

MINUTES

TITLE: Environment and Planning Subcommittee
DATE: Friday, 21 October 2005
TIME: 9.00 am
VENUE: Takaka Fire Station, Motupipi Street, Takaka

PRESENT: Crs E M O'Regan, S J Borlase and N Riley

IN ATTENDANCE: Manager Consents (J Hodson), Resource Scientist Water (J Thomas), Consent Planner Water (N Tyson), Administration Officer (B D Moore).

1. B AND G SOWMAN, URUWHENUA, UPPER TAKAKA - APPLICATION RM050340

A D HARWOOD LIMITED, COBB VALLEY ROAD, UPPER TAKAKA – APPLICATIONS RM050605 AND RM050640

1.1 Applications

B and G Sowman applied for a change of conditions of their current consent NN020416, to increase the authorised rate of taking and use of water for irrigation for an additional 30 hectare of land, subject to an unchanged term expiring on 31 May 2019 and otherwise unchanged conditions.

A D Harwood Limited applied for consent to take and use water for irrigation of 90 hectares of land abounded by Takaka River in the west and Waitui Stream in the east. The applicant also sought land use consent to construct a water intake in the Takaka River for the irrigation consent.

1.2 Presentation of Applications

Mr Tony Hewitt, Hydrologist of EnviroLink Limited, presented evidence on behalf of the Sowman and Harwood applications. He explained that the Sowman application was to further extend the irrigated area on the dairy farm at Uruwhenua, Takaka Valley and the additional 30 hectare of irrigated land would make the total area under irrigation to 268 hectare.

The application from A D Harwood Limited is also for a dairy farm situated at Upper Takaka, with the area to irrigate bordering the Cobb Valley Road and Takaka River to the west, the river terrace above Waitui Stream to the east and the foothills to the south. The applicant proposes to use an electrically driven pump mounted on the right bank of the Takaka River, to draw water and irrigate 90 hectare of pasture. The irrigation rates and volumes of water in both applications are based on a maximum 24 hours daily, seven days a week irrigation regime within the rates for the soil type of the central valley area in the Takaka catchment.

1.3 Submissions

Two submissions were heard prior to the applicants making their presentation. Ms M K Westerink said that she lives downstream from both applicants and said that the Takaka River needs protecting for the benefit of the whole community. She said the Takaka River is the main focus of the valley and is used by the community for recreation. She spoke of the need to protect the visual enjoyment of the Takaka River and noted that cows are crossing the river, creating pollution. The submitter said that the effects of the applications need to be monitored by an independent advisor over time, especially with climate changes.

Ms S Browne sought that the quality of the Takaka River and its recreational amenities be preserved. She sought adequate monitoring of the river to preserve its amenity. Ms Browne said that the river is polluted by stock accessing and crossing it. She said that additional water for irrigation means more stock and more effluent runoff into the Takaka River.

1.4 Continuation of Applicants' Evidence

Mr B Sowman tabled and read evidence and spoke of the difficulties of managing this dairy farm without irrigation especially during dry summers. He said that stock crossing of the Takaka River had been reduced to minimum essential levels. An aerial photo of the Takaka River in 1964 was displayed to show the subject area adjacent to the Sowman property as being dry and braided. Mrs Sowman explained how the pasture species had changed and improved with irrigation and there was a subsequent improvement in the surface soil. Mr Sowman explained that the area where the pump station is located does not go dry and that K-Line irrigators would be used.

Mr N Harwood tabled and read a submission on behalf of A D Harwood Limited. He said that the subject land is stony and dries out quickly. He explained that 90% of the streams and creeks in the vicinity have been fenced and riparian planted. The stream crossings have been bridged and as Fonterra suppliers, A D Harwood Limited is working towards the requirements of the clean streams accord. Mr B Sowman added that for the application by B and G Sowman, the applicant sought that the consent conditions allow crossing the Takaka River with the dry cattle once per month. He said that this is preferred to the unsafe use of the road.

