

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of an application by Grenadier Limited
to the Manawatū-Whanganui Regional Council
(reference: **APP-2020203164.01**) for the suite of
resource consents associated with the construction
and development of a proposed eighteen hole links
golf course and ancillary activities on land at 765
Muhunoa West Road, Ōhau

REPORT TO THE COMMISSIONERS

MRS CHRISTINE FOSTER (CHAIR), DR FLEUR MASEYK AND MR REGINALD PROFFIT

SECTION 42A REPORT OF FIONA MORTON – CONSULTANT SENIOR PLANNER

6 April 2022

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A. INTRODUCTION

Qualification and Experience

1. My name is Fiona Janet Morton.
2. I am contracted to the Manawatū-Whanganui Regional Council (Regional Council) in the position of Senior Consents Planner.
3. I hold an honours degree in Resource Management and Environmental Planning. Following my graduation in 2000 and up until May 2006 I was firstly a Policy Analyst, Consents Planner and then a Senior Consents Planner at the Regional Council. During 2007 to 2012 I periodically assisted the Regional Council in a planning peer review role. From 2012 onwards I have provided overflow support in the processing of resource consent applications to the Regional Council in the role of Consultant Senior Consents Planner.
4. I have over 20 years resource management experience, predominantly in the natural resource field, and in particular relating to resource consenting matters, resource consent hearings and including matters resolved at the Environment Court.
5. I have read the Environment Court Practice Note 2014 as it relates to conduct of expert witnesses and I agree to comply with it and have complied with it in preparation of this evidence. Other than where I state that I am relying on the advice of another person, the matters covered in this report are within my area of expertise. I have not omitted to consider material facts known to me that might detract from the opinions I express.

Site Visit

6. On 16 December 2021 my colleague Connor Whiteley and I attended the site of the proposed Golf Course located off 765 Muhunoa West Road.
7. We traversed most of the site and in particular where the proposed works are to occur. I am familiar with the location, its surrounds and characteristics of the proposed activity.

B. OUTLINE OF EVIDENCE

8. In my report I have provided the following:
 - a. A description of the activity;

- b. An outline of the consenting background;
 - c. An outline of the public notification process;
 - d. A summary of the matters raised in submissions;
 - e. An assessment of the relevant section 104 matters including:
 - i. An assessment of the environmental effects associated with the ongoing effects of the activity;
 - ii. An assessment of the relevant National Environmental Standards, National Policy Statements, Regional Policy Statement and Regional Plans (namely the One Plan);
 - iii. An analysis of Section 104D; and
 - iv. An analysis of Part 2 of the Resource Management Act 1991 as it relates to the application.
9. This section 42A report provides an analysis of the relevant plans and policy documents, as well as an interpretation of those where required. It also includes discussion on the effects associated with the activity, and an assessment of the submissions received. It concludes with a commentary regarding a potential way forward.
10. In accordance with section 42A (1A) and (1B) of the RMA, I have minimised the repetition of information included in the application and where I have considered it appropriate, adopted that information.

C. THE SITE AND SURROUNDING AREA

One Plan Water Management Zones

11. The property is located in the Ohau_1 Water Management Zone and the Ohau_1b Water Management sub-zone. The Schedule B values associated with this water management zone include: Life supporting capacity (LSC), Aesthetics (AE), Contact Recreation (CR), Mauri (M), Industrial Abstraction (IA), Irrigation (I), Stock Water (SW), Existing Infrastructure (EI), Capacity to Assimilate Pollution (CAP). The following sub-zone values apply to this stretch of the Ōhau River adjacent to the site: Site of Significance – Aquatic (SOS-A), Site of Significance – Riparian (SOS-R), Inanga Spawning (IS), (Amenity) AM, Whitebait Migration (WM), Trout Fishery – Other (TF), Trout Spawning (TS), Domestic Food Supply, (DFS), Flood Control and Drainage (FC/D).
12. The Groundwater bore is located in the Horowhenua Groundwater Management Zone (HGMZ)

13. The site¹ is located at the western end of Muhunua West Road. It is approximately 107 hectares in area and extends south west from the Muhunua West Road to the Ōhau River in the south and to the coast in the west. An esplanade reserve runs along the coastal (western) boundary between the subject property and the Coast. The site is shown in **Figure 1**. The property displays a characteristic inland dune topography with areas of rolling dunes and other areas of flatter land that have been used for both plantation forestry and farming. Current vegetation cover varies significantly across the property. The property is predominantly kept under pasture, although it is not currently grazed and is essentially vacant.
14. The property has previously been used for plantation forestry with harvesting understood to have taken place in 2014. Unharvested pines remain in a number of locations on the property, mainly on the inland dunes. Since the completion of harvesting, the property has mainly been used for grazing bulls but is not being grazed at present. There are no HDC potable water, sanitary sewer or stormwater available on Muhunua West Road.
15. In general, surrounding land is low-lying coastal farmland with some pockets of plantation forestry. The land is mostly coastal plain with a range of inland sand dunes dotted throughout the landscape. The property is surrounded by a range of rural and rural-lifestyle activities. There is an expansive sandy beach and foredune system running the length of the Horowhenua Coast and beyond. The mouth of the Ōhau River is to the south. As it passes the southern edge of the property the River forms a coastal estuary with a saltmarsh wetland and a moving river channel and river mouth.

¹ Page 5 of the application details the site. Page 8 discusses the surrounding area.



Figure 1: Proposed Golf Course Site

16. Further south of the Ōhau River is the Tahamata² dairy farm, an iwi-owned 310 hectare dairy farm on the low-lying, mainly sandy soil inland from the coast. The Tahamata farm extends inland on both sides of the Ōhau River.
17. To the north of the site is the Ōhau Sands rural-lifestyle subdivision (Ōhau Sands). Ōhau Sands is a 100ha gated coastal lifestyle subdivision with 15 lifestyle allotments of between 1.2ha and 7ha. All allotments have an equal share in the surrounding 50ha balance allotment which is managed through an approved management plan.
18. An unformed easement for public access (pedestrian only) from the western end of Muhunua West Road to the coast runs along the boundary between the subject property and Ōhau Sands. To the east of the subject property lie further dairy and dry stock farms in different ownership across the coastal plain between the coast and State Highway 1 accessed either from Muhunua West Road or Kuku Beach Road.

² Tahamata Incorporation form part of the Te Iwi o Ngāti Tukorehe Trust and other Tukorehe Mandated Authorities submission

19. Muhunoa West Road is a non-exit Local Road (as set out in HDC’s roading hierarchy in Section 21.1.8 of the District Plan) running west from a crossroads with State Highway 1 (and Muhunoa East Road) in the east at Ōhau to dead end north of the subject property. Along the eastern part of the road, the speed limit is 50km/hr. The road runs straight east-west, serving a range of residential and lifestyle properties within Ōhau. Beyond the urban area the speed limit increases to 80km/hr before reducing to 60km/hr for the remainder of the road’s length. As it runs further west, past the Kikopiri Marae the road meanders through the inland dunes and serves the rural properties closer to the coast.

D. APPLICATION AND INFORMATION PROVIDED

20. The Douglas Links Golf Course application was lodged on by Landmatters Ltd (the Applicant’s agent) on behalf of Grenadier Ltd on 2nd July 2021. The Table 1 below is the timeline of events and information provided over the course of the application.

Event	Date
Application lodged	2 July 2021
S92 further information request (environmental)	1 September 2021
S92 further information response (environmental)	14 September 2021 – Partial response
Meeting – Consent Authority, Applicant and respective experts	20 October 2021
S92 further information request (cultural)	29 October 2021
Ecological workshop – respective ecological experts and Applicant’s agent	2 November 2021
S92 further information response (ecological and cultural)	7 December 2021 – Partial response Skinks and Cultural matters outstanding
Site visit – Ecological experts, Consenting Authority, Applicant	16 December 2021
Onsite hui ³	17 December 2021
Application publically notified	21 January 2022
Submission close	21 February 2022
Hearing	3-4 May 2022

Table 1: Consent timeline

³ The Applicant will need to detail who was invited, and who attended this Hui.

