p>The Regulations require water takes with a pumping rate of 5 L/s or more to be metered and for meters to be verified every 5 years.</p> <p>Under GWRC's compliance monitoring strategy, the minimum recording and reporting standards for groundwater takes in the Lower Hutt Groundwater Management Unit is real time telemetry and data loggers.</p> <p>I have recommended consent conditions in accordance with the Regulations and GWRC's compliance monitoring strategy.</p>
104(1)(b)(iii)	National Policy Statement for Freshwater Management 2014	The NPSFM is given effect to through two transitional policies (5.2.10A and 6.2.4A) in the RFP (see below).
104(1)(b)(v)	Regional Policy Statement	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the RPS.
	<i>Objective/Policy</i>	<i>Comment</i>
	Objective 12	The quantity of freshwater in the Waiwhetu Aquifer available for allocation is set out in the RFP and PNRP. The proposed take has taken into account making water available for a range of uses and safeguarding the life supporting capacity of the water body. The proposed water take is consistent with these allocation limits. With regard to meeting the reasonable foreseeable needs of future generations should the aquifer reach its trigger level for saline intrusion, I have recommended a condition of consent which allows GWRC to direct the consent holder to reduce or cease their water take and give priority for the abstraction of water to bulk water supply.
	Objective 14	I consider that the proposal is consistent with objective 14 – freshwater will be allocated and used efficiently. The water allocation will potentially enable a number of activities to establish on the site. I have recommended a specific clause in the review condition which would allow GWRC to review the consent conditions if the full allocation of water was not being utilised efficiently.

RMA section	Matter to consider	Comment
	Policy 44 – managing water takes to ensure efficient use	<p>I consider that the application is partly consistent with Policy 44.</p> <p>With respect to (a) the applicant has not demonstrated that the volume of water sought is reasonable and justifiable for the intended use. However, the applicant is seeking a water permit to be able to attract tenants to the site. I consider that the issue of unused water can be appropriately managed through the recommended consent duration and review condition.</p> <p>With regard to (b) the consent holder will be required to measure and report on actual water usage.</p> <p>With regard to (c) the applicant has not suggested any water conservation or demand management measures because it is not known what the water will be used for. I have recommended conditions of consent requiring that water be used efficiently.</p>
	Policy 45 – using water efficiently	As above, the applicant has not set out water demand management options or water reuse/recycling measures to ensure water is used efficiently. I have recommended a condition of consent requiring that water be used efficiently.
104(1)(b)(vi)	Operative Regional Freshwater Plan	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the Regional Freshwater Plan.
	<i>Objective/Policy</i>	<i>Comment</i>
	Objective 4.1.11	The proposed water take is consistent with Objective 4.1.11 as it allows people to use and develop freshwater resources.
	Policy 4.2.23	
	Objective 4.1.12	The adverse effects of the proposed water take are considered to be no more than minor.
	Policy 4.2.24	The proposal is consistent with this policy. Wellington Water abstract water from the Waiwhetu aquifer for public water supply. The effects on this activity have been considered, Wellington Water have been consulted and have provided their written approval to the proposal.

RMA section	Matter to consider	Comment
	Objective 6.1.2	The proposal is consistent with this policy. The take will not exceed the maximum safe yield of the aquifer. The effects assessment has demonstrated that the proposal will not adversely affect the safe yield of nearby bores. The proposal will not adversely affect water quality.
	Objective 6.1.3	As outlined above, while the applicant has not demonstrated that the water will be used efficiently, I have recommended a condition of consent requiring that water is used efficiently.
	Policy 6.2.3	The proposal is consistent with this policy. The allocation of the Waiwhetu aquifer won't change from 100% as a result of the water take.
	Policy 6.2.4A	The application is to renew the consent with the same abstraction limits. Therefore, policy 6.2.4A does not relate to this proposal. I consider the application to be consistent with the objectives and policies of the NPSFM.
	Policy 6.2.5	This policy requires that priority is given to the abstraction of water for public water supply. Wellington Water have been consulted and have requested that one of the conditions on the consent requires that when the aquifer level gets to its trigger level, GWRC give priority to public water supply when using its discretion about continued abstraction.
	Policy 6.2.8	As already stated, the effects assessment has demonstrated that the water take will not result in excessive reductions in the yields of nearby bores. The water take won't result in significant adverse effects on surface water bodies. The allocation limits for the Waiwhetu Aquifer take into account the effects on the Hutt River.
	Policy 6.2.18	As above, I am unable to assess whether the amount of water requested is reasonable as the intended use of water is unknown. I have recommended a specific review condition to address this uncertainty. My decision on consent term has also taken into account this gap in information.
	Proposed Natural Resources Plan	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the Proposed Natural Resources Plan.