Mr Hewitt continued reading the remainder of his written evidence. He referred to the matters raised by submitters, noting that these raise water quality concerns and river depletion concerns which had been adequately addressed and discussed in the Council Officer's report. The evidence provided comments on the drying zone of the Takaka River which occurs naturally most summers from around about 2 kilometre below Lindsays Bridge to Spring Brook confluence. This evidence said that there will be no measurable effect on the Pupu Springs and no evidence occurred in the Takaka Valley of irrigation having a detrimental effect by increasing nutrient leaching into the Takaka River.

Mr Hewitt concluded that the applications being considered are consistent with the policies and objectives of the Resource Management Act and Part V of the TRMP. He said that there is no evidence of adverse water quality effects arising from irrigation and no evidence presented of extended drying in the drying zone.

1.5 Further Submissions

Ms D Perreau was concerned that the drying zone of the Takaka River would be increased and extended by irrigation. She was concerned about the extent of monitoring and enforcement of proposed conditions of consent.

A submission from Royal Forest and Bird Protection Society NZ Inc, Golden Bay Branch was read by Mr M Gavin. The submission addressed the Society's concerns about the potential effects on wetlands and springs and the maintenance of existing water levels and flows to protect aquatic habitats. Mr Gavin said that any increase in the take from within or upstream of the recharge zone is inconsistent with water body management policy 30.1.1. The submission opposed any further water take or increase in the take. A further submission was added by Ms J Vaughan supporting that made by Mr Gavin and said that there was insufficient information available about the long term effects of taking water from the Takaka River for irrigation purposes.

Ms K Macleod of One Spec Creek, Takaka acknowledged the work which the applicants had carried out regarding riparian plantings and fencing of waterways but said she was concerned about monitoring of the water takes. Ms Macleod said that the Takaka aquifer is huge and that it is important for dairy farmers to protect the waterways. She said that dairying in Golden Bay is already profitable without irrigation and that it would be a short-sighted exploitation of the water resource if irrigation becomes the norm for dairy farming.

Further evidence was tabled on behalf of Fish and Game NZ Nelson/Marlborough Region and a letter of 19 October 2005 from Mr L Davey said that the submitter was unable to attend this hearing. These further comments were read at the hearing and referred to concerns about the potential for the drying zone to extend upstream and also sought improvements to the level of restrictions to be contained in conditions of consent and improvements in the river monitoring situation. The submitter was concerned that granting of the additional water takes, will only make matters worse during times of low flow in the Takaka River.

1.6 Staff Reports

Mr Thomas and Mr Tyson both spoke to the staff reports for the two applications from Sowman and Harwood. They addressed the concerns of submitters and clarified that the applications are not prohibited by the Tasman Resource Management Plan. Mr Thomas said that there is no way that these applications will affect the flow or clarity of the Puppu Springs. He said that the flows which the applicants are seeking are really quite small.

The staff report concluded that the operation of the Cobb Power Station will have a significant effect on the ability to exercise this resource consent, subject to the proposed consent conditions. The report said that it may be necessary to review the appropriateness of this consent, should changes to the operating regime of the Cobb Power Station occur. Mr Tyson said for the Harwood application, a farm management plan is needed and then the irrigation system is to be designed. This is to be included in the conditions of consent. A land use consent would be required for the intake structure and have the same expiry date. Mr Thomas said that in a severe drought, the irrigators would not be pumping.

Attached to the officer's report for the applications from Sowman and Harwood, were suggested conditions of consent.

1.7 Right of Reply

Mr Hewitt responded for the applicants. He referred to the matters raised during the hearing for the combined applications and noted that the Cobb Dam boosts the low flows in the Takaka River. He said that the mean annual low flow could be a useful figure to refer to. He said it is necessary to give meaning to the low flow issues and cutoffs. Mr Hewitt said that the Sowman intake is not having an effect on the flows between Lindsays Bridge and Harwoods. He said that the applicants would read the logging meters on a weekly basis while irrigating and an email would be sent to the Council. Mr Hewitt said that A D Harwood Limited agreed to draw up a farm management plan.