E. THE ACTIVITY

21. A suite of consents are being sought to undertake works in order to construct and operate an 18 hole Links Golf Course (The 'Douglas Links' Golf Course) with associated driving range, club house and accommodation units on the property. Landscaping and native revegetation of the property also form part of the proposed activity.
22. The majority of these activities require authorisation under the RMA, 1991. There is one consent required under the NES-FM (2020). While the consent required under the NES-FM (2020) were not sought when the application was originally lodged, an email dated 12 January 2022 confirmed that the Applicant was seeking '*consent under the NES-FM for the activities.*⁴'
23. Page 3 of the application AEE details the activities being sought. For ease of reference they are repeated in Table 2 below along with the associated authorisation numbers should the application be granted.
24. Consents were also required from the Horowhenua District Council. These consents were processed on a non-notified basis and granted on 5 October 2021.

⁴ Email from Bryce Holmes to Fiona Morton, 12 January 2021

Activity	Rule and rule status	Authorisation #	Term
Land use consent for land disturbance outside the coastal foredune and any identified at-risk or rare habitats	Rule 13-2 – Controlled activity	ATH-2022205146.00	10 years
Land use consent for land disturbance and vegetation clearance within the coastal foredune but outside any identified at-risk or rare habitats	Rule 13-7 – Discretionary activity	ATH-2022205145.00	10 years
Land use consent for land disturbance and vegetation clearance within identified at-risk habitats	Rule 13-8 – Discretionary activity	ATH-2022205144.00	10 years
Land use consent for land disturbance and vegetation clearance within identified rare habitats	Rule 13-9 – Non-complying activity	ATH-2022205143.00	10 years
Discharge consent for the discharge of treated domestic wastewater into ground, including from composting toilets (3)	Rule 14-30 – Discretionary Activity	ATH-2022205142.00	35 years
Water consent for the abstraction of groundwater for irrigation and domestic supply	Rule 16-9 – Discretionary Activity	ATH-2022205141.00	35 years
Discharge Consent for the taking, use, damming, diversion, or discharge of water within, or within a 100m setback from, a natural wetland (the saltmarsh).	NES-FM Regulation 54 – Non-complying activity	ATH-2022205149.00	10 years

Table 2: Consents sought from the Regional Council

25. It is considered that the above activities are inseparable and therefore the bundling principle applies. The bundling principle requires the most onerous activity status to be applied to the proposed activities. On this occasion all activities associated with the application will be considered on a non-complying basis. This assessment is consistent with the assessment made by Applicant⁵.

F. NOTIFICATION AND SUBMISSIONS

26. The Applicant requested notification.⁶ At the time the Applicant requested notification I was awaiting s92 further information on ecological matters, and an outcome from the s92 further information regarding engagement with tangata whenua.

27. The application was publically notified on 21 January 2022 in the Dominion Post and the Horowhenua Chronicle. Submissions closed on 21 February 2022. 18 submissions were received by the close of submissions. 17 submissions were in support. One submission (Te Iwi o Ngāti Tukorehe Trust and other Tukorehe Mandated Authorities) was in opposition.

28. A late submission from Muaupoko Tribal Authority Inc was received on 9 March 2022. This submission was provided to the Hearing Panel. This submission was also in opposition. If this late submission is accepted, a total of 19 submissions have been received on the application.

29. **Table 3** below, identifies the following parties who made submissions to the application.

No.	Submitter Name	Support/Oppose	Heard
1.	Paraparaumu Beach Golf Club	Support	Heard
2.	Gwen & Chris Bossley	Support	Not Heard
3.	Brian Spicer - GM Te Arai links Golf Club	Support	Not Heard
4.	Professional Golfers Association of NZ (Inc)	Support	Heard
5.	Alan Currie	Support	Not Heard
6.	Manawatu Chamber of Commerce	Support	Not Heard
7.	Wellington Golf Incorporated	Support	Not Heard

⁵ Page 3, Douglas Links Golf Course, Application and AEE (July 2021)

⁶ Email from Applicant's Agent – Landmatters Ltd (23 December 2021)

8.	Darren Bryant	Support	Not Heard
9.	Andrew Porteous	Support	Not Heard
10.	Robert J Charles	Support	Not Heard
11.	The Horowhenua Company Ltd (THCL)	Support	Not Stated
12.	Manawatu Wanganui Golf Inc	Support	Not Heard
13.	Angela Buswell	Support	Not Heard
14.	Kapiti Coast Chamber of Commerce	Support	Not Heard
15.	Heritage New Zealand	Support	Heard
16.	Golf New Zealand Incorporated	Support	Heard
17.	Te Iwi o Ngati Trust & other Mandated authorities	Oppose	Heard
18.	Horowhenua College	Support	Not Heard
19.	Muaupoko Tribal Authority Inc	Oppose	Heard

Table 3: Submissions received

30. **Table 4** below identifies the matters raised by the submitters. This is **not** an in-depth analysis of the matters raised in the submissions, merely a very brief summary for easy reference. Full copies of the submissions received were provided to the Panel as part of their electronic document bundle.

No.	Matters raised	Relief requested	Submission Number(s)
1	Enhanced Ecological greenspace	Grant application	1, 6, 7, 9, 10, 16
2	Enhanced Economic benefit to Horowhenua and wider	Grant application	1, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 16
3	Water management	Grant application	1
4	Improved nutrient management	Grant application	1, 9
5	Improved and preserved natural character	Grant application	2, 3, 5, 7, 9, 11, 12, 13, 14, 18
6	Conditional Archaeological support	Grant application	15
7	Lack of appropriate tangata whenua consultation	Assess and address potential cultural effects	18, 19
8	Impacts on culturally significant wāhi tapu and wāhi tupuna (some of Hole 10, 13 and 15, all of Hole 14)		17
9	Impacts on outstanding coastal dune features (Holes 4, 5 and 17)		17
10	Inadequate Cultural Values Assessment		17
11	Inadequate, 'standardised' and inaccurate Archaeological assessment		17
12	Climate change impacts not fully considered		17

No.	Matters raised	Relief requested	Submission Number(s)
13	Impacts on intangible values for former middens and cultural significance alongside natural values for western coastal Holes 4 and 17 and associated impacts and interrelated northern riparian saltmarsh and wetland regions beside the Ōhau River with holes 16, aspects of 14 and 15.	Removal of coastal holes listed in the Coastal dune zone. Remove holes for the benefit of invertebrate and avian fauna Increase Outstanding Natural Landscape Feature in size (ONFL)	17
14	Importance of Kuku Ōhau Estuary (South of site)		17
15	Inadequate and flawed iwi consultation		17
16	Ongoing adverse effects including golf ball pollution and rubbish		17
17	Creating an 'alien' use contrary to the best use of rural land		17
18	Reduce from 18 hole course to 9 hole course	Reduce to 9 hole course within a more coastal eco-park arrangement Seek an expanded large coastal natural re-buffering of the western coastal zone Full protection of riparian saltmarsh to wetland with added full revegetation of eroding areas on the Ōhau River	17
19	Provide evidence of approval (Minutes) demonstrating wider collective mandate from Ngati Kikopiri		17

Table 4: Matters raised in submissions

G. ASSESSMENT – SECTION 104

31. The provisions of Section 104 of the Resource Management Act 1991 (the Act) must be considered by the Hearing Commissioners in making a decision on the resource consent application. The application⁷ sets out the provisions that require assessment. The matters contained in Section 104 that in my opinion are of relevance to the application include:

- 104(1)(a). **Actual and potential environmental effects.** An assessment of the environmental effects is provided by the Applicant and in the section 42A reports prepared by Dr Tom Garden, Mr Graeme Ridley, Mr Connor Whiteley and Ms Trisha Simonson. In the following paragraphs I consider the findings of both the Application and the s42A technical reports in concluding my overall assessment of the actual and potential ongoing effects of the activities. This assessment is given in Section H of my report.
- 104(1)(ab) **Agreed measures (offsetting).** When originally lodged, the application depicted the use of off-setting⁸. These measures are discussed in Section I of my report.
- 104(1)(b)(i) **National Environmental Standards – Freshwater and Drinking Water.** In this case I consider the National Environmental Standards for Freshwater (2020) to be relevant.
- 104(1)(b)(ii) **Other regulations.** There are no other regulations that I am aware of which would be considered to be relevant to authorising the ongoing effects associated with this activity.
- 104(1)(b)(iii) **Relevant National Policy Statements.** Section L of my report comments on relevant provisions of the National Policy Statement for Freshwater Management 2020.
- 104(1)(b)(iv) **New Zealand Coastal Policy Statement.** Section M of my report notes the New Zealand Coastal Policy Statement (2010)
- 104(1)(b)(v) **Relevant Regional Policy Statement.** The Applicant’s assessment of the relevant Objectives and Policies of the Regional One Plan Policy Statement is

⁷ Section 8.3.2, page 70, Application and Assessment of Environmental Effects, (July 2021)

⁸ Section 7.4, page 48, Application and Assessment of Environmental Effects, (July 2021)

given in the AEE⁹. Section N of my report expands on these provisions. I agree with the Objectives and Policies identified by the Applicant. My discussion on these Policies is limited to where I do not agree with the Applicant's policy interpretation, or where I consider additional matters need to be considered to address effects.

