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SUBMISSION IN OPPOSITION TO THE GRANTING OF RESOURCE CONSENT

REQ.596300 – AUPOURI AQUIFER WATER USER GROUP – 24 RESOURCE CONSENT APPLICATIONS FOR GROUNDWATER TAKES FROM THE AUPOURI AQUIFER FOR HORTICULTURAL IRRIGATION

My name is Leoni Anne CARTER; my husband and I live at Waipapakauri Beach, or "The Ramp" as it is locally known. We, like many others in this area, have a bore for domestic purposes. We are located within the "Waipapakauri" groundwater allocation zone.

It is by virtue of that bore that we are 'permitted' by the NRC to make a submission on these 24 applications for the taking of groundwater from the Aupouri Aquifer.

I have no particular knowledge or expertise in any of the scientific fields that are the subject of most of the discussion between the experts before you. But as one of the few people allowed to make a submission, we felt we really needed to add our voices.

Our submission in opposition to these 24 Applications is based on our belief that there is not enough actual empirical data available on the current state of the aquifer to make realistic predictions on the impact of the large-scale water-takes that have already been approved (i.e. the Motutangi-Waiharara Water Users Group, or MWWUG), let alone this new batch of 24 applications.

The NRC has itself been concerned about the Aupouri water resource for the past 20 years or more.

In 2000, HydroGeo Solutions was commissioned by them to do some modelling of the hydro-geological conditions and sustainable yields of the Aupouri Aquifer because of a concern over noticeable depressurisations at NRC monitoring bores over the previous decade – which raised concerns over the long-term sustainability of existing groundwater allocations.

Then, in 2015, Lincoln Agritech was commissioned by the NRC to create a model of Management Limits for the Aquifer, for avoiding seawater intrusion.

As the NRC's Report shows, it then subsequently accepted a submission based on the initial 17 Applications' modelling, to increase the allocation limits in the Houhora, Motutangi and Waiparera management units to what is currently set out in the proposed Regional Plan.

Despite NRC's concerns in the previous decade, the limits in those 3 units were increased by 50%.

Again, in the Report, NRC admits that IF the current Applications are granted, some subsections of the Aquifer will be approaching full allocation. Full allocation based on the modelling that is.

I hasten to add here that I do not wish to cast doubt on the expertise and professionalism of the Applicant's consultants, or the NRC's consultants. I have no doubt the they "know their stuff".

Often in areas of uncertainty the professional opinion of experts is all that we have to inform us when hard decisions need to be made. But professional opinions almost always end up in a "he said, she said" situation when you pick the opinion that suits you best.

I've no doubt that ALL the opinions and the modelling that have been brought to bear on these water allocation applications are genuine, but:

They are still only opinions. We need to tread warily at least until we have some proof of them being borne out the ones who are first to take the water in the places and at the volumes that have been approved.

Our concern, as domestic users of the aquifer, is the potential for seawater intrusion into the groundwater and loss of the resource; and the loss will not just be our loss, it will be to many other residents of this land, and more importantly the flora and fauna of the unique environments of the Aupouri Peninsula; the Kaimaumau Wetland, the Motutangi Swamp, etc.

Reading through the previous applications and the reports and the submissions, it reminded me of that movie, The Martian. You know, the guy who got stuck on Mars? When faced with the reality of his situation and the limited resources at his disposal, he said:

"I'm going to have to science the shit out of this."

It seems that that's what the NRC and its' consultants, and the previous applicants and their respective consultants and the current applicants and their consultants, etc, have tried to do; science the shit of the Aupouri Aquifer.

What we currently have is a series of hypotheses about the Aupouri aquifer and what amount of water taking it can handle before the dreaded saline intrusion happens. What we don't have is any empirical data (yet) to back up the theorised limits of allocation.

Despite the Commissioners own findings that the aquifer was "potentially vulnerable", and at "risk of sea water intrusion" and recognition that "there is a degree of uncertainty about the magnitude of change that might occur", the applications were approved anyway. The Commissioners felt that the uncertainty over recharge "can be adequately addressed through an adaptive management strategy as set out in the Groundwater Monitoring and Contingency Plan and a staged approach to taking the maximum consented volumes of water."

Inevitably, and thankfully, that decision was appealed. The commissioners' decision and the GMCP were modified by the Environment Court due to its concerns about the aquifer and resulted in a more articulate plan.

Aaaaaand, before the ink was dry on those papers these next 24 applications were filed.

It is not credible that a further slew of consents can be granted when this significant – and hopefully successful – programme for monitoring and managing this vital aquifer, has even got off the ground.

It is far too early, in our submission, to place a further load on the Aupouri aquifer unless and until such times as the first Groundwater Monitoring and Contingency Plans are fully operative AND can demonstrate with sufficient certainty that the existing consented water allocations are not having a detrimental effect on the aquifer AND that the recharge rate suggested does actually happen.

These water takings could certainly have an adverse effect which may be of low probability but would certainly have a high potential impact. The risk may be low, but it is a foreseeable risk.

We requested in our submission that the Council **REFUSE THE APPLICATIONS.**

But, lets' not kid ourselves that this application is going to be turned down. The NRC's Report makes it clear that that it is comfortable with it going ahead, and the Commissioners are highly unlikely to go against that recommendation no matter what we the submitters have said and will say here today.

So, the best that we can hope for is that the Conditions of Consent for this 2nd batch of applications takes what was hammered out in the 1st round of applications, and makes it better.

And by better, I mean less risky and more responsive.