Mr Sowman offered a condition that no lactating cows be grazed on the land on the east side of the river which he sought to irrigate.

Mr Hewitt said he did not agree with the statement in the submission from Fish and Game that locals have also indicated that the drying zone has extended upstream since the Rosser and Sowman water applications were granted in 2003. Mr Hewitt said that the applicant would be prepared to conduct a trial of the operating irrigation system.

The Committee reserved its decision at 2.30 pm.

Moved Crs Borlase / Riley EP05/10/19

THAT the public be excluded from the following part of the proceedings of this meeting namely:

B and G Sowman & A D Harwood Ltd

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Subject	Reasons	Grounds
<ul style="list-style-type: none"> • B and G Sowman • A D Harwood Ltd 	Consideration of a planning application.	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

**Moved Crs Riley / O'Regan
EP05/10/20**

THAT for the purposes of discussing the application of B and G Sowman & A D Harwood Ltd as an "In Committee" item, the Manager Consents be authorised to be in attendance as advisor.

CARRIED

**Moved Crs O'Regan / Borlase
EP05/10821**

THAT the public meeting be resumed and that the business transacted during the time the public was excluded be adopted and that the following resolutions be confirmed in open meeting.

CARRIED

**2. B AND G SOWMAN, URUWHENUA, UPPER TAKAKA – APPLICATION
RM050340**

**A D HARWOOD LIMITED, COBB VALLEY ROAD, UPPER TAKAKA -
APPLICATIONS RM050605 AND RM050640**

Moved Crs Borlase / Riley

EP05/10/22

B and G SOWMAN: RM050340 (Water Permit – Taking of Water)

THAT pursuant to the Resource Management Act 1991, the Tasman District Council **GRANTS** the application of B J and G M Sowman for a change of condition to an existing consent (NN020416) to increase the authorised rate of taking and use of water for irrigation for an additional 30 hectares of land for a period expiring **31 May 2019**, subject to the following conditions:

CONDITIONS:

1. Site Details

Location:	Takaka River, Uruwhenua
Legal Description (at take point):	Pt Sec 4 SQ 8
Category of Water Source:	Surface water
Tributary:	Takaka River
Catchment:	Takaka
Zone:	Takaka Surface
Map reference:	NZMS 260 N26:9520-2520

Maximum rate of take: 120 litres/second
 10,369 cubic metres/day
 72,583 cubic metres/week
 Area irrigated: 241 hectares

Legal Description of Areas Irrigated:

- i. Lot 1 DP 17733
- ii. Pt Sec 1 SQ 8
- iii. Pt Sec 10 SQ 11
- iv. Pt Sec 12 SQ 11
- v. Pt Sec 12 SQ 11
- vi. Pt Sec 13 SQ 11
- vii. Pt Sec 141 SQ 11
- viii. Pt Sec 4 SQ 8
- ix. Pt Sec 5 SQ 8
- x. Pt Sec 6 SQ 8
- xi. Pt Sec 7 SQ 11
- xii. Pt Sec 9 SQ 11
- xiii. Sec 1 SO 14649
- xiv. Pt Sec 2 SQ 8 Valuation 1870028800 (Sparrow property)
- xv. Pt Sec 8 SQ 8 Valuation 1870028400 (Lenz property)
- xvi. Sec 9 Sq 8 being part of Valuation 1870029100

- 2. The taking of water shall be undertaken in accordance with the information supplied with application RM050340 except where otherwise required by the conditions of this resource consent or approved under a change of conditions.
- 3. The maximum rates of take shall not exceed those stated in Condition 1.
- 4. When flows in the Takaka River, as measured at the Harwood's flow recorder, fall below 1,670 litres/second the consent holder shall reduce the abstraction rates in accordance with the following steps:

Takaka River flow Harwoods recorder below:	Averaged instantaneous take:	maximum rate of take:	Maximum weekly rate of take (cubic metres):
1,630 L/s	80L/s		48,400
1,590 L/s	40L/s		24,400
1,550 L/s	0 L/s		0

Takaka River flows are as measured at the Harwood's flow recorder.