104(1)(b)(vi) **Relevant Regional Plan.** The Applicant's assessment of the relevant Objectives and Policies of the Regional One Plan is given in Section 9, pages 123-138. My discussion on these Policies contained in Section O of this report and is limited to where I do not agree with the Applicant's policy interpretation, or where I consider additional matters need to be considered to address effects.

104(1)(c) **Other Matters the Consent Authority Considers Relevant.** No other matters are considered relevant to this Application.

H. ACTUAL AND ONGOING EFFECTS ON THE ENVIRONMENT – SECTION 104(1)(A)

32. Part 1, Section 3 of the Act encompasses a broad definition of what constitutes environmental effects. The Act requires the consideration of both **actual effects** and **possible future** effects. Potential cumulative effects on the environment must be taken into account. In addition, consideration must be given to any potential effect of high probability and any potential effect of low probability which has a high potential impact.

33. Having read the AEE, the s92 information (partially fulfilled) and the evidence of Dr Garden, Mr Whiteley, Mr Ridley and Ms Simonson, in my view there are a number of actual and potential effects requiring consideration. These are identified below:

- a. Effects on surface water quality, groundwater quality, soil quality and amenity from the discharge of domestic wastewater to land;
- b. Effects arising from earthworks (sediment);
- c. Reasonable and efficient use of water, potential effects on the overall groundwater resource, potential effects on surface water bodies, potential effects of saline intrusion, and potential effects on neighbouring bores;
- d. Loss of ecological form and function;

⁹ Section 9, pages 101-123, Application and Assessment of Environmental Effects, (July 2021)

- e. Loss of habitat;
- f. Effects on threatened species; and
- g. Effects on cultural values.

Domestic Wastewater effects

34. The activity has been assessed by Ms Trisha Simonson, Senior Engineering Geologist, Ormiston Associates Ltd on behalf of the Manawatū-Whanganui Regional Council. Actual and potential effects associated with the discharge of wastewater requiring assessment include Groundwater quality, Surface water quality, Soil quality, and Amenity.
35. The Applicant is seeking a total discharge quantity of 14,600 litres per day based on bore water supply to the clubhouse, accommodation units and driving range, with roof water supplying the other facilities, and on the basis of the following:
- a) A four-bedroom manager's dwelling with an occupancy of six (6) people;
 - b) A garage sleepout with an occupancy of two (2) people;
 - c) A per capita flow rate of 145L per person per day for permanent residents;
 - d) Accommodation facilities comprising 10 x 2-bedroom units, each unit occupied by a maximum of four (4) people, with a per capita flow rate of 190 l/p/d;
 - e) A club house dining room with a maximum occupancy of 100 people using the kitchen facilities (this includes accommodation unit visitors as the units have no kitchens), with a per capita flow rate of 30 l/p/d;
 - f) Up to eight (8) on-site staff at the clubhouse, with a per capita flow allowance of 30 l/p/d;
 - g) Up to 50 visitors to the driving range, with a per capita flow allowance of 10 l/p/d;
 - h) Staff at the stables with a flow allowance of 100 litres/day; and
 - i) Sanitary wastewater from the maintenance blocks with a flow allowance of 2,000 litres/day.
36. Domestic wastewater is to be collected, treated, and discharged in three individual systems, due to the layout of the site, as follows:

- a) System 1: The Owner’s dwelling and sleepout, and stables domestic wastewater;
 - b) System 2: The clubhouse, accommodation blocks and driving range; and
 - c) System 3: The maintenance blocks.
37. Three composting toilets will be located on the golf course for visitors, in the north-western corner of the site, the south-western corner and the south-eastern corner.
38. Washdown water from the stables will be treated and discharged separately in a specifically designed system to be designed at a later date, hence is not included in this assessment, which addresses domestic wastewater only.

Table 1: Summary of domestic wastewater flow volumes

	Occupancy	Flow allowance (L/p/d)	Design Flow (L/d)	Volume per System and Total Design Flow
Dwelling – 4 bedrooms	6	145	870	
Garage sleepout	2	145	290	
Stables staff			100	System 1: 1,260 L/day
10 x 2-bedroom units	40	190	7600	
Clubhouse kitchen	100	30	3000	
Clubhouse staff	8	30	240	
Driving range visitors	50	10	500	System 2: 11,340 l/day
Maintenance sheds			2000	System 3: 2,000 l/day
Total				14,600 litres per day

39. Ms Simonson’s report, para.18, details the types of systems to be used. Further, Para.19-31 of Ms Simonson’s report details the assessment of the wastewater designs.
40. The release of nitrates directly to groundwater can raise concentrations to levels with a potential to exceed drinking water standards. Ammonia, which is highly soluble and easily leached into groundwater, is toxic to aquatic life. Both nitrates and phosphates in soil or groundwater can reach water bodies such as streams, ponds and lakes. These nutrients can stimulate increased plant and algae growth and when present in natural water are significant factors in eutrophication. The die-off of additional vegetation or algal growth in the water; a result of the increased nutrient load, is then decomposed by bacteria that absorb oxygen in the water. This in turn has a significant impact on the degradation of water quality and alters sensitive aquatic ecosystems. To reduce cumulative adverse effects, wherever practicable and especially where nutrients may impact on natural ground or surface waters, nutrients and in particular nitrogen components should be reduced in wastewater via the treatment process.

The proposed treatment systems propose to treat the wastewater to a secondary quality which will reduce nutrient effects.

41. In addition, the wastewater land distribution and application system methodologies should be designed to optimise further reduction in the soils prior to contact with ground water. To ensure this further reduction is achieved, Horizons Manual Table 2.2 Wastewater Quality and Recommended Minimum Separation Distances requires a minimum separation distance of 1500mm for secondary treatment systems in category 1 soils. The proposed PCDI disposal systems are to be constructed to 0.1 m depth therefore requiring a minimum separation distance to groundwater of 1.6m. The composting toilets are not expected to discharge any liquids; however, an overflow trench is recommended in the application, which will also be shallow. Groundwater levels were not encountered to 1.9m depth on site, hence there is considered to be adequate separation distance available. Therefore, the proposal is expected to avoid direct discharge to water and is not expected to represent a risk of adverse effects to groundwater quality.
42. In terms of human health risk, the nearest water supply bore will be the site bore, to be located approximately 140 metres in distance from the closest disposal system, greatly exceeding the horizontal separation distances to a water bore recommended by Table 2.2 of 20 metres.
43. Therefore, given the separation distances available it is considered that groundwater quality or the risk to a water supply bore is unlikely to be adversely affected by the proposed discharge.

Surface Water Quality

44. Wastewater discharges can cause water quality problems in aquatic environments when:
 - a) plant and weed growth accelerates in response to wastewater sourced nutrients,
 - b) aquatic organisms are adversely affected by oxygen levels being reduced by the BOD load from the wastewater,
 - c) aquatic organisms are adversely affected by the toxic effects of ammonia from wastewater, and
 - d) the presence of microbiological contaminants in wastewater can cause a risk to human and animal health.