And by better, I mean a signal to those waiting in the wings. There are others out there watching and taking notes; if the consent applications relating to this current lot of applications are the same as the first lot, then they will understandably believe that that:

(a), they will be granted consent, and

(b), they know what the conditions will be.

That much is obvious already. Some of these applicants have already undertaken significant groundworks without even waiting to see if they would be granted a consent.

"A multi-million-dollar leap of faith" one person is quoted as saying, with no small measure of indignation that some people might not agree that their arrogant assumptions of a right to water is not shared.

The development by some Applicants that has already occurred seems to me to be a giant middle finger to the consenting authorities, and does not bode well for complying with any consent conditions that perhaps they think are too stringent.

The conditions set out in the previous consent seem to be the very least that a consenting authority can require; they have been colloquially described as a "suck it and see" consent.

We request that the Applications be **REFUSED**.

If the Applications are not refused, then we generally support the conditions of consent set out in the Report for each Applications, which include the Master Consent conditions.

In particular, we support the limitation of the consent duration to 13 years.

And we request the following **additional** conditions be imposed on any grant of consent;

1.

THAT a consent notice or covenant attach to the consent setting out that the Applicants;

(a) can use the water for growing avocados and if that activity is not pursued then the consent is void, and

(b) can only transfer the consent to another party that is undertaking the same activity, i.e. growing avocados.

Reason for this condition:

The Applications all state in one way or another that the water they've applied for is for irrigating avocado orchard/s. If the consents are to be granted, then there should be some means of ensuring that is exactly what is done with the water, and not anything else.

The amount of water applied for has been worked out on the basis of what an avocado tree needs. If there aren't going to be avocado trees, then what is the basis for the amount of water requested?

I for one would be very disappointed if I were to find that any of the Applicants had decided against growing avocados and embarked on a different kind of venture with the water consent in their back pocket, and no opportunity for the community to have a say (again).

Or, perhaps even sell the land with the consent, say, to a Chinese water bottling company. Or lease the water right, as is happening already.

If an Applicant came right out and said, I want to be a water-seller, then you can imagine what the community reaction would be.

Sound far-fetched? The RMA allows for the transfer of consents, and **the NRC's proposed Regional Plan states that the transfer of consents will generally be authorised if they are in the same aquifer and other authorised takes are not adversely affected.**

Some Applicants are obviously intending to grow avocados – they've assumed they have their consent and have invested multi-millions in preparing their orchards. But not all of them.

Any temptation for "water banking" should be nipped in the bud at the outset.

The condition imposed that the consent lapse if not given effect to in 5 years is in my submission not enough to ensure the Applicants actually use their allocation for the purpose stated.

2.

THAT the Applicants be required to investigate (or even better, actually provide ...) other means on each site for the conservation and collection of surface water to limit the need to take the water or at least as a back-up for if/when they are constrained from taking their allocation.

Notwithstanding that the Report states that the adverse effects are not likely to be significant, the Applicants should be encouraged to do so. In the development of these orchards it would not be difficult for the machinery to be used to provide for catchment of surface water.

Reason for this condition:

The Applicants should not be given to think that they are not required to make any effort to catch and conserve water themselves. Local Councils across Northland and elsewhere are already planning on retention dams as back-ups for their communities' water needs – Te Rarawa is doing the same. There's no reason why these growers cannot do it too.

3.

THAT a "sinking lid" on the approved amount of water that can be taken be included, similar to Condition No.9 in a situation where a Trigger Level in the GMCP is exceeded, such that if the Applicant doesn't use the water for the stated purpose, or retires part of their growing operation, the amount of the allocation will fall accordingly.

Reason for this condition:

The Applications state that they require water, in the amounts that they have applied for, for the purpose of irrigation of avocados. Given the still uncertain nature of the effect of the water takes on the aquifer, and given the "first in, first served" nature of water allocation, if the Applicants aren't using it for the stated purpose then it should be surrendered.

In conclusion:

The Aupouri aquifer is nationally significant in its size and it is intrinsic to the environment we live in here in the far, Far North. It is subject to many pressures that man cannot easily control; climate change in the form of sea level rise, coastal erosion, changing climate patterns, is becoming more evident every year (regardless of what you personally think causes it).

Direct local pressures such as increased demand for groundwater for agricultural and horticultural use lead to the threat of exhausting the resource, saline intrusion, land subsidence, but (optimistically) is more easily controlled by prudent management.

We cannot afford to ignore the risk that these local increases in demand pose to the aquifer. We cannot afford to look at these applications in isolation from the ones that came before, and we cannot ignore the needs of future generations either.

My children, your children, our grandchildren, their children *ake ake tonu* will also rely on the Aupouri aquifer to maintain the environment for ourselves and the other flora and fauna we share it with.

The Resource Management Act, under which you are making your decisions, requires the **sustainable** use of natural and physical resources – land, air and water.

"First in, first served" might work when you know how much of a thing there is to be allocated.

Because we don't, "use it or lose it" should be operative regime.

It is not, in my submission, credible for the NRC to rely solely on scientific modelling as the basis for allocation of Aupouri water, in the absence of empirical data to back it – to prove or disprove the theory of them. The consequences are potentially too great.

Whatever you make of what I have requested, please ensure that the conditions of consent do not simply give the Applicants exactly what they ask for, to do with as they will.

Please ensure that they are fully aware that they are using a resource that belongs to everyone, that it is not just "their" water. If they use it badly, inefficiently, or not in accordance with the consent they are grants, or not use it at all – they should know they will lose it.

Thank you for your attention.