STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Neil Tyson, Consent Planner

REFERENCE: RM070603 (Replacing NN010371

SUBJECT: **SUSTAINABLE VENTURES LTD - REPORT EP09/07/02 -** Report prepared for hearing of 1, 2 and 3 July 2009

---

1. APPLICATION AND BACKGROUND

This application (RM070603) is for a change of conditions of existing resource consent (water permit) NN010371. Water permit NN010371 authorizes the taking of groundwater from an existing well on the applicant's property for water supply to the Pakawau Beach Park. The change of conditions is to authorise the taking and use of groundwater year round for water supply for proposed apartments which, in time, will replace the existing campground.

The following extract is from the 2001 staff report (J T Thomas, Resource Scientist – Water) to the original consent application NN010371 relating to the supply and use of groundwater for the campground:

> Groundwater is taken from a 3.34 metre deep x 1 metre diameter concrete lined well located adjacent to the Collingwood-Puponga Main Road. The well itself is located on outwash and coastal sand deposits. Hydrogeological data indicates that recharge to this underground source is local i.e. rainfall and run-off from streams draining onto the flatland from the hills to the west.
>
> A surface pump is employed to pump water to an aeration tank, which filters through dolomite (pH correction) and then through a microfilter and UV treatment system before being supplied for use at the facilities, cabins, motel and manager's residence at the Beach Park. The system also has external rainwater tanks that act as supplementary storage. Physical testing using a field conductivity meter during the site visit shows the water to be fresh. The well itself is located about 70 metres from the coast. The pumping rate requested by the applicant is 0.23 litres per second, which is a small rate of take. Considering available textbook permeabilities, the pumping rate would not result in significant drawdown effects on the surrounding area. The well is also only 3.34 metres deep and this would limit the pumping drawdowns. No specific hydraulic evaluation has been undertaken in this area in relation to the take, as the only water use is for domestic supply from bach owners with their own individual wells. Council has not received any report of undue stress on the groundwater resource here, or any complaints of seawater contamination. It is noted that due to

the locality of the area in relation to the sea and localised recharge there is a potential for seawater intrusion, as is with any unconfined coastal groundwater supply.

In 2001, the same applicants were also granted a discharge permit for domestic wastewater discharge (NN010314) from the campground.

The applicant's revised proposal (18 April 2008) is to change conditions of NN010371. If the proposed apartment development is granted by the Committee then the changes to NN010371 involve:

- a change of the legal description of the land resulting from the proposed subdivision;

- the change in the purpose and use of water for supply for use in the apartments and for commercial use at the shop.

If consent for the proposed subdivision and landuse is granted, a condition of the subdivision will (presumably) need to include:

- Legal easement to the well for the shop and manager's ongoing supply security; and

- Transfer of the water permit at some future date to the body corporate or such other management structure for the appartment devlopment.

2. RELEVANT SUBMISSIONS AND PRINCIPLE ISSUES

Submissions 145, 130, 87, 121 raise concerns regarding the availability and reliability of groundwater to supply the proposed development. Submitters mention previous groundwater shortages and one submitter (#121) advise they are affected by the existing campground pumping under NN010371.

The submissions state that water demand will substantially increase under this proposal compared to the existing campground. Some submissions are concerned that an inadequate supply will lead to demand for a reticulated TDC supply, which the submitters do not want.

In addition, Nelson Marlborough District Health Board (NMDHB) (#104) advise that the existing supply is registered as a community water supply and is concerned about the lack of information concerning potability etc. New Zealand Fire Service (NZFS) (#86) is critical of the lack of information on storage, sprinklers etc for firefighting and is keen to see compliance with the code particularly as the nearest station is 34 km away.

Circulation of the applicant's revised proposal to all the original submitters drew various additional comments, but only one from NMDHB (#104) relates to the water supply. NMDHB comment that the applicant's revised proposal still has not addressed the issues raised by them relating to provision of a potable water supply.

3. ASSESSMENT

3.1 Tasman Resource Management Plan ("TRMP") Rules Affected

A change of conditions of a resource consent is pursuant to Section 127 of the Act and the status of the application is discretionary under the Act.

A discretionary activity may be granted or declined by the Council and if granted may include conditions, pursuant to Section 108 of the Act, or any matter the Council considers appropriate and relevant.

3.2 Principal Issues (Actual and Potential Effects on the Environment)

The principal issue(s) associated with the proposed change of conditions of NN010371 relate to the availability, reliability and suitability of the local groundwater for the proposed change in use and addressing the other water related issues raised in submissions. The writer considers that the adverse effects of the change in activity on the environment will be no more than minor for the following reasons:

a) The applicant has now supplied a pumped discharge test on their well as requested by Council under Section 92 of the Act. The test, conducted in November 2008, involved pumping the well at a higher rate than the 20 cubic metres per day authorised under NN010371 while measuring the drawdown in the well. This evidence supports the availability of groundwater to meet the proposed water demand and the evidence is supported by Council's Resource Scientist – Water (Joseph Thomas).

