

Appendix 19

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HA:CC

1 October 2007

Resource Management Act 1991

Decision on an Application

for Resource Consent

Applicant:
Pleckville Rural Water Supply Scheme Inc
R D 3
EKETAHUNA

Application No:	104086 for a Water Permit (Surface Take)
Location:	Makakahi River, State Highway 2, Eketahuna
Catchment No:	325201
Legal Description:	BLK 9 Pt 2B Mangaone SD
Valuation No:	17730/109/00
Map References:	T25:384-572
Regional Policy Statement:	Objective 12 Policies 12.1 - 12.4
Proposed Regional Policy Statement:	Objectives 6-1 and 6-3 Policies 6-12, 6-13, 15-1, 15-4 and 15-5
Regional Plan:	Land and Water Regional Plan
Proposed Regional Plan:	Proposed One Plan
Regional Rule:	SW Rule 2
Proposed Regional Rule:	POP Rule 15-5
Type of Activity:	Controlled / Non-Complying

This non-notified application is for a resource consent (Water Permit) for an activity restricted by Section 14 of the Act, SW Rule 5 of the Land and Water Regional Plan (LWRP), and POP Rule 15-5 of the Proposed One Plan (POP).

The Application

The Pleckville Rural Water Supply Scheme has been in place since 1983. It has previously been consented, as Water Permit No. 102372, to abstract up to 692 m³/day (8 L/s) over 10 hours (generally between 11.00 pm and 07.00 am) (19.2 L/s) from the Makakahi River at approximate map reference T25:384-572. This Water Permit expires on 17 December 2007.

This new Resource Consent application is to take the same volume at the same rate as previously consented, effectively a renewal of the previous consent.

The Scheme supplies water to Alfredton School, Alfredton Hall and Domain and to approximately 5.8 hectares of farm land for stock drinking water. The Scheme is a registered drinking water supply.

A 20 year term has been requested by the Applicant for this Water Permit.

Non-Notification

The Application is considered to fall under SW Rule 2 of the LWRP classifying the application as a Discretionary Activity. However, the application also falls under POP Rule 15-5 of the POP and is classified as a Controlled Activity. Further, POP Rule 15-5 of the Proposed One Plan states:

'Resource consent applications under this Rule will not be notified and written approval of affected persons will not be required (notice of applications need not be served on affected persons).'

The Regional Council's Environmental Scientist considered that the actual and potential environmental effects of this proposal were minor. In accordance with the provisions of POP Rule 15-5, the Regional Council's Consents Manager agreed that the application could be processed on a non-notified basis with no affected parties pursuant to Section 94 of the Resource Management Act.

However, the Applicant has supplied written approval from the following parties:

- John and Sarah Monaghan;
- Wellington Fish and Game, New Zealand;
- Russell Gaskin – Te Tahuna o Makahi Marae;
- Roger Pearse – Rangitane o Tamaki Nui A Rau;
- Tararua District Council; and
- MidCentral Health.

Environmental Effects

The Regional Council's Environmental Scientist Water Quantity has assessed and reported on this application for the abstraction of 692 m³/day (8L/s) over 10 hours (19 L/s) from the Makakahi River to provide a water supply to Alfredton School, Alfredton Hall and Domain and to approximately 5.8 hectares of farm land for stock drinking water.

The abstraction point is in the Mangatainoka Water Management Zone and the Makakahi Water Management sub-zone. The flow monitoring site for this WMZ is Makakahi at Hamua. The actual abstraction site is a considerable distance from Alfredton and the water is delivered via a long pipeline.

This consent will operate under the existing system set up under Resource Consent No. 102372. The water will be abstracted from a gallery located on the right bank of the Makakahi River. The gallery consists of approximately 60 metres of 225 mm slotted PVC pipe installed about 1.5 m below the bed of the river. The gallery was installed in 1985.

The Water Supply Scheme operates under a set of Rules that require each property to take one third of the volume they are entitled to in any one year. If they wish to take more than the minimum allocation they must apply to the Scheme's governing committee for a further allocation. If the total of these applications exceeds the ability of the Scheme to provide for all requirements the allocations will be apportioned among the users.

