

12 July 2004

File: WGN040360 [23776]

WGN_DOCS# 215681-v1

Non-notified resource consent application officer's report

Application granted with conditions

Date Granted: 12 July 2004

Date Effective: 9 March 2007

Applicant: Petone Pure Water Company Limited
P O Box 208
Wellington

Consent Granted: **WGN040360 [23776]: Non-complying Activity**
To take and use water from the Waiwhetu Artesian
Aquifer.

Location: Gear Island, Jackson Street, Petone

Map Reference: At or about map reference NZMS 260:R27;691.955

Legal Description: Lot 1 DP 52099

Duration of Consent: WGN040360 [23776]: 15 years

Conditions Relate to: Rate of abstraction, recording abstraction volumes and
forwarding records to Greater Wellington, protecting the
aquifer from saline intrusion.

Report prepared by:

Recommendation approved:

MIRANDA ROBINSON
Resource Advisor, Consents Management

LUCI RYAN
Manager, Consents Management

Reasons for decision: resource consent WGN040360 [23776]

1. Background

Petone Pure Water Company Limited (the applicant) was granted water permit WGN040319 [23706] on 9 June 2004. This permit authorises the taking of up to 350m³ of water from the Waiwhetu Artesian Aquifer over any seven day period from a bore located at Gear Island, Petone. This volume of water was transferred from water permit WGN980053 held by the Strategy and Asset Department, Greater Wellington.

As water permit WGN040319 arose from a transfer, it has the same expiry date as the original consent (WGN980053), which is 9 March 2007.

2. Proposal

The applicant is establishing a water bottling plant in Lower Hutt. The plant will be a commercial plant, producing bottled water under the brand name “Petone Pure” and other names for different markets. The primary target market is Hutt City and the Wellington region. The applicant also hopes to establish an export market. The applicant has an agreement with the Strategy and Asset Department of Greater Wellington Regional Council (Greater Wellington) that in the event of a natural disaster the entire production of the plant would be diverted to the needs of residents in the greater Wellington area.

The bottling plant is located on land owned by Unilever New Zealand Limited, Jackson Street, Petone.

In order to gain some surety of supply, essential for the investment in the bottling plant, the applicant has applied early to ‘renew’ water permit WGN040319, for a longer term.

3. Consultation

In accordance with the agreement between Greater Wellington and local iwi in relation to non-notified consents, the application has been sent to Wellington Tenth Trust and Te Runanganui o Taranaki Whanui ki te Upoko o te Ika a Maui.

Teri Puketapu responded on behalf of Te Runanganui o Taranaki Whanui ki te Upoko o te Ika a Maui, and advised he had initial concerns with the application. The iwi raised concerns over the proposed use of the water, i.e., the sale of the water, from a moral and ethical perspective. A meeting was held between members of the iwi and Greater Wellington staff to discuss these matters. Mr Puketapu has since responded that the iwi have no comment to make on the application.

Wellington Tenth Trust requested a full copy of the application. Liz Mellish responded on behalf of Wellington Tenth Trust. Ms Mellish considered the

application did not address the cultural landscape or Treaty of Waitangi claim settlement matters as required by section 8 of the Resource Management Act 1991. Additionally Ms Mellish was unhappy that neither the applicant nor the Strategy and Asset Department of Greater Wellington had consulted with the Trust. Wellington Tenth Trust does not support the application, and do not agree to the 20-year term sought by the applicant.

The applicant has also consulted with Murray Kennedy, Manager of the Strategy and Asset Department, Greater Wellington, and obtained his written approval for the proposal. As the largest user of water from the Waiwhetu Artesian Aquifer, I consider the Strategy and Asset Department, Greater Wellington to be an interested party to this application.

4. Environmental effects

The Hutt aquifer system is an important water resource, supplying approximately 40 percent of the regional demand for public water supply. Water from the aquifer is also used extensively by local industry.

An assessment of potential effects of the abstraction was undertaken by Andrew Jones, Greater Wellington Regional Council's Groundwater Scientist. Mr Jones considers that the volume of the proposed take is sufficiently small to have no appreciable effect on the water pressure in the aquifer, in particular at the McEwan Park monitoring site. Accordingly the proposed take will not increase the potential for saline intrusion into the ground water system, nor will it exacerbate low pressures should they occur naturally or be induced by pumping by other users.