There shall be no taking of water when the flows in the Takaka River, as measured at the Harwood's flow recorder are below 1,550 litres/second.

Advice Notice:

The permit holder should phone and interrogate the Harwood's recorder daily when they are irrigating to avoid non-compliance.

Water Meter Specifications, Maintenance and Readings:

5. The permit holder or their agent shall, at their own expense, install, operate and maintain a water meter that complies with the Council's *Water Meter Specifications* as stated in the Tasman Resource Management Plan

The water meter required under this condition shall be installed in accordance with the water meter manufacturer's specifications and a copy of this same specification shall be provided to Council's Co-Ordinator Compliance Monitoring if requested.

6. The permit holder shall record their meter reading on the same day each week throughout every November to April inclusive and shall return their (two) meter readings to the Council's Co-Ordinator Compliance Monitoring at the end of each week and by the date(s) specified each year (by Council).

The permit holder is also required to supply a complete record of their weekly water usage during the months of November to April inclusive and this includes recording any nil usage.

Advice Notice:

Regular (preferably Monday) meter readings are required to ensure consistent data as Council may monitor weekly use by consent holders.

7. In addition to Condition 5 and 6, the permit holder shall install and maintain a water meter with a pulse output, which shall be connected to an automated data-logger to provide a complete, time and date stamped, record of the water abstracted from the Takaka River.

The time series abstraction data required pursuant to this condition shall be forwarded to the consent authority each year no later than 31 May each year or at any time if requested by the consent authority. The required abstraction data shall be forwarded to the consent authority within 20 working days from when requested.

8. The permit holder shall pay the reasonable costs associated with the monitoring of this permit including, if and when requested by Council, the full costs associated with water meter calibration to confirm their meter's accuracy is within the range of plus or minus five percent provided that meter calibration is not more frequent than five yearly and the full cost of monitoring compliance with the conditions of this consent including the reasonable costs associated with maintaining a water meter-usage database.
9. The maximum irrigation application rate per rotation shall not exceed 50 millimetres.
10. This resource consent may be cancelled upon not less than three months notice in writing by the consent authority if the resource consent remains unexercised without good reason for any continuous period exceeding five years, but without prejudice to the right of the consent holder to apply for a further resource consent in respect of the same matter.

11. Council may, for the duration of this consent and within the three month period following the anniversary of its granting each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for the purposes of:
 - a) dealing with any adverse effect on the environment which may arise from the exercise of the consent and which is appropriate to deal with at a later stage (including, but not limited to, changes in the flow regime of the Takaka River either as a result of natural climate variation or changes in the operating regime of the Cobb Power Station);
 - b) to reduce the quantities and rates of water authorised to be taken if the permit is not fully exercised;
 - c) when relevant national environmental standards have been made under Section 43 of the Resource Management Act 1991;
 - d) requiring the adoption of the best practical option to remove or reduce any adverse effects on the environment; or
 - e) complying with the requirements of a relevant operative rule in the Tasman Resource Management Plan or its successor relating to, but not limited to, the maximum or minimum levels or flows or rates of use of water, irrigation application rates, water metering requirements, or minimum standards of water quality.

Advice Notice:

Monitoring of this resource consent is required under Section 35 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the resource consent holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.