45. Such outcomes are not necessarily attributed to any single on-site wastewater discharge, rather through the cumulative effects of discharges within a catchment. The on-site wastewater discharges represent a much lower impact in terms of contaminant discharge than farming activities, or even rural-residential subdivision, as most of the site is retained in vegetation.
46. In this case the nearest PCDI wastewater disposal system is located approximately 450m away from the Ōhau River. The composting toilets are also located more than 80m from the river, and represent a very small discharge. These distances greatly exceed the horizontal separation distances recommended by Table 2.2 of 20 metres. The setback distances along with the proposed high quality wastewater treatment, well drained soils and appropriate disposal system loading rates combine to reduce the likelihood of the on-site discharges directly or indirectly impacting watercourses to very low.

Soil Quality

47. Treated effluent from the development is not expected to contain significant concentrations of heavy metals or environmentally harmful compounds. Hence the discharge is unlikely to lead to soil contamination or cause problems that would render the soil unusable.

Amenity effects – odour and public health

48. Wastewater discharges may contain very high concentrations of pathogens which may have human health-related effects if people are exposed to the effluent. Contact with effluent could occur if it were to run across the ground surface, or when partially treated effluent enters surface or groundwater. The potential for these types of effects typically arises when a system provides only limited treatment, when the system is not properly designed, installed or maintained, or a combination of these factors. It is considered in this case that public health effects have been limited by the proposed secondary quality wastewater treatment systems, and that the disposal systems will be subsurface. The disposal systems are not located in playing areas on site. Management of waste from the composting toilets will be carried by trained staff only. Offensive odours can emanate from processes which occur within both the treatment and disposal of wastewater. Should there be nuisance odour the treatment system vents can be fitted with carbon filters.
49. Ms Simonson's assessment has concluded that subject to compliance with appropriate consent conditions the effects of the activity are considered to be less than minor. These conditions

should be based around the following requirements and these have been incorporated into the attached set of draft conditions in **Appendix A**.

50. The wastewater disposal areas and reserve land application areas are to be located at least 20m from any watercourse and at least 20m from any potable water supply bore.
51. A minimum 1500 mm separation distance is required between the winter water table and the base of any disposal system.
52. A Management Plan for the ongoing operation of all of the on-site wastewater systems and composting toilets is required.
53. An 'as-built' plan of each wastewater system needs to be provided within 3-months of system installation.
54. Six monthly maintenance inspections are required to maintain each secondary wastewater system and ensure they operate efficiently at all times.

Wastewater conclusion

55. Subject to the inclusion of conditions reflecting the requirements of this assessment, the effects of the discharge of domestic wastewater into and onto land are deemed to be less than minor.

Earthworks

56. The earthworks component of the application has been assessed by Mr Graeme Ridley, of Ridley Dunphy Environmental Ltd (RDE) on behalf of the Manawatū-Whanganui Regional Council. Mr Ridley has provided a technical assessment of the application, in particular the erosion and sediment control measures and earthworks aspects during the construction of the proposal. This assessment identifies and assesses the character and scale of any related effects on the environment and considers whether the erosion and sediment control plan and approach is consistent with the "*Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region*" dated February 2021.
57. Mr Ridley notes that the proposal includes earthworks over approximately 11.4 hectares as shown on the application plans. Plans provided also illustrate the cut to fill contours and confirm the erosion and sediment controls that will be utilised throughout. These erosion and

sediment control plans provide a good summary of the overall approach and allow for assessment of the specific controls proposed.

58. The proposal has been prepared in accordance with the *“Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region,”* dated February 2021, with the specific nature of the erosion and sediment control measures and the associated design all detailed within the erosion and sediment control plans provided. The proposed measures are based on provision of silt fences, bunds and stabilisation.
59. Mr Ridley considers that the ESCP included as part of the application was comprehensive. It is his view that, with addition of the further information¹⁰ provided through the application process, the ESCP is adequate for implementation. The ESCP reflects best practice. It is assessed that the stabilisation of areas as works progress is the key element that will ensure success of the earthworks in achieving minimisation of discharges including both surface runoff and dust nuisance.
60. The ESCP included as part of the application is assessed as adequate for the nature of the proposed works and in recognition of the sandy soil types that will be encountered. It is recommended that some flexibility remain within this ESCP to ensure that any amendments that are proposed by the Contractor are assessed appropriately and still achieve the principles as detailed in the application. The conditions included in Appendix A have incorporated this approach.
61. As detailed above, stabilisation will need to occur on an ongoing basis to ensure best practice remains. The Applicant has confirmed, through the provision of further information, that a maximum 2ha area will be exposed at any one time. This is strongly supported and to ensure this occurs on site during construction a condition of consent is recommended. This will address both dust management and ESC requirements. The Contractor to be engaged on the site will need to ensure that on-site resources and materials are always adequate to comply with this requirement.
62. In addition, it is recommended that a condition of consent applies whereby any completed earthworks shall be stabilised within three days of completion of such works. This will ensure that completed earthworks do not remain un-stabilised for long periods of time.

¹⁰ S92 Response letter, including plans – Grenadier Ltd (14 September 2021)

63. Mr Ridley notes that the application is largely silent on undertaking earthworks during the winter months. It is assessed however that due to the sandy nature of the soils on site, that undertaking works during the winter period will assist with minimisation of dust nuisance and have minimal impact on erosion and sediment control. While it is further assessed that the stabilisation measures will need to be reflective of the time of the year within which stabilisation is applied, the undertaking of works during winter is assessed as appropriate. No winter work exclusions are therefore proposed.
64. As with all earthworks, the proposal has the potential to be higher risk if poorly managed and careful erosion and sediment control planning, implementation and monitoring is required to minimise this associated risk. The application includes details of maintenance and monitoring provisions, heavy rainfall response and site responsibilities. These aspects are all assessed as providing further confidence that the site will be appropriately managed.
65. It is considered that provided the conditions of consent are complied with the resulting effects on the environment from sediment discharges, and dust nuisance during the earthworks will be appropriately managed.
66. In principle, Mr Ridley considers that the overall proposed earthworks and erosion and sediment control methodology is appropriate for this site.

Earthworks conclusion

67. Provided the earthworks are undertaken in accordance with the recommended conditions of consent, and for the reasons described above, the potential adverse effects of the earthworks on the environment are considered to be less than minor.

Groundwater abstraction

68. The groundwater component of the application has been assessed by Dr Tom Garden, of Pattle Delamore Partners Ltd (PDP) on behalf of the Manawatū-Whanganui Regional Council. Dr Garden has provided a technical assessment of the application, in particular a review of the pump tests, the receiving environment and the effects of the activity. This assessment includes an assessment on whether this abstraction can be considered is a reasonable and efficient use of water, potential effects on the overall groundwater resource, potential effects on surface water bodies, potential effects of saline intrusion, and potential effects on neighbouring bores.

69. The application originally sought an abstraction of for 1,500-2,000m³ per day. However through the s92 process, and due to the bore limitations, the volumes sought were confirmed to be 1,388.45m³ and a total of 208,267.5m³/year. The assessment of Dr Garden is based on these revised volumes.

Reasonable and Efficient Use of Water

70. The maximum annual volume of 208,268 m³/year is based on estimation of irrigation demand conducted using the Soil Plant Atmosphere System Model (SPASMO) conducted by Lattey Group in 2020, for the irrigation of 107 hectares, then reduced proportionally to account for the 51.68 ha proposed irrigation area.

71. The Irricalc results estimated a daily volume of 2,739 m³ and an annual volume of 260,467 m³. Therefore, the proposed maximum annual volume of 208,268 m³ is considered reasonable. The maximum daily volume is proportional to the SPASMO estimate of 4,140 m³/day for 107 ha of irrigation. As the Applicant is seeking less than the SPASMO and Irricalc results, the volume proposed to be abstracted is considered reasonable.

72. The Applicant's bore is located within the Horowhenua Groundwater Management Zone (HGMZ), which has a groundwater allocation limit of 27,000,000 m³/year and is approximately 12.8% allocated. The requested annual volume fits within the available allocation for the HGMZ.