The Scheme has a comprehensive set of rules and conditions to ensure that wastage is minimal and that water quality is maintained. The water is only supplied to consumers for the purposes of stock and domestic use.

The abstraction normally occurs between the hours of 11.00 pm and 7.00 am. If the storage is not full by 7.00 am the pumps may operate for another one or two hours to bring it up to maximum capacity. The Water Supply Scheme has a storage capacity of one to two days. Once available storage is full, the pumps automatically shut off. As a consequence no further water is abstracted, therefore there is no water allowed to run to waste.

The Scheme cannot provide more than 692 m³ daily because that is the maximum capacity of the reticulation system.

The Environmental Scientist notes that the nearest continuous flow recording site to the abstraction point is Makakahi at Hamua. Three gaugings were undertaken near the abstraction point during the 1980's. Correlation of these gaugings with concurrent flows at Makakahi at Hamua indicates a linear relationship between flow at the two sites at low flow.

Using the equation from this relationship ($y = 0.4906x + 0.0225$), a MALF for the Makakahi at the Motor Camp can be estimated:

- MALF for Makakahi at Hamua = 345 L/s¹
- Estimated MALF at Motor Camp = $(0.4906 * 345) + 0.0225$
- Estimated MALF at Motor Camp = 169.3 L/s

Table 1 sets out the three instantaneous rates that have been mentioned in this report so far (actual maximum use and actual average use from the water metering records and the rate that the Applicant is applying for) as a percentage of the estimated MALF at the Motor camp gauging site.

It is clear that the Scheme has been abstracting only a very small proportion of the MALF at this site (6.6 %) even at their peak recorded abstraction rate. On average they are abstracting only 2.9 % of the MALF. The rate that the Applicant wishes to be consented to take equates to only 11.3 % of the MALF at this site.

Table 1: Instantaneous rate as a proportion of estimated MALF at the Motor Camp gauging site

Abstraction Rate	L/s	Percentage of Estimated MALF at Motor Camp
Actual maximum daily use	11.2	6.6
Actual average daily use	4.9	2.9
Rate applied for	19.2	11.3

The environmental effect of this activity on the River is likely to be no more than minor at MALF. Evidence from both the Applicant's compliance record and water metering data indicates that this Water Supply operation is an efficient and well managed use of the water resource.

¹ NIWA, 2007

Volume Sought and Rate of Abstraction

Horizons Regional Council holds telemetry data for the Pleckville Rural Water Supply abstraction from 1 July 2006 – 6 August 2007.

Statistical analysis of this data shows that over this period, the maximum daily abstraction was 404 m³ and the average abstraction was 177.7 m³/day. The abstraction takes place for approximately 10 hours a day between the hours of 11.00 pm and 7.00 am, therefore the maximum instantaneous rate of abstraction was 11.2 L/s and the average instantaneous rate of abstraction was 4.9 L/s.

The Regional Council's Environmental Scientist notes that the core allocation limit for the Makakahi water management sub-zone is 0.066 m³/s. The existing allocation in the sub-zone is 1,810 m³/day (excluding this consent application) or 0.021 m³/s.

The proposed maximum daily abstraction volume of 692 m³/day represents 12 % of the core allocation limit for this sub-zone and therefore the proposed abstraction fits within the allocation regime for the Makakahi Water Management sub-zone.

Monitoring

There is already existing telemetry on the abstraction and therefore recommended conditions for this take provide for telemetry equipment to be maintained. The metering of the water use provides Horizons with the necessary information to manage the impact of the abstraction on the environment in a manner by which any adverse effects can be addressed quickly. This metering is required to be operational and maintained from commencement of this Permit. Included in the requirement for telemetry is a requirement for the accuracy of the water meter to be ±5 % or better.

A further condition regarding provision of power supply for the monitoring equipment has also been included.

Term

The Applicant has sought a term of 20 years for this proposed resource consent.