RMA section	Matter to consider	Comment
	<i>Objective/Policy</i>	<i>Comment</i>
	Objective O6	Wellington Water have been consulted regarding the proposed water take and they have provided their written approval to the application.
	Objective O52	As the applicant has not provided details on the end use of the water, the infrastructure to be established on site or management practices to used it is not known whether the application is consistent with this Objective. The proposed review condition will enable inefficiency of water to be addressed.
	Policy P107	The application is consistent with this policy. The take will not result in the allocation limits in the plan being exceeded. Aquifer water levels will be managed in accordance with the levels on the bulk water consents (not the new levels in the proposed plan).
	Policy P109	This policy requires a 3 year lapse period for water take consents unless a longer lapse period is justified. The applicant has requested a 5 year lapse period. I consider this appropriate given the purchase of the property has not been completed, tenants haven't been confirmed and the amount of investment in infrastructure that is required.
	Policy P110	See comments under Policy 6.2.4A of the Operative Freshwater Plan.
	Policy P118	As above, the reasonable and efficient use of water will be addressed through the review condition and consent duration. Water use will be required to be telemetered to GWRC's database.
	Policy P121	The applicant has proposed the trigger and cease take levels that are on their existing consent. This is inconsistent with this policy. Wellington Water have provided their written approval based on these levels. I consider the existing levels to be appropriate. It would be inappropriate to have stricter trigger and cease take levels on the consents for bulk water takes than the applicant.
104(1)(c)	Any other matter	There are no other matters relevant to this application.
104(2A)	Value of investment for existing consents	I have considered the value of existing investment associated with this application.

RMA section	Matter to consider	Comment
108	Conditions on resource consents	Standard conditions of consent for this activity type are recommended. Any additional conditions are outlined in Section 5 of this report. All conditions are documented in Attachment 1 to this report.

6.3 Weighting of the Proposed Natural Resources Plan

As the conclusion reached under the operative Regional Freshwater assessment is consistent with that reached under the Proposed Natural Resources Plan there is no need to undertake a weighting exercise between the two Plans.

7. Main findings

In conclusion:

1. The proposed activity is consistent with the Purposes and Principles of the Resource Management Act 1991.
2. The proposed activity is consistent with the relevant objectives and policies of the NPSFM, Regional Policy Statement and the Operative Regional Freshwater Plan and the Proposed Natural Resources Plan.
3. The actual or potential adverse effects of the proposed activity on the environment will be or are likely to be no more than minor.
4. Conditions of the consent will ensure that the effects of the activity on the environment will be appropriately avoided, remedied or mitigated.
5. The proposal incorporates appropriate mitigation measures, to ensure the adverse effects are or are likely to be no more than minor.

8. Duration of consent

The applicant has requested a consent duration of 35 years. GWRC's practice is to grant water permits for a duration of 10 years.