73. There are five Horizons monitoring bores within 5 km of the Applicant's bore with water level records for the previous ten years. These bores are:

- a) 361003, which is 10 m deep and approximately 1.3 km from the Applicant's bore.
- b) 361041, which is 36.7 m deep and approximately 1.3 km from the Applicant's bore.
- c) 362003, which is 11.1 m deep and approximately 4.0 km from the Applicant's bore.
- d) 362035, which is 12.81 m deep and approximately 4.3 km from the Applicant's bore.
- e) 362331, which is 18.6 m deep and approximately 4.9 km from the Applicant's bore.

74. All of these bores listed above show generally stable water levels in the previous ten years. As such, the expectant volumes of water sought is not considered to have an effects on the overall groundwater resource and the effects are expected to be less than minor.

Effects on Surface Water Bodies

75. The Applicant's bore is located approximately 250 m north of the Ōhau River, which has an associated saltmarsh and lagoon near its outlet to the ocean. The submission by Te Iwi o Ngāti Tukorehe Trust notes the cultural and ecological significance of the saltmarsh and lagoon.
76. The Applicant has conducted a quantitative stream depletion assessment, and based on this assessment considers the stream depletion/connectivity is low. There are some concerns with not all of the parameters used being fully explained or justified by the Applicant, for example the streambed conductance parameter is not known with any certainty and cannot be estimated from pump test data, and there is considerable uncertainty in what is the appropriate leakage value for the assessment. However, despite this uncertainty, the borelog indicates that there are several layers of clay and silty sand in the strata above the screened interval, and this information combined with the significant depth of the bore (104.6 m) suggests that a direct hydraulic connection with surface waterways is unlikely.
77. As a result, any effects on surface waterways are expected to be slow and widely distributed and fall into the 'low' stream depletion category in Table 16-1 of the One Plan. Stream depletion effects are therefore considered to be less than minor.
78. The initial technical review undertaken by Dr Garden raised the possibility that proposed abstraction could reduce groundwater discharge to the Ōhau River and its associated saltmarsh and lagoon. The Applicant has provided further information regarding studies in the area. Dr Garden generally agrees with the conceptual model provided by the Applicant.
79. Dr Garden notes that it does appear from the pumping test data provided that the aquifer is leaky. He considers that the aquifer discharge to surface water bodies would reduce over the long term.
80. The Applicant provided information regarding the sensitivity of the saltmarsh and lagoon to changes in freshwater input (due to groundwater discharge) and/or salinity¹¹. In general Dr Garden agrees with the Applicant's assessment of the scale of effects in terms of effects of groundwater pumping on surface water bodies, though there is still uncertainty around some of the parameters used for the stream depletion assessment, as noted in paragraph 76 above.

¹¹ S92 Response email to F. Morton, 4 October 2021

81. A further assessment by Mr Whiteley has included the effect on surface water bodies depends on the ecological sensitivity of the lagoon. This is covered in the assessment below.

Saline Intrusion Effects

82. The Applicant's bore is approximately 900 m inland of the coast, and as such there is potential for pumping of the bore to cause the position of the saltwater-freshwater interface to move, with resulting saline intrusion.
83. The static water level of the bore at the time of drilling (presumed to be measured in February 2021 based on information provided by the Applicant) was recorded as being at an elevation of 14.76 m amsl. Using the Ghyben-Herzberg ratio, this corresponds to an estimated freshwater – saltwater interface depth of 590 m bgl. It is noted that the static water level may not have been at its seasonally lowest point at the time of drilling in February 2021, however it is likely to be near the seasonally lowest level, and the nearby monitoring bore data indicates that seasonal fluctuations are generally less than 1.0 m in this area (although greater fluctuations could occur at depth).
84. Drawdown due to pumping of a bore has the potential to cause upconing of the freshwater – saltwater interface and saline intrusion. Dr Garden has made a conservative upconing assessment using the Schmorak and Mercado (1969) and Dagan and Bear (1968) equations, with an assumed pre-pumping distance from 400 m and a hydraulic conductivity 1 m/day. With a pumping rate of 16.07 l/s this results in a rise in interface elevation of 22.1 m. Given the estimated depth of the interface is considered a less than minor effect.
85. Overall, the effects from saline intrusion are considered likely to be less than minor, however due to the proximity to the coast it is still recommended that conductivity monitoring be required in the conditions of consent. These consent conditions include trigger levels for electrical conductivity at which abstraction rates are required to reduce.

Effects on Neighbouring bores

86. Based on information provided by HRC, there are 120 bores within 5 km of the site, the deepest of which is 77.8 m deep. Therefore, all neighbouring bores within 5 km are shallower than the Applicant's bore. The closest bores to the Applicant's bores are:
- a) 361051, which is 45.8 m deep and approximately 1.2 km from the Applicant's bore.
 - b) 361003, which is 10 m deep and approximately 1.3 km from the Applicant's bore.

c) 361041, which is 36.7 m deep and approximately 1.3 km from the Applicant's bore.

d) 361060, which is 25 m deep and approximately 1.3 km from the Applicant's bore.

87. Dr Garden conducted an assessment of the potential drawdown effects on neighbouring bores using a transmissivity of 105 m²/day, an assumed storativity of 0.0001 a leakage value of 0.05 day⁻¹, and a pumping rate of 16.07 L/s for 150 days. These aquifer parameters are based on my interpretation of the constant-rate pumping test undertaken by the Applicant. Based on this assessment, the potential drawdown effect in shallower bores is estimated to be in the order of 0.1 m after 150 days (on bore 361051, 1.2 km away, 45.8 m deep). This effect is likely to be less than minor and effects on more distant bores are expected to be less.

88. Overall effects on neighbouring bores are expected to be less than minor.

Groundwater conclusion

89. Provided the groundwater abstraction is undertaken in accordance with the recommended conditions of consent, and for the reasons described above, the potential adverse effects of the earthworks on the environment are considered to be less than minor.

Schedule F Habitat

90. Mr Whiteley notes that the development will result in earthworks and vegetation clearance, of which 2.12 ha of Schedule F Habitat is proposed to be removed to create fairways permanently. There will also be the discharge of groundwater (irrigation) within 100m of the saltmarsh wetland which requires consent under the NES-FM (2020). The following assessment considers the potential effects on the habitat.

91. Mr Whiteley considers that the areas impacted by the proposal are considered to meet the 'at-risk' habitat as defined in the One Plan:

"A rare habitat, threatened habitat* or at-risk habitat* is an area of vegetation or physical substrate which: (a) is a habitat type identified in Table F.1 as being "Rare", "Threatened" or "At-risk" respectively, (b) meets at least one of the criteria described in Table F.2(a) for the relevant habitat type, and (c) is not excluded by any of the criteria in Table F.2(b)."*

92. Mr Whiteley's view is that there are four types of Schedule F habitat within the site, being Active duneland, Stable duneland, Saltmarsh wetland and Kānuka treeland. The potential direct and indirect adverse ecological effects are:

- a. Clearance or disturbance of indigenous vegetation;
- b. Loss of threatened or At-Risk species;
- c. Increases in edge effects on indigenous habitats;
- d. Discharge of sediment laden water (earthworks);
- e. Effects of golf course management; and
- f. Change in hydrology parameters.

Schedule F Habitat loss

93. The original proposal identified the need to address the effects of the loss of Schedule F vegetation removed an offset or compensation. Mr Whiteley considers that a 1:11:5 ratio is appropriate to compensate the ecological effects associated with the loss of Schedule F habitat. It is my understanding that the Restoration Plan (yet to be finalised) seeks to provide the off-setting.
94. To enable quantification of this, Reconnaissance (REECE) vegetation plots should be undertaken to quantify the level of native vegetation being lost by the proposed greenways and the level of native vegetation being restored within the area proposed for restoration. Mr Whiteley considers that restoration of the duneland system at a ratio of 1:11:5 will provide sufficient off-setting of the effects.
95. The Restoration Plan is pivotal to off-set for the effects of the proposal. A suggested condition regarding this Plan has been included in Appendix A. These conditions are considered to be a starting draft point. I consider that they will evolve prior to the hearing. I also consider that there is be an opportunity for the inter-twining of Mātauranga Māori and Kaitiakitanga through the development of this Plan.