The Regional Council's Environmental Scientist Water Quantity reports that given the apparent efficiency of this abstraction and the fact that the water is a registered drinking supply, providing for community and stockwater requirements, it is considered that a term of 13 years would be appropriate in order to align with the common catchment expiry date of 2020 for the Mangatatainoka Water Management Zone. Provision for a review in 2010 should be included in the consent conditions.

Planning Assessment

Section 104 Considerations

Section 104(1) of the Resource Management Act 1991 outlines the matters that the Consent Authority is to have regard to when considering applications for resource consent, subject to Part II of the Resource Management Act.

The Regional Council's Senior Consulting Planner has assessed the application with respect to the relevant Statutory Planning matters under Section 104 and an assessment of the application against these matters. Note that only relevant sections, or parts of sections of

statutory documents as applicable to this resource consent have been reproduced in this report.

(a) Actual and Potential Effects on the Environment

The actual and potential effects on the environment of allowing the activities relating to the proposal are outlined above in the Environmental Effects Section of this decision.

(b)(iii) Regional Policy Statement

Objective 12 of the Regional Policy Statement is to maintain or enhance flows in rivers and streams at a level that safeguards their life supporting capacity and avoids remedies or mitigates any adverse effects on the environment. This Objective is implemented by Policies 12.1, 12.2, 12.3 and 12.4.

Policy 12.1 enables the taking of surface water while sustaining flows and life supporting capacity and avoiding, remedying or mitigating adverse effects. Policy 12.2 enables consideration of efficiency of use and the availability of the resource for other users. Of particular note is Policy 12.3 that enables the setting of minimum flows and/or maximum rates of use where this is necessary to achieve the purpose of the Act with regard to the existence of conflicts between major users and in-stream use. The setting of a restricted rate of take to provide for the water abstraction in low flows is consistent with Policy 12.3.

Proposed One Plan (POP) Regional Policy Statement

The POP is Horizons Regional Council's combined Regional Policy Statement and Regional Plan. It was notified on 31 May 2007. As a result of notification consideration must be made to the relevant Objectives, Policies and Rules.

In regard to the abstraction of surface water from the Makakahi River, the proposed activity is consistent with Objectives 6-1, 6-3 and Policies 6-12 and 6-13 of the Regional Policy Section of the POP. These Objectives and Policies ensure that water is managed to enable people, industry and agriculture to take and use water to meet their reasonable needs while ensuring that the existing life-supporting capacity of rivers are maintained.

The recommended term, is in accordance with Policy 2-2 of the Proposed Regional Policy Statement for Manawatu-Wanganui.

Subject to compliance with conditions of consent, the proposed activity will not conflict with the Objectives and Policies of either the Proposed or the Transitional Regional Policy Statement for the Manawatu-Wanganui Region.

(b)(iv) Regional Plans

Land and Water Regional Plan

The proposed activity requires consideration under the Land and Water Regional Plan. A Water Permit is required for this abstraction pursuant to SW Rule 2 of the Land and Water Regional Plan that provides for surface water abstraction in excess of 15 m³ per day as a Non-Complying Activity.

SW Objective 1 of the Land and Water Regional Plan is to maintain flows in rivers to maintain or enhance their existing life supporting capacity.

SW Policy 2 of the Land and Water Regional Plan requires that particular matters be considered when assessing an application for a Water Permit. These considerations include the effects of the activity on the natural flow regime, the duration of low flows, significant aquatic habitat for indigenous fauna and flora, water levels and natural character. It also requires consideration of whether the proposed activity would adversely affect the specified values of any regionally significant river or lake identified in the Regional Policy Statement

and the social and economic well being and the health and safety of people and communities. The Environmental Scientist has assessed these matters and is satisfied that a flow related management approach to the abstraction will provide for the in river values and habitat of the water body.

SW Policy 3 intends to maintain features and characteristics of et al the Mangatainoka River and its tributaries of which the Makakahi River is one. The Makakahi River is a trout fishery of significance and also has a significant aquatic site for Short Jawed Kokopu along its length. Taking water such as that sought by Pleckville Rural Water Supply Scheme Inc can only occur where it is considered that there will be no adverse effect on these significant characteristics of the River. The Environmental Scientist indicates that these matters will not be adversely affected by this abstraction.