REASONS FOR DECISION:

1. This application for a change of conditions arises due to the wish of the applicants to irrigate additional land being operated as part of their dairy farm and therefore they require additional water. It relates to an existing consent NN020416, which will be cancelled and replaced with this consent. The applicant is proposing to irrigate an additional 30 hectares of pasture for dairying and has applied to take 10,283 m³/week at a rate of 17 litres/ second. This volume of water will be sufficient to irrigate their previous authorised area of 241 hectares at a rate of 30 mm/ week. Water is to be sourced directly from the Takaka River, 850 metres downstream of Lindsay's Bridge via an existing pump.
2. The application is a discretionary activity under Rule 31.1.6 and has been considered pursuant to Section 104 and Part II of the Resource Management Act 1991.
3. The application was notified and thirteen submissions were received. The main issues of concern raised by the submitters are:
 - Increased water take will adversely affect the Takaka River in terms of water quality, extending the "drying zone" and the length of time the river is dry, thus affecting fish and aquatic habitat quality and recreational use of the local swimming hole

- More monitoring of the effects of water takes is needed in terms of the river ecosystems
 - Accurate monitoring information of the exact water take being undertaken is required
 - Use of river water which is a public resource for private gain
 - Further water allocation should wait until TDC water allocation policy in the Golden Bay area is finalized
 - Less water in the Takaka River combined with intensification of land use leading to adverse effects on water quality
 - Cumulative adverse effects may impact on Te Waikoropupu Springs
 - Loss of public amenity and landscape value of Takaka River if lower water levels occur
4. The Committee carefully considered the issues raised by the submitters in the light of the matters of discretion identified in Chapter 31 of the Plan.
 5. The Committee heard evidence relating to the total current allocation of water within the recharge area of the Te Waikoropupu Springs. It is noted that the Cobb Dam has a major effect in terms of the water available in the Takaka River being released through power generation. The Committee noted the evidence that this generally spreads the flow over time and can augment low flow periods. The potential effects on the River and the interconnected underground systems of the proposed water take are of most concern to submitters during periods of low flow. The Committee considered that Te Waikoropupu Springs were adequately protected and that Schedule 30.1 "Uses and Values of Rivers, Lakes, Wetlands, Aquifers and Coastal Waters" could not be interpreted (as one submitter contended) that any water take should be prohibited.
 6. The Takaka River below Lindsays Bridge typically ceases to a varying extent each summer. The duration and extend of river drying depends on flows in the river (which are affected by releases from the Cobb Dam) and underlying groundwater conditions. The proposed additional water take is slightly upstream of the drying zone. The Committee was told that the effects of the additional take is considered to be small but it is acknowledged that the all takes upstream of the drying zone increase the degree and duration of river drying, although the significance of the increase is not considered to be more than minor. Granting the application would result in a total take of 176 l/s (from all permitted abstractions) which is 16% of the five year seven day low flow at Lindsay's Bridge. It is acknowledged that the take will reduce the flow in the river but this is minor compared to natural variations and the activity of the power generation at the Cobb Power Station
 7. The Committee notes that the applicant has volunteered to restrict the take of water during times of low flow. This mitigation measure is imposed as a condition of consent. The Committee was also mindful of the need to ensure that accurate metering of water takes are kept in accordance with the conditions.

8. The Committee notes the applicant's offer to limit stock crossing of the river to dry stock only. This is not an appropriate matter to be set into a condition of a water take consent, but clearly limiting stock crossing is best practice. Therefore the Committee strongly advocates this practice.
9. The Committee notes that the phenomenon of irrigation and water takes in the Takaka Valley is relatively new and that it is anticipated that Council will vigilantly monitor the effects on the surface and groundwater systems to ensure data is built up and will be used to consider a review of the consent if effects on the River system are revealed.
10. In summary, the Committee considered that the consent to increase the area of land to be irrigated and the amount of water authorised to be taken by the applicant could be approved as it was consistent with the relevant policies and objectives of the Plan and the purposes and principles of the Resource Management Act 1991.