b) In the original staff report in 2001, Mr Thomas advised that a surface pump is employed to pump water to an aeration tank, which filters through dolomite (pH correction) and then through a microfilter and UV treatment system before being supplied for use at the facilities, cabins, motel and manager's residence at the Beach Park. It is understood that this treatment system will continue for the apartment development. Mr Thomas noted in 2001 that the system has external rainwater tanks that act as supplementary storage. Importantly, all testing of the water supply had shown the groundwater to be fresh.

c) The latest water quality data (July 2008) taken during the well pump test and analysed by Cawthron Institute supports the 2001 data. This Cawthron data shows the groundwater to be slightly corrosive with a pH 6.6 and elevated iron (0.39 g/m3) and manganese (0.25 g/m3) levels.

d) NMDHB advise that the existing campground supply is registered as a community water supply but that it does not comply with the Drinking Water Standards New Zealand (2005). However, NMDHB were not familiar with the available water quality data and staff's assessment is that the data shows the groundwater quality meets all but two non-essential aesthetic determinands. Staff's assessment is that the applicant's water treatment system appears to be appropriate to the groundwater source and capable of producing water of sufficient quality for potable use.

As a registered community water supply, the Resource Management (National Environmental Standards for Sources of Drinking Water) Regulations 2007 (NES(Water)) provides some protection for the campground water source which would continue for the proposed new use. Under the NES(Water), notification is required to the well users of any new activities that could adversely affect the campground supply.

However, wellhead protection is a particular issue and risk for shallow wells in unconfined aquifers such as in this case. Wellhead protection refers to the area of capture of water by the well or the catchment area providing water to the well. In this case, the (campground well) catchment landuse is substantially unchanged being in pasture and used for dairying and any risk is similar or unchanged. Having said that, the applicant's well is vulnerable and it is recommended that a contingency plan be developed for water supply.

e) Therefore, regarding the water related issues raised by submitters ie submissions 145, 130, 87 and 121, Joseph Thomas does not consider water availability is a significant issue for this application. His assessment draws on historic data including water table levels and rainfall recharge and from more recent drilling of a bore to some 30 metres deep, 500 metres north of the site. Mr Thomas does acknowledge a risk to coastal wells from seawater incursion. However, Mr Thomas does not consider the potential increase in water demand under this proposal ie compared to the existing campground, will result in any worsening of historic water shortages or result in additional interference effects between neighbouring wells as suggested by the Warrens (Submitter 121).

f) Regarding submitter's concern that an inadequate supply will lead to demand for or (worse) force Council to provide a reticulated supply (which the submitters do not want), this is a risk but all evidence suggests this risk is minimal.

g) Regarding the submission by NZFS (#86), the lack of information on storage, sprinklers etc for firefighting is acknowledged. This issue can only be solved by requiring additional water storage as a condition of approval of the development and provision of appropriate sprinklers. Directing stormwater runoff to suitably sized and located buried tanks is clearly a practical option.

3.3 Relevant Statutory Provisions

In considering this application, the Committee shall have regard to the full range of relevant matters outlined in Section 104 of the Act including any relevant provisions of the Tasman Regional Policy Statement (TRPS) and the Tasman Resource Management Plan (TRMP).

The Committee shall also have regard to the relevant principles outlined in Sections 6, 7 and 8 of the Act and that granting this change of conditions of resource consent achieves the purpose of the Act as presented in Section 5.

Therefore, for this application relevant provisions of the Tasman Regional Policy Statement (TRPS) and the Tasman Resource Management Plan (TRMP) include the following:

30.1.9 When assessing resource consent applications to take water, particularly those applications to take water from water bodies where no allocation limit has been established, to take into account actual and potential adverse effects, including cumulative adverse effects of the proposal in combination with any existing authorised takes, on:

(a)-(d)not applicable
(d) other water users;
(e) water reserved for other uses;
(f) hydrological regime of the water body;
(g) capacity to dilute contaminants;
(h) uses and values identified in Schedule 30.1;
(i) sustainable yield of an aquifer and the sustainable short and long term yield of a bore based on assessment of yields over five and 100 days

and

30.1.14 To avoid excessive localised reductions in bore yields when considering applications to drill bores or applications to take groundwater from an existing bore (provided that in the case of alluvial aquifers, potentially affected neighbouring bores fully penetrate the aquifer), taking into account the:

(a) sustainable yield of the aquifer (see 30.1.4);
(b) depth to the aquifer;
(c) permeability of the aquifer;
(d) distance from other bores;
(e) costs of full penetration;
(f) effects on connected surface water bodies;
(g) other uses of the water;
(h) cumulative effects of water takes from bores, including:
(i) potential adverse effects of water takes from any bore whether any take is permitted or otherwise;
(ii) effects of takes from new bores on existing takes;
(iii) effects of existing water takes on any new take from a bore; and
(iv) –(i) not applicable

and

Investigations and Monitoring

30.1.28 To continue investigations and monitoring of the water resources of the District, with the aim of establishing and maintaining defensible allocation limits and management policies to ensure sustainable management of the resource.