Threatened or At-Risk species

96. Mr Whiteley's report identifies that there is the potential for impact on several threatened or At-Risk species, namely:
 - a. Sand daphne,
 - b. Katipo Spiders; and
 - c. Lizards

97. Sand daphne can be managed if a relocation plan is developed to form part of potential consent conditions. The relocation plan would need to include a suitable timeframe to allow for a survey to be completed and then for any Sand Daphne to be relocated prior to construction commencing. A relocation methodology should be included in the relocation plan.
98. There is also the potential for Katipo Spiders to be present. The development and implementation of a Katipo Spider Management Plan will be important. This plan needs to include, at a minimum, adequate survey methodologies within all of the proposed Duneland to be cleared, identification of suitable release sites, and additional habitat enhancements undertaken to address any issues with carrying capacity at the relocation site.
99. Lizard population potential at the site remains an unknown. Deployment of Artificial Cover Objects (ACO) transects through potentially favourable lizard habitat should be undertaken to determine if there are any potential native lizard hotspots within the site. This process was agreed via the technical ecological workshop but is yet to be provided. This approach has been included within the proposed set of consent conditions but I anticipate they will be further refined prior to the hearing.

Golf Course Management

100. To address any uncertainty regarding the potential impacts on the Salt Marsh wetland and the Ōhau River, an Adaptive Wetland and Lagoon Monitoring Plan should be developed to help minimise the potential uncertainty on the potential impact. Monitoring requirements contained within Plan will need to assist in determining whether lateral movement of nutrients from the greenway closest to the Salt Marsh Wetland and Ōhau River are occurring. The plan needs to monitor key ecological parameters and take an adaptive management approach so that actions can be implemented. One mechanism that may assist is the development of a nutrient budget could be incorporated into the Plan.

Ecological summary

101. While there has been a difference of professional opinion between respective experts, Mr Whiteley is satisfied that the majority of potential ecological effects can be addressed and appropriately managed via mitigation and ecological compensation at a ratio of 1:11.5. Forthcoming information regarding the actual and potential effects on native lizards will assist in solidifying this view.

Effects on Cultural Values

102. The Applicant discusses Cultural Values in the Application [Section 7.5, pg 48]. A Cultural Values Assessment (CVA) has been completed, which attributes Ngati Kikopiri as having mana whenua over this particular property. The application states that project has support of iwi and a Memorandum of Understanding records this. The Applicant has acknowledged in the application that Te Rūnanga o Raukawa and Muaupoko Tribal Authority also have an interest in this area.
103. At first blush of the application, I noted the work undertaken by the Applicant in this area and took these statements at face value. However after further examination of the information available, it became evident that the mana whenua status of any one particular iwi was not clear for this site.
104. As a result a s92 request to Grenadier Ltd was sent in order to get a better understanding of the inter-relationships of iwi, and potential effects on the cultural values associated with this site. The Panel was provided with a copy of this s92 letter in their electronic bundle. I consider that this further information letter has yet to be responded to, but I expect that the s41B hearing reports will elaborate on this in a more formal response.
105. I am aware that the Applicant did hold two hui in Mid-December. The application was notified on 21 January 2022. From the submission's received Muaupoko Tribal Authority and the group submission from Te Iwi o Ngati Trust & other Mandated authorities, I consider that potential effects on cultural values remains a contentious area. Information at the hearing tabled by the Applicant and these Submitters may assist in resolving this matter.

Cultural effects summary

106. As it stands currently, and based on the submissions received, I consider that the effects on cultural values are potentially more than minor.

I. AGREED MEASURES (OFFSETTING) – SECTION 104(1)(AB)

107. The July 2021 application¹² indicated that off-setting formed part of the proposal. However the Applicant has not provided quantification of the off-set, therefore under the Biodiversity Offsetting guidance document¹³, the Applicant has not provided a measurable conservation

¹² Rev 2, Ecological Survey, Douglas Links Golf Course - Boffa Miskell, July 2021

¹³ Biodiversity Offsetting under the Resource Management Act, September 2018

outcome. The draft Ecological Restoration Plan dated October 2021 still involves what Mr Whiteley deems as environmental compensation. This needs to be at an approximately 1:11.5 ratio of an area to be sufficient to address the loss of the Schedule F Habitat.

108. A pictorial representation of the areas considered to be a focus for the ecological environmental compensation is shown below¹⁴. The pictorial information in the July 2021 Ecological Assessment and the October 2021 information is the same.

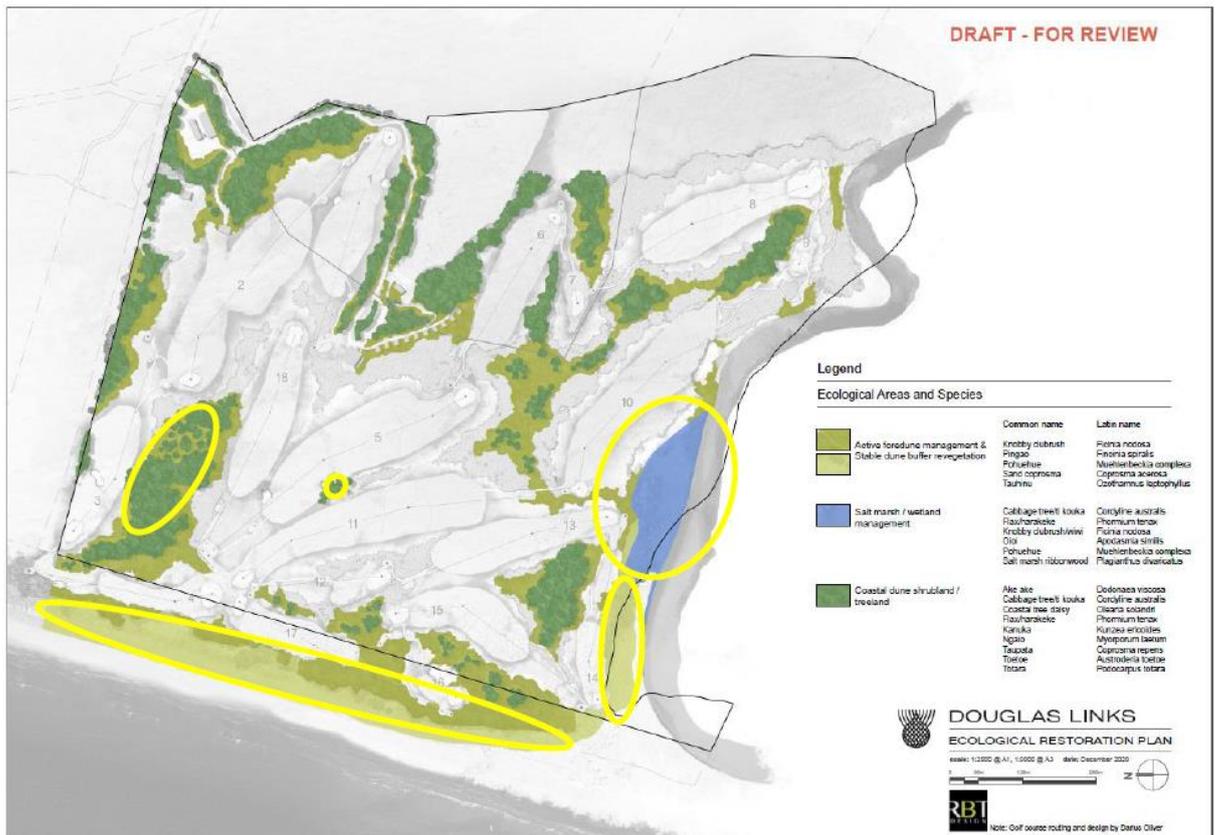


Figure 2: Applicant's proposed Draft Ecological Plan

109. Mr Whiteley considers that a 1:11.5 ratio is appropriate to compensate the ecological effects associated with the loss of Schedule F habitat.
110. The Applicant needs to confirm that this map still forms the base of the Ecological Restoration Plan and a proposed compensation model of 1:11.5.

Conclusion

111. As the Applicant has not yet demonstrated a measureable conservation outcome and quantification of the offset this section of the Act does not apply. However should the S41B reports provide this information then this section of the Act may still be relevant.