CARRIED

A D HARWOOD: RM050605 (Water Permit – Taking of Water)

THAT pursuant to Section 104 of the Resource Management Act 1991, the Tasman District Council **GRANTS** the application of A D Harwood Ltd for the take and use of water for irrigation subject to the following conditions for a period expiring on **31 May 2019**.

CONDITIONS:

1. Location, Take and Use Details:

Location:	Takaka River, Upper Takaka
Legal Description (at take point):	Sq 8 Sec 33
Category of Water Source:	Surface water
Source:	Takaka River
Catchment:	Takaka
Zone:	Takaka Surface
Map reference:	NZMS 260 N26:9340-1980
Easting: 2493529 Northing: 6019947	
Maximum rate of take:	40 litres/second 3,456 cubic metres/day 24,192 cubic metres/week
Area irrigated:	80.6 hectares
Legal Description of areas to be irrigated:	Sections 32, 33, PT 34, 35 and 36 SQ 8 Takaka SD.

2. The taking of water shall be undertaken in accordance with the information supplied with application RM050605 except where otherwise required by the conditions of this resource consent or approved under a change of conditions.
3. At no time shall the maximum rates of take exceed those stated in Condition 1.
4. When flows in the Takaka River, as measured at the Harwood's flow recorder, fall below 1,653 litres/second the consent holder shall reduce the abstraction rates in accordance with the following steps:

Takaka River flow at Harwood's recorder below:	Averaged instantaneous rate of take:	Maximum weekly rate of take (cubic metres):
1,577 L/s	27L/s	16,000
1,563 L/s	13L/s	8,000
1,550 L/s	0 L/s	0

Takaka River flows are as measured at the Harwood's flow recorder.

There shall be no taking of water when the flows in the Takaka River, as measured at the Harwood's flow recorder are below 1,550 litres/second.

Advice Notice:

The permit holder should phone and interrogate the Harwood's recorder daily when they are irrigating to avoid non-compliance.

Water Meter Specifications, Maintenance and Readings:

- The permit holder or their agent shall, at their own expense, install, operate and maintain a water meter that complies with the Council's *Water Meter Specifications* as stated in the Tasman Resource Management Plan

The water meter required under this condition shall be installed in accordance with the water meter manufacturer's specifications and a copy of this same specification shall be provided to Council's Co-Ordinator Compliance Monitoring if requested.

- Following installation of a water meter, the permit holder shall thereafter record their meter reading on the same day each week throughout every November to April inclusive and shall return their (two) meter readings to the Council's Co-Ordinator Compliance Monitoring at the end of each two week period and by the date(s) specified each year (by Council), provided that Council reserves the right to require returns on a weekly basis during periods of water rationing in the zone.

The permit holder is also required to supply a complete record of their weekly water usage during the months of November to April inclusive and this includes recording any nil usage.

Advice Notice:

Regular (preferably Monday) meter readings are required to ensure consistent data as Council may monitor weekly use by consent holders.

- In addition to Condition 5 and 6, the permit holder shall install and maintain a water meter with a pulse output, which shall be connected to an automated data-logger to provide a complete, time and date stamped, record of the water abstracted from the Takaka River.

The time series abstraction data required pursuant to this condition shall be forwarded to the consent authority each year no later than 31 May each year or at any time if requested by the consent authority. The required abstraction data shall be forwarded to the consent authority within 20 working days from when requested.