All potential effects of the take stem from the location and rate of abstraction. The potential effects of the abstraction include; saline (saltwater) intrusion, ground subsidence, effects on surface water bodies and effects on other users.

4.1 Saline intrusion

Where an aquifer is in hydraulic connection with the ocean there is the risk of saline intrusion if the abstraction rates are too high. The prevention of saline intrusion is one of the main objectives of the management of the Waiwhetu Aquifer. Given the low rate of take applied for, it is unlikely saline intrusion will be significantly influenced. The water level trigger recommended in condition 4 will ensure the potential for saline intrusion as a result of this take is minimal.

4.2 Ground subsidence

The Waiwhetu Aquifer is an artesian system, therefore the abstraction of water causes a reduction of water pressure in the aquifer and not the water level. Therefore, subsidence should not occur. The water level trigger recommended in condition 4 will further reduce the potential for ground subsidence.

4.3 Effects on surface water bodies

The Lower Hutt Groundwater Zone (which includes the Waiwhetu Aquifer) is largely recharged by water from the Hutt River, particularly during times of high river flow. Consequently, river flows have the potential to be affected by groundwater abstraction. However, given the low rate of take, there will be no measurable effect on the Hutt River. Again, the water level trigger recommended will reduce the potential effects on flow in the Hutt River.

4.4 Effects on other users

Groundwater abstraction from an artesian aquifer system has the effect of drawing down the artesian water pressure in the well and surrounding aquifer. Given the low rate of take, it is very unlikely the drawdown induced would affect any other users of the aquifer. The closest other user of the aquifer is the Strategy and Asset Department, Greater Wellington, who take groundwater for public water supply. The Strategy and Asset Department has no concerns with the application.

4.5 Sustainability of abstraction

Currently this aquifer is over-allocated. The Regional Freshwater Plan for the Wellington Region (RFP) gives a maximum safe yield from the aquifer of 90,000 m³ per day. At present a total of 94,735 m³ per day has already been allocated. As such, any further applications for water permits from the Waiwhetu Artesian Aquifer are discouraged, and are classed as *non-complying* activities. Given that the applicant currently holds a water permit, and is not applying to increase the volume of water taken, I consider that the 'renewal' of the permit is consistent with the sustainable management of the Waiwhetu Aquifer.

5. Statutory framework

5.1 Resource Management Act 1991

Part II (Section 5) of the Resource Management Act 1991 (the Act) defines its purpose as the promotion of sustainable management of natural and physical resources. Sections 6, 7 and 8 of Part II of the Act define the matters a consent authority shall consider when achieving this purpose. I consider that the proposal relating to this consent application is consistent with Part II of the Act.

Under section 14 of the Act, restrictions are placed on taking and using water, including groundwater. The taking, using, damming and diversion of any water, is not permitted unless expressly allowed by a rule in a regional plan or resource consent.

The taking and use of up to 350m³ of groundwater over any seven day period is not expressly allowed by a rule in the RFP, therefore, resource consent is required. The existing resource consent only authorises the taking of water

until 9 March 2007. Taking water beyond this time requires a new consent, which is the subject of this application.

5.2 Regional plans

Rule 19 of the RFP specifies that the taking of fresh water from the Lower Hutt Groundwater Zone (Taita Alluvium/Waiwhetu aquifers) that would cause the maximum rate of takes authorised by resource consents to exceed 32.85 million cubic metres per year is a *non-complying activity*. Currently the total combined takes from the Lower Hutt Groundwater Zone authorised by resource consents, including the volume of this application, is approximately 34.58 million cubic metres per year. As such the take, which is the subject of this application, is classed as a *non-complying activity*.

I have reviewed the objectives and policies of the RFP, and I consider that the application is consistent with the relevant policies contained in Sections 4 and 6 of the RFP.

In particular, Policy 4.2.29 recognises the needs of existing lawful users of freshwater. This policy provides for priority to be given to existing users over new users at locations where the demand for the use of the water is greater than the resource can sustain. The policy recognises that resource users are entitled to have some security of operation which recognises their existing investment so long as they are exercising their take in accordance with any rule in the RFP or resource consent.

Policy 6.2.3 specifies the aquifer allocation limits for groundwater zones in the Region. This application proposes to take water from the Lower Hutt Groundwater Zone, at a depth of approximately 30 metres. As discussed above, the maximum safe yield from this aquifer is 90,000m³/day, and the current daily allocation from the aquifer is 94,735m³. This policy considers that a take causing more to be taken from the aquifer than is provided by the daily safe yields may be allowed by a water permit if the applicant can demonstrate that the sustainable yield of the aquifer is not compromised in any way, other users of the resource are not unduly affected, and there are no significant effects on surface water.