Following conversations with the applicant about consent duration, I have recommended a consent duration of approximately 17 years to expire on 12 August 2033. This is the same expiry date as the water permits to abstract water for public water supply. I consider this duration to be appropriate for the following reasons:

- This is consistent with the direction of Policy P6 of the Proposed Natural Resources Plan;
- This will allow the renewal of this consent and the consents for public water supply to be considered at the same time;

- This will allow time for the Whaitua Committee to make decisions on water allocation in the catchment and for these to be taken into consideration if the consent is renewed;
- Given the amount of investment in the property that will be required, a consent duration longer than GWRC's standard 10 years will provide more certainty for the applicant.

9. Monitoring

The following compliance monitoring programme will be undertaken during the consent term:

- Water use records for the site will be telemetered to GWRC's water use management system. Site inspections will be required once every 3 years.

Charges relating to this monitoring programme are outlined in the cover letter enclosed with this report.

Consent conditions

General condition

1. The location, design, implementation and operation of the take shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 15 July 2015 and further information received on:
 - 25th August 2015 (s92 response letter)
 - 23 September 2015 (email from Chris Woodhouse)

Where there may be contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

2. This consent will lapse in five years on **18 February 2021** unless given effect to prior to that date.

Rate and point of take

3. The combined rate at which water is taken from bores R27/1167 and R27/1168 at or about approximate map reference NZTM: 1758711.5433895 and NZTM 1758789.5433913, shall not exceed 927,158m³/year, at 2,540m³/day at a maximum pumping rate of 29.4 litres/second.

Note: This equates to 24 hours/day and 365 days/year based on the maximum pumping rate.

Water measuring device/system

4. The consent holder shall maintain and operate water meters (water measuring devices) that measures all water authorised under this consent and meets the following requirements:
 - Sealed and tamper proof
 - Installed within 20 metres of the point of take unless an exception is granted by the Manager, Environmental Regulation, Wellington Regional Council, under section 10 of the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010
 - Measures cumulative water abstraction in m³
 - Measures instantaneous water abstraction in litres/second
 - Can measure the volume of water taken to within +/- 5% of the actual volume taken

- Resistant to corrosion and fogging
- Capable of being fitted with an electronic datalogger, has a suitable output signal and has suitable data transfer ports
- Be installed in accordance with industry best practice based on the Water Measurement Accreditation Programme. Be installed and maintained by a suitably qualified person

The above requirements shall all be to the satisfaction of the Manager, Environmental Regulation.

5. The consent holder shall install a datalogger and telemetry unit on the water measuring device that is compatible with Wellington Regional Council's Water Use Data Management System prior to water being abstracted under this consent. The data logger and telemetry unit shall as a minimum record date and time stamped cumulative meter readings at a minimum of 15 minute intervals.

Note: The abstraction of water during pump testing can occur before the datalogger and telemetry unit have been installed.

Accuracy and verification of the water measuring device/system

6. The consent holder shall verify the accuracy of the water measuring device/system required under conditions 4 and 5 at least every five years and as directed by the Manager, Environmental Regulation, Wellington Regional Council for the duration of this consent to determine if the actual volume of water taken is within +/- 5%.

Any verification of the water measuring device/system under this condition must be performed by a suitably qualified person, and to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Within **one month** of any verification being undertaken on the water measuring device/system, the consent holder shall submit to the Manager, Environmental Regulation, Wellington Regional Council, a copy of the verification certificate/and or evidence documenting the calibration as completed by the person who undertook the verification.

Note 1: Verification of water measuring devices for any water take of 20 litres/second or more was required to be undertaken under the Resource Management (Measuring and Reporting of Water Take) Regulations 2010 by 30 June 2013. To ensure compliance verification must be undertaken as soon as possible.

Note 2: Direction from the Manager, Environmental Regulation, Wellington Regional Council to undertake additional verification may be given in the event reasonable grounds are established which highlight that the water measuring device/system may be inaccurate. Reasonable grounds includes (but is not limited to) the water measuring device/system not been installed to Irrigation New Zealand's best practice standards.

Keeping and supplying records

7. The consent holder shall record cumulative water meter readings (in m³) of the water meter at a minimum interval of 15 minutes. These records shall be submitted automatically to Wellington Regional Council's Water Use Data Management System for the duration of this consent.