When an activity is Non-Complying it must be assessed against the provisions of Section 104D of the Act:

104D Particular Restrictions for Non-Complying Activities

1. Despite any decision made for the purpose of section 93 in relation to minor effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—
 - a. the adverse effects of the activity on the environment (other than any effect to which section 104(3)(b) applies) will be minor; or
 - b. the application is for an activity that will not be contrary to the objectives and policies of—
 - i. the relevant plan, if there is a plan but no proposed plan in respect of the activity; or
 - ii. the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or
 - iii. both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.

In this instance, the activity can be granted consent as it meets the test of Section 104D(1)(a).

Subject to compliance with consent conditions, the proposed activity will not conflict with the Objectives and Policies of the Land and Water Regional Plan.

Proposed One Plan

In regard to the abstraction of surface water from an infiltration gallery located on the right bank of the Makakahi River, the proposed activity is consistent with Objectives 6-1, 6-3 and Policies 6-12 and 6-13 of the Regional Policy Section of the Proposed One Plan. These Objectives and Policies ensure that water is managed to enable people, industry and agriculture to take and use water to meet their reasonable needs while ensuring that the existing life-supporting capacity of rivers are maintained. As this abstraction will be unable to meet the requirements of the Permitted Activity POP Rule 15-1 in that the take exceeds 15 cubic metres per day the application has been assessed against POP Rule 15-5 of the Proposed One Plan as a Controlled Activity. The proposed abstraction is located in the Coastal Rangitikei River Zone, and is therefore not from those rivers protected under POP Rule 15-7 of the Proposed One Plan. Consideration of minimum flows and water allocations have been taken into account by the Regional Council's Environmental Scientist in accordance with Schedule B of the Proposed One Plan. The proposed take will not lower the water level in any wetland that is a rare or threatened habitat. The application is therefore considered to meet the Conditions / Standards / Terms of POP Rule 15-5 of the Proposed One Plan. Those matters over which Council has reserved control with respect to

POP Rule 15-5 of the Proposed One Plan have been considered in formulating the conditions proposed. The conditions and term of consent proposed are also considered to be consistent with POP Policies 15-1, 15-4, and POP Rule 15-5 of the Proposed One Plan.

In recommending the granting of this application, regard has been had to both the Land and Water Regional Plan and the Proposed One Plan. It has been considered that the application is consistent with both documents and the activity can be granted as a Discretionary Activity under both the Land and Water Regional Plan and/or a Controlled Activity under the Proposed One Plan. It is worth noting that in considering this application more weighting has been given to the Objectives and Policies of the Proposed One Plan.

Relevant Part II Consideration

Part II of the Act sets out the purposes and principles of the Act. The matters contained in Part II of the Act have been taken into account in the assessment of this application. The proposed activity is not considered to be inconsistent with these matters.

Recommendation

It is recommended this resource consent application be granted for a term of 13 years, and shall expire on 1 July 2020, subject to conditions of consent for the following reasons:

- The activity will have minor actual or potential adverse effects on the environment.
- The activity is not contrary to any relevant plans or policies.
- The activity is consistent with the purpose and principles of the Resource Management Act 1991.

Costs

Section 36 of the Act provides for the recovery of extra costs from an applicant when an application deposit is inadequate to meet the actual and reasonable costs of processing the application. In this case the Applicant paid a deposit of \$1,125.00 (Excl GST)

The costs incurred by the Regional Council in processing this application were:

