

# MEMORANDUM

**To:** David Hill and Peter Callendar  
**From:** Catherine Reaburn, Consultant reporting officer  
**Date:** 27<sup>th</sup> April 2018  
**Re:** Motutangi-Waiharara Water Users Group hearing

Dear David and Peter

At the conclusion of the hearing held in Kaitaia in March 2018, the commissioners gave direction for additional consideration from the applicant, reporting officers, the Department of Conservation, and any expert hydrogeologists appointed by submitters, on matters relating to:

- Staged implementation of the takes, and the process for progressing to subsequent stages
- Clearer basis in Schedule 1 of the recommended consent conditions for determining trigger levels, process of review of the trigger levels, and the decision making process
- Greater clarity and certainty regarding the mitigation measures/contingency measures, including specific process/tasks and timeframes;
- Decision making process for approving the Groundwater Monitoring and Contingency Plan (GMCP), trigger levels (and any changes sought to those), and for deciding on contingency measures to be adopted in the event of a trigger level being exceeded
- Direction on the required quantity of water required for root stock protection, and how this would relate to contingency measures
- Further consideration of the purpose, terms of reference and form of the community liaison committee (or similar).

This memo should be read in conjunction with the memo prepared by Brydon Hughes (Attachment 4) which together sets out the position of the reporting officers in relation to the above matters.

An initial update to Schedule 1 was prepared as a draft Groundwater Management and Contingency Plan (GMCP) by Jon Williamson (consultant hydrogeologist on behalf of the applicant), in consultation with Brydon Hughes (consultant hydrogeologist acting as reporting officer for Northland Regional Council).

The following documents are attached to this memo:

- Attachment 1:* Updated Schedule 1/draft GMCP prepared by Mr Williamson
- Attachment 2:* Comments received from the Department of Conservation
- Attachment 3:* Comments received from Chris Simpson (consultant hydrogeologist for Richard Sucich, submitter)
- Attachment 4:* Comments on the updated Schedule 1/draft GMCP prepared by Brydon Hughes (consultant hydrogeologist/reporting officer)
- Attachment 5:* Recommended changes to proposed conditions prepared by Catherine Reaburn (consultant planner/reporting officer)
- Attachment 6:* Email from Colin Dall, Group Manager Regulatory Services, regarding NRC's position on a council-led catchment management group for the Aupouri Peninsula.

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## Updated recommended Conditions

Attachment 5 contains an update to the recommended conditions providing in the s42A report. The purpose of the changes is to reflect updates to the GMCP parameters set out in Schedule 1 of the recommendation, and to address the matters raised by commissioners at the close of the hearing. The parameters of the GMCP are addressed separately in Attachments 1 – 4 and seek to provide greater clarity on the matters sought by the commissioners as outlined above. The updated recommended conditions also include changes from the reporting officers as set out in the supplementary and closing statements at the hearing.

It is noted that should the commissioners determine that all or some of the consent applications be granted, separate consents will need to be issued for each applicant. Northland Regional Council staff are available to prepare the relevant documentation in accordance with directions from the commissioners as required.

The following changes/additions are recommended:

### Condition 1a

This is a new condition which seeks to limit the extraction of water on a staged basis. It sets out that proceeding to the next stage of extraction will only be undertaken following written approval from the council's Compliance Manager.

This condition supports the adaptive management approach by ensuring that increases in abstraction are only enabled when it is confirmed that effects on the environment from lower level abstractions are consistent with what is anticipated by the model and assessment provided with the applications.

The proposed staging provides a balance between meeting the anticipated water demand needs of the applicants in relation to establishing avocado farms (or maintaining farms that are already established), and ensuring sufficient monitoring of effects is undertaken before extraction significantly increases. Further information is provided in Attachment 4.

### Condition 17

Amendments to recommended condition 17 are proposed to reflect that Schedule 1 has been further developed as a draft GCMP than the schedule attached to the s42A report. However, it is not intended that the GMCP will be finalised as part of the consent approval. The final wording of the GMCP will require review and approval from NRC to ensure enforceability and agreement with the contingency process to the extent it involves actions from NRC. Further, consistent with the adaptive management approach, it is intended that the GMCP may be updated in response to monitoring information over time. The condition has therefore been updated to provide clarity that changes are subject to approval from council's Compliance Manager. The condition is clear that the GMCP must be approved prior to the exercise of the consent.

### Condition 17a

This is a new condition recommended to provide greater enforceability of the contingency process set out in the revised Schedule 1.

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## Condition 17b

This condition is recommended to ensure Council can carry out its monitoring obligations in relation to each approved consent.

## Condition 17c

This new condition requires that the monitoring bores set out in Schedule 1 are installed prior to the commencement of extraction under the approved consent. It is essential that effects can be appropriately monitored, and that baseline monitoring commences prior to extraction commencing. Assuming consents are approved and there are no appeals, the reporting officers consider sufficient time is available to gain permits and construct bores prior to the commencement of the next irrigation season. Should existing avocado farms wish to commence water extraction prior to the installation of the monitoring bores, then they would need to seek re-approval of the temporary water extraction permits (which expired on 31 March 2018).

## Condition 17d

This condition has been added to make it explicitly clear that the exercise of the consent must be undertaken in accordance with the GCMP approved under condition 17.

## Conditions 20-21

These conditions relate to the establishment and operation of a community liaison group. At the time of the hearing, it was anticipated there may be potential for this group to be formed in a manner and with parameters which could be consistent (and therefore superseded) by a catchment management group for the Aupouri aquifer led by Northland Regional Council (e.g through the Waiora Northland Water project). However, it has since been confirmed by the Group Management Regulatory Services for NRC that there are no plans to establish a collaborative community engagement group to help Council deliver its water quantity management programme/work for the Aupouri Peninsula (see Attachment 6). The Community Liaison Group established in these consents, if approved, would therefore be stand-alone. The conditions have been updated to provide greater guidance as to the purpose of the liaison group; timing and notification of the annual meeting; and the requirement for the Environmental Monitoring Report to be circulated two weeks prior to the annual meeting to enable sufficient time for members to review the technical data prior to attendance.

## Condition 22

This condition is as originally recommended with a minor change from “Annual Monitoring Report” to “Environmental Monitoring Report” consistent with the wording in the updated Schedule 1.