¹⁴ Page 48, Rev. 4 Ōhau Proposed Golf Course Ecological Assessment - Boffa Miskell, October 2021

J. NATIONAL ENVIRONMENTAL STANDARDS – SECTION 104(1)(B)(I)

112. The National Environmental Standards for Freshwater (NES-FM, 2020) are relevant to this application. In particular the discharge of water within a 100m setback from a natural wetland requires a non-complying consent under Reg 54 (c) of the NES-FM.
113. There are no Objectives or Policies in the NES-FM. The requirement of a consent under this regulations directs to Regulation 50: General conditions on natural wetland activities. If a consent is granted, the requirements for Regulation 50 will need to be included in the consent conditions.

K. OTHER REGULATIONS – SECTION 104(1)(B)(II)

114. I do not consider there to be other RMA regulations relevant to this application.

L. RELEVANT NATIONAL POLICY STATEMENTS – SECTION 104(1)(B)(III)

National Policy Statement for Freshwater Management

115. I agree with the Objective and Policies identified by the Applicant as being relevant and contained on pages 101-102 Section 9.1 of the application relating to the National Policy Statement for Freshwater Management (NPS-FM 2020). I consider the application to largely be consistent with the NPS-FM. Potential impacts on the estuary area will need to be managed through Adaptive Wetland and Lagoon Monitoring Plan.

M. NEW ZEALAND COASTAL POLICY STATEMENT – SECTION 104(1)(B)(IV)

116. I agree with Objectives and Policies referenced as being relevant and contained on pages 71-101 Section 9.1 of the application relating to the New Zealand Coastal Policy Statement NZCPS (2010). In respect of the commentary against Objective 3 and Policy 2, I note the Applicant's has stated their willingness to continue to foster ongoing relationships with tangata whenua. While there is an established relationship with Ngati Kikopiri, further work is required to address the relationship with the site held by Te Iwi o Ngati Trust & other Mandated authorities.
117. I consider the application to be consistent with the majority of the Objectives and Policies identified by the Applicant, however without further resolution regarding the Te Iwi o Ngati

Trust & other Mandated authorities, I cannot state that it is fully consistent with Policy 2 of the NZCPS.

118. I consider that the application can only be consistent with Policy 11: Indigenous biological diversity if the 1:11:5 ratio is implemented in order to compensate for the ecological effects associated with the loss of Schedule F habitat.

N. REGIONAL ONE PLAN POLICY STATEMENT – SECTION 104(1)(B)(V)

119. I agree with the Objectives and Policies identified as being relevant and contained on pages 103-123 Section 9.1 of the application relating to the One Plan Regional Policy Statement (2018).
120. My commentary below is limited to areas of policy interpretation where I disagree with the Applicant.

Chapter 2: Te Ao Māori

121. The Applicant is explicit in stating that they desire to establish a relationship with hapū and iwi. The submissions received¹⁵ indicate that this is still an outstanding matter. However the application is clear that wish to involve hapū and iwi in the on-going development in order to recognise these roles in the management of land and resources.
122. Policy 2-2 seeks to ensure that wāhi tapu, wāhi tupuna and other sites of significance are identified and protected. I acknowledge the work the Applicant has done in this area by virtue of engaging Mary O’Keefe, Archaeologist. I also note that Heritage New Zealand Pouhere Taonga made a submission in support of the application. This submission also advised that the Applicant seek a general authority under the HNZPTA to modify or destroy potential archaeological sites.
123. However, a collective kaitiaki submission was received from Te Iwi o Ngati Trust & other Mandated authorities which stated that there were culturally significant wāhi tapu, wāhi tupuna in the vicinity of proposed holes at the southern end of hole 13, all of hole 14, southern reaches of hole 15, with additional concerns for impacts in an outstanding coastal dune natural feature for holes 4, 5 and 17.

¹⁵ Muaupoko Tribal Authority Inc and Te Iwi o Ngati Trust & other Mandated authorities

124. In addition, Table 2.1 of Chapter 2 in the One Plan specifies Resource Management issues of significance to hapū and iwi. In particular, clauses l and n state:

(l). *The removal, destruction or alteration of wāhi tapu* and wāhi tūpuna* by inappropriate activities continues to have a detrimental effect^ on those sites* and upon hapū* and iwi**

...

(n) *Indigenous plants and animals continue to be under increased threat by human and pest activity.*

125. Without further korero regarding the matters raised in the Te Iwi o Ngati Trust & other Mandated authorities submission, I consider that the application as it currently stands is contrary to these Policies.

Chapter 4: Land

126. I agree with the Objective, Policies and assessments undertaken in the Application for Chapter 4: Land.

Chapter 5: Water

127. In respect of Chapter 5: Water, I agree with the Objectives and Policies identified. In respect of the assessment undertaken by the Applicant in regards to Objective 5-2 and based on the assessment undertaken by Dr Garden, my view is that should the application be granted, conditions should be imposed to ensure that there is no saltwater intrusion. This is supported by Policy 5-20 which requires groundwater take to be managed in accordance with Policy 16-8 requiring salt water intrusion monitoring. The proposed abstraction is within the allocation for the Horowhenua Groundwater Zone, so the application is consistent with Policy 5-21.

Chapter 6: Indigenous Biological Diversity

128. I agree with the Objectives and Policies identified for Chapter 6: Indigenous Biological Diversity, Landscape and Historic Heritage. Mr Whiteley's final assessment of the application is that the areas impacted by the proposal have been assessed as meeting the 'at-risk' habitat. I consider that without the proposed ecological compensation of the duneland system at a ratio of 1:11.5 the application does not meet Policy 6-2.

129. I also consider that mitigation works such as the Katipo Spider Management Plan and the Sand Daphne Relocation Plan are required in order to achieve consistency with Policy 6-2 and Policy 6-3.

Chapter 9: Natural Hazards

130. I agree with the Objective and Policies identified in respect of Chapter 9: Natural Hazards. The Regional Council does not have any evidence to disagree with the statements made in the assessment of Chapter 9. I note that the submission of Te Iwi o Ngati Trust & other Mandated authorities makes specific reference to Climate Change and I expect that they will elaborate further on their concern regarding this.

O. REGIONAL ONE PLAN – SECTION 104(1)(B)(VI)

Chapter 13: Land use Activities and Indigenous Biological diversity

131. I agree with the Objective and Policies identified in Chapter 13: Land use Activities and Indigenous Biological diversity.

132. Application of Objective 13-2 and Policy 13-3, 13-4 and 13-5 are pivotal to this project. As it stands currently the Applicant has not provided a measurable conservation outcome, as no quantification of the offset has been provided.

133. It is my view that the only way the application can get through these Policies is if the environmental compensation proposal at the ratio of 1:11.5 is implemented (Policy 13-4 (d)).

134. Further measures such as a Katipo Relocation Plan, a Sand Daphne Management Plan, and a Wetland and Lagoon Monitoring Plan are required in order to mitigate the effects from these activities.

135. As the information pertaining to native lizard physical presence and possible future management is yet to be provided, a suitable effects mitigation regime regarding is yet to be determined. Without the information, correct management of effects is limited. In principle a requirement for a Lizard Management Plan could be included in the conditions. However, if the survey detects a lizard hotspot within the site, it may not be appropriate to remove this habitat and instead require avoidance.

136. It is recommended that the Applicant address how they intend to manage the potential physical presence of lizards when they file their s41B reports.

Chapter 14: Discharges to Land and Water

137. I agree with the Objective and Policies identified and the assessment undertaken in Chapter 14: Discharges to Land and Water identified in the application.

Chapter 16: Takes uses and diversions of Water and Bores

138. I agree with the Objective, Policies and assessments identified in Chapter 16: Takes uses and diversions of Water and Bores. The Applicant originally sought potentially up to 2,000m³/day of groundwater be abstracted from bore 361080. Through the s92 process the Applicant has reduced this volume and is now seeking 1,388.45m³/day and 208,267.5m³/year. As these volumes are slightly irregular, it would be easier if they could be rounded to **1,390 cubic metres per day and 208,268 per year**.
139. The report of Dr Garden has indicated that salinity of the bore should be monitored. This is also a requirement of Policy 16-7 as the take is within 5km of the coast. The monitoring requirement should the take is managed to monitor and manage the take based on the electrical conductivity thresholds is undertaken.

