

Before the Independent Commissioners of the Northland Regional Council (NRC)

In the Matter of the Resource Management Act 1991

And

In the Matter of 24 Water Permit Applicants (the Applicants) seeking to take and use groundwater from the Aupōuri sub-aquifer zones: Other, Waihopo, Houhora, Motutangi, Waiparera, Paparore, Sweetwater, and Ahipara.

General Statement by Martell Letica on behalf of the Applicants Resulting from Planning Conferencing with Tom Christie and Herb Familton on behalf of the Director-General of Conservation (DoC), and Stephanie Kane on behalf of the Northland Regional Council (NRC)

Dated: 20 May 2021

1. This statement is made only in relation to the revised set of draft consent conditions and Groundwater Monitoring and Contingency Plans (GMCP) and those areas of disagreement and agreement on these documents as has been anticipated by the Commissioners.

Draft Consent Conditions

2. I consider the set of draft consent conditions are valid and within scope of the matter before the Commissioner's.
3. The conditions particularly establish the following;
 - i. The scope of the activity authorised to be carried out including the nature of the activity (take and use water) and where it is sited. During conferencing it was agreed that a map of the irrigable area should be provided as part of the Irrigation Scheduling Plans to further demarcate the scope of the activity being consented.
 - ii. The restrictions and limitations related to that activity including volumetric take limits and restriction on timing of taking in accordance with GMCP trigger level breach responses. A third trigger level was agreed to be included into the draft set of consent conditions which reflects the capability provisioned in the GMCP to direct complete cessation of taking until trigger level exceedances no longer applied (similar to what would occur if a minimum flow was reached on river systems).
 - iii. The monitoring to be carried out at an individual consent holder level such as the measurement and reporting of the water taken as well as monitoring required as a collective under the GMCP's through the Master Consent Conditions. It was agreed during conferencing that telemetry would be necessary on all takes for the trigger level response plan to be given credible effect by the Council. Without telemetry on all takes there would be a delay in Council being aware of whether the take was being undertaken in compliance with a direction given in response to trigger level breaches.

GMCPs

4. I consider that the GMCP's contain a framework for adaptive management that sufficiently reduces uncertainty while adequately managing any remaining risk.
5. I consider there to be sufficient baseline data available and to be collected in Stage 1 and a robust conceptual model, and that any gaps in knowledge can be adequately addressed through the GMCPs, in particular that;

- i. Staged implementation of individual and cumulative taking is required and in reality, uptake in Stage 1 will be much less than is recognised in the GMCP's;
 - ii. Interim trigger levels will be set prior to the exercise of any consents (i.e., Year 1, Stage 1) and the contingency responses in the GMCP's apply during this time.
6. I believe there is strong evidence to establish that the surface water features and threatened species will not experience any effect unless any such effects propagate from the deep aquifer to the shallow aquifer. The GMCP monitoring regime is intensively focused on the hydrogeological effects in both aquifers, hence providing the early time warning 'canary in the mine'.
7. Regarding the unmapped wetland matter, there was little planning discussion held as to the insertions made to give effect to the Areas of Interest that were produced from technical conferencing within the adaptive management framework as was anticipated by the Commissioner's as a result of planning conferencing. DoC Planners have provided details of their disagreement on the matter. It is my opinion that the delineation activity can take place as part of an adaptive management approach, noting that the activity will not require a significant amount of time to complete. The initial survey and repeat surveys are based upon the regime that was agreed for the Kaimaumu-Motutangi in the MWWUG therefore I'd expect that the regime would be acceptable in this instance but note that this is a matter for technical input.
8. I disagree that a technical expert panel is necessary to carry out the assessment and review functions contained within the GMCP as was discussed during conferencing. A suitably qualified and experienced hydrogeologist and/or ecologist are appropriate qualifiers for the tasks and the NRC as the consenting authority is the appropriate organisation to assign that/those person(s).
9. I also disagree that the timeframes for parties to review and respond to information circulated as per the GMCP are unreasonable. If parties insist on being represented in a process, then they must ensure that they have resources in place just like everyone else who is a party to the process will. Furthermore, orchardists will be planning their orchard expansions at least two seasons in advance, particularly when it comes to ordering trees. From my experience working with the MWWUG, the review timing is already very tight in the Staged Implementation and Monitoring Programme Review process as a water year ends in July. Any additional time added to these review and response processes would definitely delay the ability of applicants to take water at the start of an irrigation season.

10. Aside from the above, I have added track-changes and annotations to the GMCP's where I believe minor amendments are required to the Planning Conferencing Versions of the GMCP's. I note that DoC and NRC Planners have not had an opportunity to respond to the changes made to the GMCP's.
11. I also suggest the following overall amendments be made to the GMCP's;
- i. consistent naming across GMCP's of the aquifer type (i.e., unconfined/shallow sand, deep shellbed/shellbed etc);
 - ii. NRC bore identification numbers are used on all bore site references where these are available;
 - iii. monitoring installation names are consistently referenced throughout their respective GMCP's.

Concluding Notes

12. Aside from DoC's fundamental disagreement that adaptive management is available for these applications, I believe I have stated the areas where I have agreed or disagreed with matters raised during planning conferencing.



Martell Letica

20th May 2021