8. The permit holder shall pay the reasonable costs associated with the monitoring of this permit including, if and when requested by Council, the full costs associated with water meter calibration to confirm their meter's accuracy is within the range of plus or minus five percent provided that meter calibration is not more frequent than five yearly and the full cost of monitoring compliance with the conditions of this consent including the reasonable costs associated with maintaining a water meter-usage database.
9. The maximum irrigation application rate per rotation shall not exceed 50 millimetres.
10. This resource consent may be cancelled upon not less than three months notice in writing by the consent authority if the resource consent remains unexercised without good reason for any continuous period exceeding five years, but without prejudice to the right of the consent holder to apply for a further resource consent in respect of the same matter.
11. Prior to the exercise of this resource consent the consent holder shall provide a Farm Management Plan to the Consent Authority detailing the soil types and soil moisture holding capacity of the land to be irrigated, and detailing the irrigation equipment, rotation and application rate that avoids subsurface drainage to below the pasture crop rooting zone and any surface run-off. The Plan shall also document any other measures adopted to achieve efficient water use, including soil moisture monitoring, metering of usage and leak detection programmes, repairs and maintenance.
12. Council may, for the duration of this consent and within the three month period following the anniversary of its granting each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for the purposes of:
 - a) dealing with any adverse effect on the environment which may arise from the exercise of the consent and which is appropriate to deal with at a later stage (including, but not limited to, changes in the flow regime of the Takaka River either as a result of natural climate variation or changes in the operating regime of the Cobb Power Station);
 - b) to reduce the quantities and rates of water authorised to be taken if the permit is not fully exercised;
 - c) when relevant national environmental standards have been made under Section 43 of the Resource Management Act 1991;
 - d) requiring the adoption of the best practical option to remove or reduce any adverse effects on the environment; or
 - e) complying with the requirements of a relevant operative rule in the Tasman Resource Management Plan or its successor relating to, but not limited to, the maximum or minimum levels or flows or rates of use of water, irrigation application rates, water metering requirements, or minimum standards of water quality.

Advice Notice:

Monitoring of this resource consent is required under Section 35 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the resource consent holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.

RM050640 (Land Use- Structure in the Bed of a River)

THAT pursuant to Section 104 of the Resource Management Act 1991, the Tasman District Council **GRANTS** the application of A D Harwood Ltd for the construction, use and maintenance of an intake structure subject to the following conditions for a period expiring on **31 May 2019**.

Conditions

1. Location Details:

Location:	Takaka River, Upper Takaka
Legal Description (at take point):	Sq 8 Sec 33
Site:	Takaka River
Map reference:	NZMS 260 N26:9340-1980
Easting: 2493529 Northing: 6019947	

- The use and maintenance of the intake structure shall be in accordance with the information supplied with Application RM050605 and RM050640, except where otherwise required by the conditions of this resource consent.
- The river intake shall be screened so as to avoid the entrainment of fish. The screen shall have a mesh size not greater than 5 millimetres and shall be constructed such that the intake velocity at the screens outer surface is less than 0.7 metres/second. The screen shall be maintained in good working order at all times.
- The intake structure shall not present a barrier to fish migration in the Takaka River.
- The construction and presence of the intake structure shall not result in adverse effects on flood flows.
- The intake structure shall not result in scouring of the Takaka River bed or banks and any rock work shall be repaired or replaced to the satisfaction of the Council's Asset Engineer (Rivers).
- The consent holder shall take all practical measures during construction and maintenance activities to avoid introducing silt and other contaminants to Takaka River.

In addition, no discharge of sediment shall decrease the visual clarity of the water 50 metres downstream of the intake structure by more than 40%, as measured by the black disk method, compared to immediately upstream of the site.

- Council may, for the duration of this consent and within the three month period following the anniversary of its granting each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for the purposes of:
 - Dealing with any adverse effect on the environment which may arise from the exercise of the consent and which is appropriate to deal with at a later stage (including, but not limited to, changes in the operating regime of the Cobb Power Station or changes to the resource consents for the operation of the Cobb Power Station);

- When relevant national environmental standards have been made under Section 43 of the Resource Management Act 1991; or
 - Requiring the adoption of the best practical option to remove or reduce any adverse effects on the environment.
9. The intake well shall be covered and secured to prevent unauthorised entry and to minimise floodwater entering the well.
10. All care shall be taken to avoid and/or minimise riparian vegetation and the river bank and site shall be returned to the same or similar condition as existed prior to the works.