Staff Time

Senior Consultant Planner 4.0 hours @ \$145.00 per hour	\$ 580.00
Environmental Scientist – Water Quantity 7 hours @ \$90.00 per hour	\$ 630.00
Senior Consents Planner 1 hour @ \$90.00 per hour	\$ 90.00
Consents Manager 1 hour @ \$95.00 per hour	\$ 95.00
Consents Administrator 2 hours @ \$80.00 per hour	\$ 160.00
Administration Charge	<u>\$ 210.00</u>
Sub Total (Excl GST)	\$ 1,765.00
GST	<u>\$ 220.63</u>
Sub Total (Incl GST)	\$ 1,985.63
Less Deposit	<u>\$ 1,125.00</u>
Total Costs Owing (Incl GST)	\$ 860.63

The Decision

- A.** The Consents Manager of the Manawatu-Wanganui Regional Council (trading as Horizons Regional Council) has considered this non-notified application. On 1 October 2007 the Consents Manager pursuant to delegated authority under Section 34 of the Resource Management Act, grants Water Permit 104086, pursuant to Sections 104A and 104B of the Act, to the Pleckville Rural Water Supply Scheme Inc to abstract surface water from the Makakahi River, at approximate map reference T25:384-572 for a term expiring 1 July 2020, subject to the following conditions:
1. The maximum rate of abstraction from the Makakahi River on the property legally described as BLK 9 Pt 2B Mangaone SD at approximate map reference T25:384-572 under the authorisation of this Permit shall not exceed 692 m³/day at a maximum rate of 19.2 L/s.
 2. From the commencement of this Water Permit, the Permit Holder shall maintain, in fully operational condition, a flow meter with a pulse counter output and a GPRS data logger/telemetry unit compatible with the Manawatu-Wanganui Regional Council's Telemetry System on the water abstraction line traceably calibrated to +/- 5 % or better. The flow meter/s shall be capable of providing daily water use as well as a pulse counter output. The GPRS data logger/telemetry unit attached to the pulse counter output will be monitored by the Manawatu-Wanganui Regional Council to ensure compliance with Water Permit conditions and as part of a programme to enable monitoring of total catchment water use. Where telemetry equipment fails for reasons other than fair wear and tear, replacement or repair will be at the Permit Holder's expense and replacement will be required within seven days. The length of straight pipe before and after the flow meter shall be the **greater** of:
 - a. 10 times the external diameter of the pipe before the meter's inlet flange and 10 times the external diameter of the pipe after the meter's outlet flange;
 - b. 1.5 m metres before the flow meter inlet flange and 0.75 m of pipe after the flow meter outlet flange; and
 - c. the length of pipes specified by the flow meter manufacturer to enable accurate flow measurement to be achieved.

The flow meter shall be positioned within straight lengths of steel pipe of uniform wall thickness (excluding flanges) before and after the meter. For the purpose of this clause, the pipe on either side of the flow meter shall be of equal diameter.

Note: The flow meter and length of straight pipe before and after the meter (as specified above) shall be easily and safely accessible and is to be installed so as to be between 100 mm and 1,200 mm above ground level.

Note: Spiral welded pipe will not meet the "uniform" wall thickness specifications above.
 3. From the commencement of this Water Permit, the Permit Holder shall keep hourly records of the rates and volumes of water abstracted from the bore under the authorisation of this Permit using the flow meter and GPRS data logger/telemetry unit as required by Condition 2. The records shall be supplied automatically through the telemetry system linked to the Manawatu-Wanganui Regional Council.
 4. With the exception of network power failure or network maintenance the Permit Holder shall ensure that power supply is maintained at the site at all times.

Note: If power supply is lost at the site due to Permit Holder negligence or abuse and telemetry units require recalibration by Manawatu-Wanganui Regional Council staff the costs associated will be recovered from the Permit Holder.