Preventing salt water intrusion

8. In the event that the pressure in the Waiwhetu Artesian Aquifer drops to an average, over a 24 hour period, of +2.3 metres above datum, as measured at the McEwan Park (site number 1428009) water level monitoring station, or any other official Wellington Regional Council water level monitoring station in the Petone and Seaview area, the consent holder shall comply with all abstraction restrictions and/or rostering as directed by the Manager, Environmental Regulation, Wellington Regional Council. This will include priority given to abstraction from the Waiwhetu Aquifer for public supply purposes.

Low flow conditions

9. When the flow in the Hutt River at Birchville (at approximate map reference NZTM 1775574.5448016) falls below 1200 litres/second the combined maximum pumping rate from bores R27/1167 and R27/1168 shall not exceed 14.7L/s.

Note: The stream flow data for the Hutt River can be accessed at Wellington Regional Council's website (www.gw.govt.nz). It is the consent holder's responsibility to regularly check the website to ensure compliance with this condition.

Abstraction system

10. The bore head connections shall be designed and maintained so that water is not run to waste and contamination of the aquifer and backflow are prevented.

Monitoring

11. If so requested by the Manager, Environmental Regulation, Wellington Regional Council, the consent holder shall make their bore available for the monitoring of water levels and water quality.

Reporting on water use

12. The consent holder shall notify GWRC whenever there is a change in the use of water abstracted under this consent.

Note: Notifications must be sent to notifications@gw.govt.nz. Please include consent number WGN160011.

Review conditions

13. The Wellington Regional Council may review any or all conditions of this consent by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, at any time within three months of the 30 June each year for the duration of this consent, for the purpose of:
- Reviewing the abstraction rate in Condition 3, taking into account the actual usage by the consent holder, for the purpose of ensuring that the water resource has been used efficiently with the objective of ensuring equitable allocation of the resource and/or
 - Reviewing seasonal groundwater allocation requirements; and/or
 - Dealing with any adverse effects on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later stage; and/or
 - Enabling consistency with the relevant Regional Plan(s); and/or
 - To incorporate changes to any low flow restrictions for the Hutt River.

Important notes relating to measuring and reporting of your water take:

1. A suitably qualified person is an individual/company that is registered with the Water Measurement Accreditation Programme or can demonstrate an appropriate standard of installation or verification to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.
2. For water meter installation, where industry best practice guidelines differ from manufacturer's specifications, the more stringent standard applies, unless special circumstances apply to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council. Therefore verification of the water measuring device/system can only be achieved when the most stringent standard (either industry best practice or manufacturer's specifications) for installation has been achieved.
3. The annual take volume shall be assessed for the period 1 July to 30 June the following year.

General notes:

- a) This resource consent does not guarantee that quantity or quality of water will be maintained or available.
- b) Please contact the Wellington Regional Council, Environmental Regulation, if you plan to make any modifications to the bore, pump, or irrigation system. Any significant modifications may require you to apply for a change of consent conditions.
- c) A resource management charge, set in accordance with section 36(2) of the Resource Management Act 1991 shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring, and

supervision of resource consents and for the carrying out of its functions under section 35 (duty to gather information, monitor, and keep records) of the Act.

- d) The Wellington Regional Council shall be entitled to recover from the consent holder the costs of any review, calculated in accordance with and limited to the Council's scale of charges in force and applicable at that time pursuant to section 36 of the Resource Management Act 1991.
- e) In the event of undue interference with other bores/wells in the area and/or a long term sustained decline in groundwater levels becomes apparent through groundwater level monitoring undertaken in the aquifer where bores R27/1167 and R27/1168 are located, the consent holder may be requested to reduce or stop pumping as maybe directed by the Manager, Environmental Regulation, Wellington Regional Council. Undue interference is defined as drawdown in neighbouring bores/wells that was not evaluated at the time the resource consent was processed.