Policy 6.2.8 seeks to ensure that water permits to take groundwater consider effects on nearby bores and avoid significant adverse effects on surface water bodies.

5.3 Regional Policy Statement

The Regional Policy Statement for the Wellington Region (RPS) contains several objectives and policies aimed at maintaining the quality of the freshwater environment. These objectives and policies are intended to provide for the current and reasonably foreseeable needs of current and future generations. The relevant chapters of the RPS are Chapter 5 (Freshwater) and Chapter 9 (Ecosystems). The proposed abstraction of groundwater for sale commercially and for supply during emergency situations, is consistent with these objectives and policies.

6. Reasons for waiver of notification

I consider that notification under Section 93 of the Act is not required, as the effects of the proposed abstraction on the environment will be minor.

Section 94(2) of the Act provides that a consent authority is not required to serve notice of the application under subsection (1) if all persons who, in the opinion of the consent authority, may be adversely affected by the take have given their written approval.

I do not consider there to be any affected parties.

Section 104D of the Act outlines particular restrictions for non-complying activities, whereby despite any decision made for the purpose of Section 93 of the Act 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 the relevant plan...*

As stated above, I consider that the adverse effects on the environment from the proposed works will be minor and the activity is not contrary to the objectives and policies in the RFP.

7. Term of consent

The applicant has requested a term of 20 years.

Other water permits to take water from the Lower Hutt Aquifer have consent terms of 10 years, with the exception of those permits for public and emergency water supply purposes. A consent term of 10 years has been considered appropriate for water permits to take from the aquifer to enable Greater Wellington to retain adequate control over the aquifer, which is currently over allocated.

Although not primarily for emergency water supply purposes, it is considered that the emergency water supply aspect of this permit should be given due consideration when determining the term of permit. In this instance it is considered that a longer term of 15 years is warranted.

This permit will take effect from 9 March 2007 (the expiry date of the current permit), thereby effectively giving the applicant 18 years security of supply. Although this recommended term is less than the 20 years applied for, I consider it is adequate to provide economic certainty for the applicant whilst at the same time allowing Greater Wellington appropriate control over water allocation from the aquifer.

8. Recommendation

That under sections 104D and 108 of the Resource Management Act 1991, Petone Pure Water Company Limited be granted the following non-notified consent.

Water permit WGN040360 [23776] to take and use water from the Waiwhetu Artesian Aquifer at or about map reference NZMS 260:R27;691.955, for a term of fifteen years effective from 9 March 2007, subject to the following conditions:

- (1) The location, design, implementation and operation of the take shall be in accordance with the consent application and associated plans and documents lodged with the Wellington Regional Council on 22 June 2004.*
- (2) The rate of abstraction shall not exceed 350 cubic metres over any seven day period.*
- (3) The permit holder shall meter all abstractions and supply records of total daily abstraction to the Manager, Consents Management, Wellington Regional Council, on a monthly basis. The installed meter shall have an accuracy of +/- 5%.*
- (4) If the pressure in the Waiwhetu Artesian Aquifer drops to an average, over a 24 hour period, of +2.3 metres above datum, as measured by the McEwan Park (site number 1428009) water level monitoring station, or any other official Wellington Regional Council water level monitoring station in the Petone and Seaview area, the permit holder shall comply with all abstraction restrictions and/or rostering as directed by the Manager, Consents Management, Wellington Regional Council.*
- (5) The Wellington Regional Council may review any or all of the conditions of this permit by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, at any time within six months of the first, second, fifth and tenth anniversaries of the date of commencement of this consent to deal with any adverse effects on the environment that may arise from the exercise of this consent, and which are appropriate to deal with at a later stage.*

9. Reason for conditions

Adherence to the above conditions for resource consent WGN040360 [23776] will ensure that the abstraction of water from the Waiwhetu Artesian Aquifer has no more than a minor effect on the aquifer and surrounding environs, and other users of the aquifer.

Application Lodged: 21/06/04 **Application Officially Received:** 22/06/04
Decision to be Notified by: 20/07/04 **Decision Notified:** 12/07/04
Time Taken to Process Application: 14 working days