5. The Permit Holder shall provide the Manawatu-Wanganui Regional Council staff or its agents with reasonable access to enable monitoring of water use.
6. From the commencement of this Water Permit, the Permit Holder shall maintain an intake screen with a mesh aperture size not exceeding 3 mm in diameter and the intake velocity shall not exceed 0.3 m/s.
7. The Manawatu-Wanganui Regional Council may, under Section 128 of the Act, initiate a review of all conditions of this Permit in the month of May in the year 2010. The review shall be for the purpose of reviewing the effectiveness of the conditions in avoiding, or mitigating any adverse effects on the environment which may arise as a result of the exercise of this Permit;

The review may be necessary to:

- i. assess the water abstraction volumes and rates detailed in Condition 1 of this Permit for consistency with any review of any Regional Water Allocation Policy developed, and if necessary change the monitoring outlined in Conditions 2, 3 and 4 of this Permit;
- ii. change the flow recording site the flow restrictions are measured from, and the flows at which restrictions come into force;
- iii. deal with any significant adverse effects on the environment which may arise as a result of this Permit; and

The review of conditions shall allow for:

- i. the deletion or amendment of any of the conditions of this Permit; or
- ii. the imposition of different low flow cut off parameters in Conditions 1; or
- iii. the addition of new conditions as necessary to avoid, remedy or mitigate any adverse effects on the environment.

Note: Any review exercised under this condition may result in the abstraction volume and/or rate being reduced and/or restricted, or further restrictions being placed on the abstraction volume and/or rate during low flow conditions and/ or restricting irrigation application rates to match soil moisture deficits.

8. The Regional Council may under Section 128(1)(b) of the Resource Management Act 1991, initiate a review of all of the conditions of this Permit at any time throughout the term of this permit, when a Regional Plan has been made operative which sets Rules relating to maximum or minimum levels or flows or rates of use of water and in the Regional Council's opinion it is appropriate to review the conditions of the Permit in order to enable the levels, flows, rates, or standards set by the Rule to be met. The review shall be for the purpose of reviewing the effectiveness of the conditions in avoiding, or mitigating any adverse effects on the environment, which may arise as a result of the exercise of this Permit in response to any future Regional Water Allocation Plan.
9. Charges, set in accordance with Section 36(1)c of the Resource Management Act 1991, and Section 150 of the Local Government Act 2002, shall be paid to the Manawatu-Wanganui Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of this resource consent and for the carrying out of its functions under Section 35 (duty to gather information, monitor, and keep records) of the Act.

[Note: Section 36(1)c of the Act provides that Manawatu-Wanganui Regional Council may from time to time fix charges payable by holders of resource consents. The procedure for setting administrative charges is governed by Section 36(2) of the Act and is currently carried out as part of the formulation of the Regional Council's Long Term Council Community Plan].

- B.** The Consents Manager pursuant to delegated authority under Section 34 of the Act resolves that the Permit Holder shall pay additional reasonable costs incurred by Horizons Regional Council in processing Water Permit 104086 of \$860.63 (Incl GST).

Reasons for this Decision

In making her decision on this application pursuant to Section 104(A) and (B) of the Resource Management Act, the Consents Manager had regard to the matters required by Section 104 of the Act. In particular, the Consents Manager considered the actual and potential adverse environmental effects of granting this Water Permit.

The Consents Manager is satisfied that the adverse effects of this abstraction are minor therefore the Consents Manager is satisfied that granting this Water Permit will not be inconsistent with the sustainable management provisions of Part II of the Act.

The Consents Manager notes that the 13 year term imposed is consistent with Policy 34.2 of the Regional Policy Statement and Policies 2-2 and 15-5 of the Proposed One Plan, particularly as it is a common catchment expiry date.

To avoid the potential for impacts on flow levels, life supporting capacity and habitat values, the Consents Manager has imposed conditions relating to abstraction rates and monitoring. The provision for review will provide the opportunity to review the abstraction volume or rate should any significant adverse effects arise during the term of this Permit.

The Consents Manager has imposed additional actual and reasonable costs in relation to the processing of this Permit. The Consents Manager believes the costs in relation to the processing of this Permit are both fair and reasonable. She notes that additional research, administrative and monitoring charges may be incurred over the lifetime of this Permit.

The Consents Manager is satisfied that provided the conditions of this Water Permit are met, granting the proposed abstraction will not be inconsistent with the Regional Policy Statement for Manawatu-Wanganui Region, the Land and Water Regional Plan and the Proposed One Plan.



Sarah Gardner
CONSENTS MANAGER

1 October 2007