4. RECOMMENDATION

Regarding this application (RM070603) for a change of conditions of existing resource consent (water permit) NN010371, the writer considers, based on the available evidence, that a sustainable supply of groundwater is available from the existing well for the proposed water use and that any adverse effects of the change in activity on the environment will be no more than minor.

If the Committee is of a mind to grant the consent for the subdivision and landuse change then this change of conditions application RM070603 is recommended to be granted.

4.1 Duration of the Consent

The consent term of NN010371 is unchanged and cannot be changed under a change of conditions application.

4.2 Consent Conditions

This change of conditions application is allows for the updating of consent conditions under NN010371 including conditions relating to testing and monitoring of water quality and water metering.

Attached is a draft replacement consent and conditions which are consistent with recent and similar consents granted in Takaka. The change of conditions of NN010371 include:

- Changing the legal description of the land under NN010371 to reflect any approval of the proposed subdivision; and

- Change the purpose and use of water from camping ground use at the Pakawau Beach Camp to *water supply for use in the apartments and for commercial use at the shop, to replace use of water by the camping ground on a stage basis.*

If consent is granted, a condition of the subdivision will presumably need to include:

- Legal easement to the existing well for the shop and shop manager's ongoing water supply; and

- A condition requiring the transfer of the water permit NN010371 to the body corporate or such other management structure proposed for the appartments.

I am happy to answer questions.

Neil Tyson
Consent Planner Water

(DRAFT) RESOURCE CONSENT DECISION

Resource Consent Number: RM070603

Pursuant to Section 104B of the Resource Management Act 1991 ("the Act"), the Tasman District Council ("the Council") hereby grants a change of conditions of resource consent to:

Sustainable Ventures Ltd
(hereinafter referred to as "the Consent Holder")

Activity Authorised by this Consent: To take and use groundwater for campground and community water supply.

Location Details:

Location:	1112 Collingwood-Puponga Road, Pakawau, Takaka
Legal Description at Point of Take:	Proposed Lot 2 of the Subdivision of Pt Sec 11 Sq 15 Blk XVI Pakawau SD
Valuation Number:	1860012200

CONDITIONS

1. RM070603 has an unchanged term expiring on **31 May 2019.**

Site and Take Details

2. Legal Description at Point of Use: Proposed Lots 1& 2 of the Subdivision of Pt Sec 11 Sq 15 Blk XVI Pakawau SD

Category of Water Source:	Groundwater
Source:	Pakawau Gravel Unconfined Aquifer
Zone and Catchment:	Takaka
Purpose:	Campground and community supply
Maximum rates of take authorised:	1.14 cubic metres per hour 20 cubic metres per day 140 cubic metres per week
Well Number:	WWD 23411 (ex 5028)
Location of Point of Take:	Easting: 2483475 Northing: 6067290
Metering:	Yes

Water Meter Specifications, Maintenance and Records (Conditions 2-4)

3. The Consent 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 no later than July 2010, and 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.

   Advice Note:
   It is recommended that the water meter have a pulse output facility. This allows future connection to an automated data-logger to provide a complete (ie, time and date stamped) record of the water abstracted, which may be required for future monitoring of the consent. However, at this stage conditions of consent require only a weekly meter reading.

4. The Consent Holder shall record their water meter reading on the same day each week throughout every November to April inclusive, and monthly during winter months May to October inclusive, and shall return their meter readings in an annual report to the Council's Co-ordinator Compliance Monitoring no later than 1 June each year. The first annual report is due in June 2011.

5. The Consent Holder shall pay the reasonable costs associated with the monitoring of this consent 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 ±5% provided that meter calibration is not more frequent than five yearly.

6. The Council may within three months of the anniversary of the granting of the consent each year review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:

   a) to deal with any unexpected adverse effect on the environment that may arise from the exercise of the consent; and/or

   b) to require the adoption of the best practical option to remedy or reduce any adverse effects on the environment; and/or

   c) to comply with relevant national environmental standards made under Section 43 of the Resource Management Act 1991; and/or

   d) to reduce the quantities of water authorised to be taken if the consent is not fully exercised.

7. Council reserves the right to require from the Consent Holder a Scheme Water Management Plan that documents measures to achieve efficient water use, including the monitoring of the taking and usage of water, leak detection programmes, repairs and maintenance.

8. For the avoidance of doubt, these consent conditions replace those under NN010371.

ADVICE NOTES

1. Access by the Council or its officers or agents to the land subject to this consent is reserved pursuant to Section 332 of the Resource Management Act.

2. The Consent Holder shall meet the reasonable costs associated with the monitoring of this consent.

3. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:

    1. comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
    2. be allowed by the Resource Management Act; or
    3. be authorised by a separate resource consent.

4. In due course, this consent is to transfer to a body corporate or such other appropriate management structure that will be responsible for the infrastructure and assets for the apartments.

5. It is recommended that the consent holder develop a contingency plan relating to water supply to address possible extreme events.

6. Public Health Service Notification - This water scheme meets the definition of a private community water supply under the Health Drinking Water Amendment Act (2007). The consent holder is advised that the Nelson Marlborough District Health Board has asked Council to notify it whenever applications are received for such community schemes.