Rule Framework

S104D Assessment

140. A Consent Authority may only grant a Non-Complying consent 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)(a)(ii) applies) will be minor; or*
 - b. *The application is for an activity that will not be contrary to the objectives and policies or –*
 - i. *The relevant plan, if there is a plan but no proposed plan in respect of the activity...*
141. In this instance, the Applicant requested the application to be publically notified.¹⁶
142. The assessment in this report indicates that the effects are potentially more than minor in respect of cultural effects and ecological effects. To achieve adequate mitigation of the majority of ecological effects, I consider that it is appropriate to require compensation within the Ecological Restoration Plan of 1:11:5. This is consistent to what the Applicant has stated in the application.
143. I also consider that conditions such as a Sand Daphne Relocation Plan, and a Katipo Spider Management Plan, a Wetland and Lagoon Monitoring Plan, as well as Pest Plant and Animal management and control would assist in mitigating the adverse ecological effects.

¹⁶ Email from Applicant's Agent – Landmatters Ltd (23 December 2021)

144. There may be a similar approach that could be taken to lizard fauna that may be present at the site – subject to the receipt of information from the Applicant’s Ecologists. A commitment to providing this information was made in the further information letter dated 7 December 2021. This information is yet to be provided.
145. I would also like to review the s41B Applicant evidence and hear from Submitters before I am satisfied that the potential cultural effects have been addressed.
146. In respect of s104(D)(b) I consider the application partially contrary to Policy 2-2, and only consistent with Policies 13-3 – 13-5 if the appropriate mitigation measures are in place (Sand Daphne Relocation Plan, and a Katipo Spider Management Plan, a Wetland and Lagoon Monitoring Plan, as well as Pest Plant and Animal management and control, confirmed Ecological Restoration Plan reflecting the 1:11.5 ratio).
147. I am aware that only one of the ‘gateway’ tests need to be met to enable a consent to be granted and there is a matter whereby the applications may be able to be addressed. As it stands currently, I do not consider the Application to meet either gateway test.

P. PART 2 ASSESSMENT

148. Part 2 of the Resource Management Act 1991 outlines the purpose and principles of the Act. Following the Davidson Decision (*RJ Davidson Family Trust v Marlborough District Council [2018] NZCA 316*) the Court identified that there is the ability to recourse to Part 2 when it is appropriate to do so. In this case, recourse to Part 2 is not required as it is not considered that there is any illegality, uncertainty or incompleteness in the relevant part of the One Plan 2018. Recourse to Part 2 would not provide any further guidance to the decision maker for this consent. Furthermore, no such issues have been identified and as such no further assessment against Part 2 of the Resource Management Act, 1991 is considered necessary for this consent.

Q. CONSENT DURATION

149. The Applicant has sought a consent duration of 35 years for the proposed groundwater abstraction and domestic wastewater discharge. A term of 10 years has been sought for the ‘physical/construction’ works involving soil disturbance, vegetation clearance and earthworks. Both of the activities requiring authorisation under the NES-FM have been sought for a term of 10 years. However, the Applicant might like to confirm if this remains the case. In particular

they may wish to align the discharge of groundwater consent (irrigation) with the groundwater abstraction term.

150. Policy 12-5 outlines that the Regional Council will generally grant resource consent for the term sought by the Applicant, however, resource consent durations for applications required under s14 of the RMA will generally be set to the next common catchment expiry date listed in Table 12.1 of the One Plan (2018). Future dates for expiry of consents within that catchment must occur again every 10 years thereafter and consents granted within three years prior to the relevant common catchment expiry date may be granted with a duration to align with this date in 10 year increments. Policy 12-6 outlines that the Regional Council will generally impose consent conditions that specify a review of consent conditions during the term of consent in accordance with the common catchment expiry date.
151. The proposed activities fall within the Ōhau Water Management Zone (Ohau_1) which has a common catchment expiry date of 2012. If the outstanding information is provided and should the Panel be of a mind to grant this application my recommendation regarding terms are reflected in the table below. Review dates in July 2027, 2032 and 2037 should form part of this. Although I am yet to provide a clear recommendation I thought it would assist the Panel to indicate my position regarding term should the application be granted. Potential terms for each of the consents are noted in the table below:

Activity	Authorisation #	Term
Land use consent for land disturbance outside the coastal foredune and any identified at-risk or rare habitats	ATH-2022205146.00	5 years
Land use consent for land disturbance and vegetation clearance within the coastal foredune but outside any identified at-risk or rare habitats	ATH-2022205145.00	5 years
Land use consent for land disturbance and vegetation clearance within identified at-risk habitats	ATH-2022205144.00	5 years
Land use consent for land disturbance and vegetation clearance within identified rare habitats	ATH-2022205143.00	5 years
Discharge consent for the discharge of treated domestic wastewater into ground, including from composting toilets (3)	ATH-2022205142.00	20 years

Water consent for the abstraction of groundwater for irrigation and domestic supply	ATH-2022205141.00	20 years
Discharge Consent for the removal and replacement of moisture retentive soils with the potential to result in hydrological regime disturbance within, or within a 100m setback from a natural wetland (the saltmarsh)	ATH-2022205149.00	5 years
Discharge consent for the taking, use, damming, diversion, or discharge of water within, or within a 100m setback from, a natural wetland (the saltmarsh).	ATH-2022205150.00	20 years ¹⁷

Table 5: Possible consent terms

R. CONCLUSION

152. The proposal to authorise the construction and development of a Links Golf Course at 765 Muhunoa Road, Ōhau. The effects associated with these activities have been considered in this report. The particular matters I have considered are as follows:
- a. The actual and ongoing effects of the activities based on the AEE submitted by the Applicant, the additional further information provided and the technical reports provided by Dr Garden, Mr Ridley, Mr Whiteley and Ms Simonson;
 - b. The points and views raised in submissions;
 - c. The statutory framework being the National and Regional Policy Statements, National Environmental Standards and relevant Regional Plans. In particular, I have assessed the proposal against the relevant Objectives and Policies of these documents to determine whether they are consistent with how natural resources of the region are to be managed; and
 - d. Part 2 of the RMA, and Section 104 of the RMA.
153. Upon the completion of my assessment of the effects associated with the application I find that in order to warrant the granting of the application, further understanding of the cultural effects of the activities in this particular area is warranted. Additionally, the Applicant needs to provide information regarding actual and potential impact on native lizards either in their s41B reports, or at the time of the Hearing.

¹⁷ Should the application be granted, the Applicant would still need to modify the application to confirm this is the term they would seek for this consent.

154. While I consider that this application has the *potential* to be granted, there are a number of caveats on this. Primarily, I am not yet satisfied that there has been a suitable condition crafted to address the outstanding information in relation to the potential adverse effects on lizards. I do not necessarily view this a deal breaker – and so I have included a [place holder] condition into **Appendix A** to reflect that this area requires additional work.
155. Based on the submissions received from Te Iwi o Ngati Trust & other Mandated authorities and Muaupoko Tribal Authority Inc, and at the time of drafting this report, I cannot categorically state that the potential cultural effects have been addressed. Again, this is not a deal breaker, merely reflects that this space is constantly evolving and I expect that both the Applicant and relevant Submitters will be able to assist.
156. Potential conditions of consent are included in **Appendix A**. I consider that these conditions would benefit from a grouping of ‘General’ conditions that would apply to all consents, including a set of definitions before moving into a set of conditions for tailored for each activity.
157. The Ecological conditions, as a minimum and in addition to [para. 154] above, need to include an Adaptive Wetland and Lagoon Monitoring Plan, potentially a nutrient management plan, Sand Daphne Relocation Plan, and a Katipo Spider Management Plan, a Wetland and Lagoon Monitoring Plan, as well as Pest Plant and Animal management and control).
158. The Wastewater, Groundwater and Earthworks conditions in **Appendix A** have incorporated the matters raised in the reports of Ms Simonson, Dr Garden and Mr Ridley.

S. RECOMMENDATION

159. I am expecting that both the Applicant and the Submitters will provide additional comment on the conditions in **Appendix A** and that these conditions will be more polished by the time of the Hearing. However, unless the cultural effects and potential impacts on the habitat of native lizards are addressed, I am unable to categorically recommend that the application be granted, just that I foresee that there is the *potential* for it to be granted.