Advice Note:

Monitoring of this resource consent is required under Section 35 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the resource consent holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.

REASONS FOR DECISIONS:

1. This application proposes the take of water from the Takaka River to irrigate a dairy farm. The volume of water sought to be taken is 40 litres per second or 3,456 cubic metres per day. This volume of water will be sufficient to irrigate 90 hectares at a rate of 30 mm/ week. Water is to be sourced directly from the Takaka River, approximately 400 metres downstream of the NIWA (Harwood) recorder site.
2. The application is a discretionary activity under Rule 31.1.6 and has been considered pursuant to Section 104 and Part II of the Resource Management Act 1991.
3. The application was notified and nine submissions were received. The main issues of concern raised by the submitters are:
 - Increased water take will adversely affect the Takaka River in terms of water quality, extending the “drying zone” and the length of time the river is dry, thus affecting fish and aquatic habitat quality and recreational use of the local swimming hole
 - More monitoring of the effects of water takes is needed in terms of the river eco-systems
 - Accurate monitoring information of the exact water take being undertaken is required
 - Use of river water which is a public resource for private gain
 - Further water allocation should wait until TDC water allocation policy in the Golden Bay area is finalized
 - Less water in the Takaka River combined with intensification of land use leading to adverse effects on water quality
 - Cumulative adverse effects may impact on Te Waikoropupu Springs

- Loss of public amenity and landscape value of Takaka River if lower water levels occur
4. The Committee carefully considered the issues raised by the submitters in the light of the matters of discretion identified in Chapter 31 of the Plan.
 5. The Committee heard evidence relating to the total current allocation of water within the recharge area of the Te Waikoropupu Springs. It is noted that the Cobb Dam has a major effect in terms of the water available in the Takaka River being released through power generation. The Committee noted the evidence that this generally spreads the flow over time and can augment low flow periods. The potential effects on the River and the interconnected underground systems of the proposed water take are of most concern to submitters during periods of low flow. The Committee considered that Te Waikoropupu Springs were adequately protected and that Schedule 30.1 "Uses and Values of Rivers, Lakes, Wetlands, Aquifers and Coastal Waters" could not be interpreted (as one submitter contended) that any water take should be prohibited.
 6. The Takaka River below Lindsays Bridge typically ceases to a varying extent each summer. The duration and extend of river drying depends on flows in the river (which are affected by releases from the Cobb Dam) and underlying groundwater conditions. The proposed water take is upstream of the drying zone. The Committee was told that the effects of the additional take (in combination with other consents authorised and recommended to be approved) is considered to be small but it is acknowledged that the all takes upstream of the drying zone increase the degree and duration of river drying, although the significance of the increase is not considered to be more than minor. Granting the application would result in a total take of 176 l/s (from all permitted abstractions) which is 16% of the five year seven day low flow at Lindsay's Bridge. It is acknowledged that the take will reduce the flow in the river but this is minor compared to natural variations and the activity of the power generation at the Cobb Power Station
 7. The Committee notes that the applicant has volunteered to restrict the take of water during times of low flow. This mitigation measure is imposed as a condition of consent. The Committee was also mindful of the need to ensure that accurate metering of water takes are kept in accordance with the conditions.
 8. The Committee wished to acknowledge and support the vegetation planting and riparian protection which has been undertaken by the applicant to protect water quality.
 9. The Committee notes that the phenomenon of irrigation and water takes in the Takaka Valley is relatively new and that it is anticipated that Council will vigilantly monitor the effects on the surface and groundwater systems to ensure data is built up and will be used to consider a review of the consent if effects on the River system are revealed.
 10. In summary, the Committee considered that the consent to construct an intake structure in the Takaka River and take water for irrigation could be approved as it was consistent with the relevant policies and objectives of the Plan and the purposes and principles of the Resource Management Act 1991.

CARRIED

Confirmed:

Chair: