



**Date:** 23 June 2020

**To:** Jacqui Guiles  
Consents Administrator  
Northland Regional Council  
Whanagrei

**CC:** Doug Te Wake, Hugh Robertson, May Downing

**Department of Conservation comments for RC831  
Mapua Avocadoes Ltd, Honeytree Farms Ltd and Largus Orchard Ltd Partnership**

Dear Jacqui,

Thank you for the opportunity for the Department of Conservation to provide feedback on this matter.

The Department notes that intent of Stage 1 as defined in the GMCP and consent conditions was for one full irrigation season. This is critical to ensure a robust baseline monitoring regime is in place for at least 12 months, and to enable monitoring to be reviewed following a full irrigation season under Stage 1. Ensuring a full irrigation season has occurred is fundamental to the establishment and confirmation of the trigger levels that apply to the exercise of the consent through all its stages and needed to adequately inform the SIMPR (Staged Implementation and Monitoring Programme Review).

The introduction to the GMCP states:

“Extensive environmental monitoring is required to achieve avoidance of the effects listed above, and to support the proposed ‘adaptive management’ approach including a staged implementation of groundwater extraction. The purpose of the GMCP is to formalise specific monitoring requirements, establish groundwater level and groundwater quality monitoring triggers and outline a process for implementation of appropriate mitigation and remediation measures in the event that nominated trigger values are exceeded.”

As outlined in the GMCP, the process for making a decision on whether to allow the water takes to proceed from the Stage 1 level to the Stage 2 level requires at least a full irrigation season of monitoring from the commencement of the consent, and the preparation of SIMPR report. This report is commissioned by the Regional Council and can include recommendations regarding trigger levels and whether to proceed to the next stage. The report is to be provided to the consent holders and the Department of Conservation for their comment at least three months before the start of the next irrigation season. This process is set out in section 2.1.1 of the GMCP.

In addition, at least 12 months of monitoring from the commencement of the consent is required before the wetland trigger levels are reviewed, following the process set out in section 3.2.1.1 of the Groundwater Monitoring and Contingency Plan.

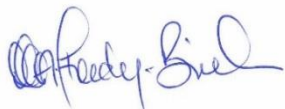
We note the applicant is seeking a change to the definition of Stage 1. Specifically, the applicant is seeking to define Stage 1 as follows “*Stage 1, which shall be for the minimum period of the 2019-2020 irrigation season*”. This would effectively mean that Stage 1 has not occurred for a full irrigation season and would effectively bypass prescribed steps in the GMCP as outlined above.

The applicant’s proposal to apply an earlier timeframe than the actual date the consents were able to be exercised, undermines the purpose of the careful, staged implementation set out in the GMCP.

Therefore, the Department does not support the applicant’s proposal. Our view is that the assessment of Stage 1 data, and the commissioning of a Staged Implementation and Monitoring Report, and of the assessment of the potential impact of shallow groundwater decline on the Kaimaumau-Motutangi Wetland cannot occur until after the 2020-2021 irrigation season.

If you have any questions regarding this letter, please contact Doug Te Wake at [dtwake@doc.govt.nz](mailto:dtwake@doc.govt.nz)

Noho ora mai



Meirene Hardy-Birch  
Operations Manager  
Kaitaia District Office

# Resource Consent

Document Date: 25.06.2020

*Pursuant to the Resource Management Act 1991, the Northland Regional Council  
(hereinafter called "the council") does hereby grant a Resource Consent to:*

**LARGUS ORCHARD LIMITED PARTNERSHIP, PO BOX 302608, NORTH HARBOUR, AUCKLAND 0751**

**AUT.038420.01.02** To take and use groundwater from the Aupouri-Waiharara sub-aquifer management unit for the purposes of horticultural irrigation.

## LOCATION

### Address of Site

385 Heath Road, Waiharara

### Legal Description of Site

Site of take: Section 53 Block V Opoe Survey District, Section 118 Block V Opoe Survey District

Sites of use: Section 52 and Section 60 Block V Opoe Survey District, Section 129 Block V Opoe Survey District, Section 118 Block V Opoe Survey District, Section 53 and Part Section 38 Block V Opoe Survey District

### Map Reference (New Zealand Transverse Mercator Projection)

1617919E 6132263N

1617905E 6132480N

*Note: An error accuracy of +/- 50 metres applies to these map references.*

## CONSENT DURATION

This consent is granted for a period expiring on **30 November 2033**

## Conditions of AUT.038420.01.02

- 1 The consent holder shall pay all charges relating to the recovery of cost for the administration, monitoring and supervision of this consent fixed by Council under Section 36 of the Resource Management Act 1991.
- 2 The exercise of this consent is bound by the conditions of the 'MWWUG Master Consent Conditions' (herein referred to as **Master Consent**) attached as Appendix A. The Master Consent uses an alternate numbering system '1MC, 2MC, 3MC...'.
- 3 Subject to compliance with the conditions of this consent, the activity authorised by this consent shall be carried out in accordance with the application and documents submitted as part of the application, including the following documents:

- (a) Assessment of Environmental Effects prepared by Williamson Water Advisory Ltd: *Irrigation Water Supply, Groundwater Take Consent Application – Motutangi Waiharara Water User Group. WWA0026: Final – Rev. 4*, dated 30 August 2017;
- (b) Model Report prepared by Williamson Water Advisory Ltd: *Motutangi-Waiharara Groundwater Model, Factual Technical Report – Modelling. Motutangi-Waiharara Water User Group. WWA0026: Final – Rev. 9*, dated 31 August 2017.
- (c) Technical Peer Review Letter Report prepared by LWP Ltd: *Water Permit Application – Motutangi– Waiharara Water User Group (MWWUG), Aupōuri Peninsula*, dated 19 September 2017.

For the avoidance of doubt, where information contained in the application documents is contrary to the conditions of this consent and those in the Master Consent (Appendix A), or where the information contained in the application documents is internally inconsistent, the conditions of this consent and the Master Consent shall prevail.

- 4 This consent operates under an adaptive management regime. The detail of that adaptive management regime is set out in the Groundwater Monitoring and Contingency Plan for the Waiharara, Motutangi and Houhora sub-areas of the Aupōuri Aquifer Management Unit, **Dated: June 2019 (“GMCP”)**. The primary purpose of the GMCP is to set out the procedures by which the abstraction will be monitored and managed to ensure compliance with Condition 1MC. For the purpose of this consent, the GMCP is the most recent version of the GMCP which may be changed under Condition 6MC. In the event that any of the provisions of the GMCP conflict with the requirements of these conditions of consent, these conditions of consent shall prevail.
- 5 The consent shall be exercised in a staged manner as follows:
  - (a) Stage 1, which shall be for the minimum period of the 2019-2020 irrigation season;
  - (b) Stage 2, which shall be for the minimum period of two consecutive irrigation seasons;
  - (c) Stage 3, which shall be from the irrigation season immediately following written approval to progress from Stage 2 until the expiry of the consent, unless Conditions 9-13 apply.
- 6 The combined daily volume of water taken across all bores shall not exceed the following:
  - (a) 1,300 cubic metres in any 24 consecutive hours unless Conditions 9(b), 11 or 13 of this consent apply; and
  - (b) That required to replace soil moisture depleted by evapotranspiration over the irrigated area.
- 7 The combined annual volume of water taken across all bores for each stage shall not exceed the following unless Conditions 9-13 apply:
  - (a) Stage 1: 34,000 cubic metres between 1 July in a year and 30 June in the following year;
  - (b) Stage 2: 96,000 cubic metres between 1 July in a year and 30 June in the following year;
  - (c) Stage 3: 193,700 cubic metres between 1 July in a year and 30 June in the following year.
- 8 Progress to the next stage shall only occur where written approval is given by the Council’s Compliance Manager; and
  - (a) This written approval will only be given if the council is satisfied that the Staged Implementation and Monitoring Review prepared in accordance with the GMCP confirms that the groundwater abstraction complies with Condition 1MC; and

- (b) A decision on whether written approval will be given or not will not be made until the Council has consulted with the Consent Holder and the Director-General of Conservation over the Staged Implementation and Monitoring Review; and
- (c) Notwithstanding Condition 8(b), written approval to progress from Stage 1 to Stage 2 will not be considered unless all the monitoring trigger levels required by the GMCP have been set; and
- (d) A report detailing the reasons for the Council's decision in regard to progressing to the next stage, including the identification and discussion of any matters raised during the consultation described in Condition 8(b), will be provided to the Consent Holder and the Director-General of Conservation.

### **Breaching of Trigger Levels**

- 9 In the event of a Trigger Level 2 (TL2) in the GMCP being exceeded, the following actions and requirements shall be initiated:
- (a) The Council will advise the Consent Holder in writing that a TL 2 has been reached;
  - (b) Upon receipt of this notice, the Consent Holder shall immediately reduce their daily abstraction to 50% of the current average daily quantity, as advised by the Council in the notice. The current average daily quantity will be calculated using the previous months water use records required by Condition 19. If the exceedance occurs within one month of a Consent Holder first taking water for irrigation purposes within an irrigation season, then the average shall be calculated using the water use records for this period only;
  - (c) As required by the GMCP, the Council will commission a Groundwater Trigger Exceedance Report to assess why the trigger level has been breached, identify the pumping bores in the area of effect and review all of the available data collected in the affected area(s).
- 10 Once Condition 9(b) has been complied with, the Consent Holder may apply to the Council's Compliance Manager for an alternative reduction in its daily water take volume. Council's approval of an alternative reduction value will only be given if it is satisfied that a TL2 exceedance that is attributable to this consent will not occur and the alternative reduction value is not inconsistent with Condition 1MC. The applicable alternative reduction value is the value that is contained in the recommendations made in the Groundwater Trigger Exceedance Report required to be prepared by Condition 9(c).
- 11 If the TL2 trigger levels are still exceeded after 21 days, then the Consent Holder shall reduce their daily abstraction to 25% of the current average daily quantity calculated for Condition 9(b). The Council will advise the Consent Holder in writing of any breach and the required reduction in the daily water take volume.
- 12 Once Condition 11 has been complied with, the Consent Holder shall also comply with the recommendations contained in the revised and updated Groundwater Trigger Exceedance Report commissioned by the Council which will be prepared for the purpose of specifying a programme of actions to achieve compliance with Condition 1MC.
- 13 If the TL2 trigger levels continue to be exceeded after the implementation of the remedial measures required under Conditions 9-11, the Council may require the Consent Holder to suspend the exercise of this consent, or continue their daily abstraction at a specified rate, until such time as the Council issues written notice that the Consent may be exercised again in accordance with the requirements of the revised and updated Groundwater Trigger Exceedance Report.

## Notification of Irrigation

- 14 The Consent Holder shall advise the Council's assigned Monitoring Officer in writing when irrigation is to commence for the first time each season, at least five working days beforehand.

## Metering and Abstraction Reporting

- 15 Prior to the first exercise of this consent, a meter shall be installed to measure the volume of water taken, in cubic metres, from each production bore. Each meter shall:
- (a) Be able to provide data in a form suitable for electronic storage;
  - (b) Be sealed and as tamper-proof as practicable;
  - (c) Be installed at the location from which the water is taken; and
  - (d) Have an accuracy of +/-5%.

The Consent Holder shall, at all times, provide safe and easy access to each meter installed for Council to undertake visual inspections and record water take measurements.

- 16 The Consent Holder shall verify that the meter required by Condition 15 is accurate. This verification shall be undertaken prior to 30 June:
- (a) Following the first taking of water from each production bore in accordance with this consent; and
  - (b) At least once in every five years thereafter.

Each verification shall be undertaken by a person, who in the opinion of the Council's Compliance Manager, is suitably qualified. Written verification of the accuracy shall be provided to the council's assigned Monitoring Officer no later than 31 July following the date of each verification.

- 17 The Consent Holder shall keep a record of the daily volume of water taken from each production bore in cubic metres, including all nil abstractions, using the readings from the meter required by Condition 15.
- 18 If the instantaneous rate of taking is equal to or greater than 10 litres per second, then the water meter required by Condition 15 shall have an electronic datalogger for automatic logging of meter data.
- 19 A copy of the records required to be kept by Condition 17 shall be forwarded to the Council's assigned Monitoring Officer on a monthly basis, by the seventh of the following month. In addition, a copy of these records shall be forwarded immediately to the Council's assigned Monitoring Officer on written request. The records shall be in an electronic format that has been agreed to by the council.

**Advice Note:** *If no water is taken during any calendar month then the Consent Holder is still required to notify the council's Monitoring Manager in writing of the nil abstraction. Water use record sheets in an electronic format are available from the council's website at [www.nrc.govt.nz/wur](http://www.nrc.govt.nz/wur).*

## Water Use Efficiency

20 The Consent Holder shall prepare an Irrigation Scheduling Plan (ISP) that outlines how irrigation decisions will be made. The purpose of the ISP is to set out how the irrigation will be undertaken to ensure that at least 80 percent of the annual volume of water applied to the irrigable area is retained in the soil in the root zone of the crop, compared to the average gross depth of water applied to the crop. The ISP shall be prepared by a suitably qualified and experienced person and submitted to the Council's Compliance Manager for written certification that it will achieve the purpose of the ISP. The ISP shall, as a minimum, address:

- Water balance and crop water requirements;
- Subsurface drainage; and
- Overall irrigation strategy.

For each irrigation area, the ISP should include:

- (a) A description of how water requirements for each irrigation cycle are calculated;
- (b) Method(s) for assessing current soil moisture levels;
- (c) Method(s) for assessing potential evapotranspiration (PET) and rainfall to date;
- (d) Soil moisture target to be maintained in each zone by irrigation;
- (e) How measured data will be used to assess irrigation requirements over the next irrigation cycle; and
- (f) A description of proposed method(s) for remaining within consent limits at each borehole or group of boreholes.

21 The Consent Holder shall not exercise this consent until the ISP required by Condition 20 has been certified by the Council's Compliance Manager.

22 The ISP certified in accordance with Condition 21 shall be implemented prior to the first irrigation season, unless a later date has been approved in writing by the Council's Compliance Manager.

23 The Consent Holder shall, within six months of the first exercise of this consent, undertake an audit of the irrigation system and of the certified ISP. The audit shall be undertaken by a suitably qualified and experienced person. The irrigation system audit shall be prepared in accordance with Irrigation New Zealand's "Irrigation Evaluation Code of Practice" (dated 12 April 2010), and shall include recommendations on any improvements that should be made to the system to increase water efficiencies or any amendments to the ISP. The results of the audit and its recommendations shall be submitted in writing to the Council's assigned Monitoring Officer within one month of the audit being undertaken. Any recommended amendments to the ISP shall be submitted to the Council's Compliance Manager for written certification that it will achieve the purpose of the ISP before they take effect. A follow-up audit shall occur at five yearly intervals throughout the term of this consent with the intent of confirming an irrigation efficiency of at least 80 percent.

24 The Consent Holder shall, within three months of notification in writing by the Council's Compliance Manager, implement any recommendations of the audit referred to in Condition 23.

25 The reticulation system and its component parts shall be maintained in good working order to minimise leakage and wastage of water.

- 26 The rate at which water is applied to the irrigated area shall not result in ponding of irrigated water within any irrigated area, or runoff from either surface or subsurface drainage to a water body, as a result of the exercise of this consent.

**Advice Note:** *The ISP seeks to ensure that at least 80 percent of the annual volume of water applied to the irrigable area is retained in the soil in the root zone of the crop, compared to the average gross depth of water applied to the crop.*

#### **Review Condition**

- 27 The Council may, in accordance with Section 128 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions annually during the month of September for any one or more of the following purposes:

- (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
- (b) To insert trigger level thresholds established in accordance with the GMCP as conditions of consent.
- (c) To review the allocation of the resource.

The Consent Holder shall meet all reasonable costs of any such review.

#### **Lapsing Condition**

- 28 This consent shall lapse five years after the date that the consent commences in accordance with section 116(1) of the Resource Management Act 1991, unless the consent has been given effect to before this date.

This change to consent Condition 5 is granted this Twenty Fifth day of June 2020 under delegated authority from the council by:



Stuart Savill  
Consents Manager



## Appendix A – MWWUG Master Consent Conditions

### General

- 1MC. The consented activity must not, individually or cumulatively, result in:
- (a) Saltwater intrusion into the Aupouri aquifer; or
  - (b) Adverse effects on the hydrological functioning of the Kaimaumu-Motutangi wetland; or
  - (c) Adverse effects on the significant indigenous vegetation and significant habitats of indigenous fauna in terrestrial and freshwater environments of the Kaimaumu-Motutangi wetland; or
  - (d) Lowering of the groundwater levels in the Aupouri aquifer such that existing efficient bore takes within the aquifer cannot access groundwater.

### Prior to the Exercise of Consent

2MC. Prior to the exercise of this consent, new bores and the Kaimaumu Wetland surface water level sensor required to be installed for the purposes of monitoring the baseline effects in accordance with the GMCP shall be constructed and all required equipment installed.

3MC. Prior to the exercise of this consent;

- (a) A suitable approach to detecting and responding to saline intrusion effects during Stage 1 (Year 1) shall be prepared; and
- (b) A relative water level shall be established at the Kaimaumu surface water level sensor installed in accordance with Condition 2.

The Council's Compliance Manager shall certify that the approach to detecting and responding to saline intrusion, and establishment of a relative water level will give effect to Condition 1MC. The certified information shall be inserted into the GMCP through the process set out in Condition 6MC prior to the exercise of this consent.

### Monitoring and Contingency Measures

4MC. This consent shall be exercised and monitored in accordance with the GMCP.

5MC. The Consent Holder shall, at all times, provide safe and easy access to the production bore wellhead(s) for the purpose of undertaking monitoring on the bore(s), as set out in the GMCP.

6MC. Excluding the Staged Implementation and Monitoring Review process, the GMCP may be amended at any time by the following process:

- (a) Subject to Condition 6MC(d), the Council may amend the GMCP by providing notice in writing to the Consent Holder that the GMCP has been amended and providing a copy of the amended GMCP to the Consent Holder.
- (b) Subject to Condition 6MC(d), the Consent Holder may submit a request for an amendment by giving written notice to the Council of the proposed amendment along with any supporting technical documents.
- (c) Prior to making any decision to amend the GMCP or not, the Council will seek input on any proposed amendment from the Consent Holder and from the Director-General of Conservation.
- (d) The Council will not approve any amendment to the GMCP unless the technical assessment of the proposed change clearly indicates that the change will not result in a breach of Condition 1MC

# Resource Consent

Document Date: 27.03.2020

*Pursuant to the Resource Management Act 1991, the Northland Regional Council  
(hereinafter called "the council") does hereby grant a Resource Consent to:*

**GEORGINA TUI COVICH AND MATE NICKOLAS COVICH, 2786 FAR NORTH ROAD, RD 4, KAITAIA 0484**

**AUT.038410.01.02** To take and use groundwater from the Aupouri-Waiparera sub-aquifer management unit for the purposes of horticultural irrigation purposes.

## **LOCATION**

### **Address of Site**

Shroj Road, Waiharara

### **Legal Description of Site**

Site of take: Section 27 Block IV Opoe Survey District, Section 16 Block IV Opoe Survey District

Sites of use: Section 39 Block IV Opoe Survey District, Section 16, Section 19, Section 27 and Section 30 Block IV Opoe Survey District, Section 5 and Section 32 Block IV Opoe Survey District, Section 9-10, Section 31 and Section 34 Block IV Opoe Survey District

### **Map Reference (New Zealand Transverse Mercator Projection)**

Bore 1: 1617353E 6136859N

Bore 2: 1617128E 6136793N

*Note: An error accuracy of +/- 50 metres applies to these map references.*

## **CONSENT DURATION**

This consent is granted for a period expiring on **30 November 2033**

## **Conditions of AUT.038410.01.02**

- 1 The consent holder shall pay all charges relating to the recovery of cost for the administration, monitoring and supervision of this consent fixed by Council under Section 36 of the Resource Management Act 1991.
- 2 The exercise of this consent is bound by the conditions of the 'MWWUG Master Consent Conditions' (herein referred to as **Master Consent**) attached as Appendix A. The Master Consent uses an alternate numbering system '1MC, 2MC, 3MC...'.
- 3 Subject to compliance with the conditions of this consent, the activity authorised by this consent shall be carried out in accordance with the application and documents submitted as part of the application, including the following documents:

- (a) Assessment of Environmental Effects prepared by Williamson Water Advisory Ltd: *Irrigation Water Supply, Groundwater Take Consent Application – Motutangi Waiharara Water User Group*. WWA0026: Final – Rev. 4, dated 30 August 2017;
- (b) Model Report prepared by Williamson Water Advisory Ltd: *Motutangi-Waiharara Groundwater Model, Factual Technical Report – Modelling*. Motutangi-Waiharara Water User Group. WWA0026: Final – Rev. 9, dated 31 August 2017.
- (c) Technical Peer Review Letter Report prepared by LWP Ltd: *Water Permit Application – Motutangi – Waiharara Water User Group (MWWUG), Aupōuri Peninsula*, dated 19 September 2017.

For the avoidance of doubt, where information contained in the application documents is contrary to the conditions of this consent and those in the Master Consent (Appendix A), or where the information contained in the application documents is internally inconsistent, the conditions of this consent and the Master Consent shall prevail.

- 4 This consent operates under an adaptive management regime. The detail of that adaptive management regime is set out in the Groundwater Monitoring and Contingency Plan for the Waiharara, Motutangi and Houhora sub-areas of the Aupōuri Aquifer Management Unit, Dated: June 2019 (“GMCP”). The primary purpose of the GMCP is to set out the procedures by which the abstraction will be monitored and managed to ensure compliance with Condition 1MC. For the purpose of this consent, the GMCP is the most recent version of the GMCP which may be changed under Condition 6MC. In the event that any of the provisions of the GMCP conflict with the requirements of these conditions of consent, these conditions of consent shall prevail.
- 5 The consent shall be exercised in a staged manner as follows:
  - (a) Stage 1, which shall be for the minimum period of the first full irrigation season after the consent is first exercised;
  - (b) Stage 2, which shall be for the minimum period of two consecutive irrigation seasons;
  - (c) Stage 3, which shall be for the minimum period of two consecutive irrigation seasons;
  - (d) Stage 4 which shall be from the irrigation season immediately following written approval to progress from Stage 3 until the expiry of the consent, unless Conditions 9-13 apply.
- 6 The combined daily volume of water taken across all bores shall not exceed the following:
  - (a) 1,500 cubic metres in any 24 consecutive hours unless Conditions 9(b), 11 or 13 of this consent apply; and
  - (b) That required to replace soil moisture depleted by evapotranspiration over the irrigated area.
- 7 The combined annual volume of water taken across all bores for each stage shall not exceed the following unless Conditions 9-13 apply:
  - (a) Stage 1: 34,000 cubic metres between 1 July in a year and 30 June in the following year;
  - (b) Stage 2: 96,000 cubic metres between 1 July in a year and 30 June in the following year;
  - (c) Stage 3: 198,000 cubic metres between 1 July in a year and 30 June in the following year;
  - (d) Stage 4: 223,500 cubic metres between 1 July in a year and 30 June in the following year.
- 7A Notwithstanding condition 7(a), between 16 August 2019 and 30 June 2020 the combined annual volume of water taken by the exercise of this consent and consent AUT.038471.01.02 shall not exceed 68,000 cubic metres.

- 8 Progress to the next stage shall only occur where written approval is given by the Council's Compliance Manager; and
- (a) This written approval will only be given if the council is satisfied that the Staged Implementation and Monitoring Review prepared in accordance with the GMCP confirms that the groundwater abstraction complies with Condition 1MC; and
  - (b) A decision on whether written approval will be given or not will not be made until the Council has consulted with the Consent Holder and the Director-General of Conservation over the Staged Implementation and Monitoring Review; and
  - (c) Notwithstanding Condition 8(b), written approval to progress from Stage 1 to Stage 2 will not be considered unless all the monitoring trigger levels required by the GMCP have been set; and
  - (d) A report detailing the reasons for the Council's decision in regard to progressing to the next stage, including the identification and discussion of any matters raised during the consultation described in Condition 8(b), will be provided to the Consent Holder and the Director-General of Conservation.

### **Breaching of Trigger Levels**

- 9 In the event of a Trigger Level 2 (TL2) in the GMCP being exceeded, the following actions and requirements shall be initiated:
- (a) The Council will advise the Consent Holder in writing that a TL2 has been reached;
  - (b) Upon receipt of this notice, the Consent Holder shall immediately reduce their daily abstraction to 50% of the current average daily quantity, as advised by the Council in the notice. The current average daily quantity will be calculated using the previous months water use records required by Condition 19. If the exceedance occurs within one month of a Consent Holder first taking water for irrigation purposes within an irrigation season, then the average shall be calculated using the water use records for this period only;
  - (c) As required by the GMCP, the Council will commission a Groundwater Trigger Exceedance Report to assess why the trigger level has been breached, identify the pumping bores in the area of effect and review all of the available data collected in the affected area(s).
- 10 Once Condition 9(b) has been complied with, the Consent Holder may apply to the Council's Compliance Manager for an alternative reduction in its daily water take volume. Council's approval of an alternative reduction value will only be given if it is satisfied that a TL2 exceedance that is attributable to this consent will not occur and the alternative reduction value is not inconsistent with Condition 1MC. The applicable alternative reduction value is the value that is contained in the recommendations made in the Groundwater Trigger Exceedance Report required to be prepared by Condition 9(c).
- 11 If the TL2 trigger levels are still exceeded after 21 days, then the Consent Holder shall reduce their daily abstraction to 25% of the current average daily quantity calculated for Condition 9(b). The Council will advise the Consent Holder in writing of any breach and the required reduction in the daily water take volume.
- 12 Once Condition 11 has been complied with, the Consent Holder shall also comply with the recommendations contained in the revised and updated Groundwater Trigger Exceedance Report commissioned by the Council which will be prepared for the purpose of specifying a programme of actions to achieve compliance with Condition 1MC.

- 13 If the TL2 trigger levels continue to be exceeded after the implementation of the remedial measures required under Conditions 9-11, the Council may require the Consent Holder to suspend the exercise of this consent, or continue their daily abstraction at a specified rate, until such time as the Council issues written notice that the Consent may be exercised again in accordance with the requirements of the revised and updated Groundwater Trigger Exceedance Report.

### **Notification of Irrigation**

- 14 The Consent Holder shall advise the Council's assigned Monitoring Officer in writing when irrigation is to commence for the first time each season, at least five working days beforehand.

### **Metering and Abstraction Reporting**

- 15 Prior to the first exercise of this consent, a meter shall be installed to measure the volume of water taken, in cubic metres, from each production bore. Each meter shall:
- (a) Be able to provide data in a form suitable for electronic storage;
  - (b) Be sealed and as tamper-proof as practicable;
  - (c) Be installed at the location from which the water is taken; and
  - (d) Have an accuracy of +/-5%.

The Consent Holder shall, at all times, provide safe and easy access to each meter installed for Council to undertake visual inspections and record water take measurements.

- 16 The Consent Holder shall verify that the meter required by Condition 15 is accurate. This verification shall be undertaken prior to 30 June:
- (a) Following the first taking of water from each production bore in accordance with this consent; and
  - (b) At least once in every five years thereafter.

Each verification shall be undertaken by a person, who in the opinion of the Council's Compliance Manager, is suitably qualified. Written verification of the accuracy shall be provided to the council's assigned Monitoring Officer no later than 31 July following the date of each verification.

- 17 The Consent Holder shall keep a record of the daily volume of water taken from each production bore in cubic metres, including all nil abstractions, using the readings from the meter required by Condition 15.
- 18 If the instantaneous rate of taking is equal to or greater than 10 litres per second, then the water meter required by Condition 15 shall have an electronic datalogger for automatic logging of meter data.
- 19 A copy of the records required to be kept by Condition 17 shall be forwarded to the Council's assigned Monitoring Officer on a monthly basis, by the seventh of the following month. In addition, a copy of these records shall be forwarded immediately to the Council's assigned Monitoring Officer on written request. The records shall be in an electronic format that has been agreed to by the council.

**Advice Note:** *If no water is taken during any calendar month then the Consent Holder is still required to notify the council's Monitoring Manager in writing of the nil abstraction. Water use record sheets in an electronic format are available from the council's website at [www.nrc.govt.nz/wur](http://www.nrc.govt.nz/wur).*

## Water Use Efficiency

20 The Consent Holder shall prepare an Irrigation Scheduling Plan (ISP) that outlines how irrigation decisions will be made. The purpose of the ISP is to set out how the irrigation will be undertaken to ensure that at least 80 percent of the annual volume of water applied to the irrigable area is retained in the soil in the root zone of the crop, compared to the average gross depth of water applied to the crop. The ISP shall be prepared by a suitably qualified and experienced person and submitted to the Council's Compliance Manager for written certification that it will achieve the purpose of the ISP. The ISP shall, as a minimum, address:

- Water balance and crop water requirements;
- Subsurface drainage; and
- Overall irrigation strategy.

For each irrigation area, the ISP should include:

- (a) A description of how water requirements for each irrigation cycle are calculated;
- (b) Method(s) for assessing current soil moisture levels;
- (c) Method(s) for assessing potential evapotranspiration (PET) and rainfall to date;
- (d) Soil moisture target to be maintained in each zone by irrigation;
- (e) How measured data will be used to assess irrigation requirements over the next irrigation cycle; and
- (f) A description of proposed method(s) for remaining within consent limits at each borehole or group of boreholes.

21 The Consent Holder shall not exercise this consent until the ISP required by Condition 20 has been certified by the Council's Compliance Manager.

22 The ISP certified in accordance with Condition 21 shall be implemented prior to the first irrigation season, unless a later date has been approved in writing by the Council's Compliance Manager.

23 The Consent Holder shall, within six months of the first exercise of this consent, undertake an audit of the irrigation system and of the certified ISP. The audit shall be undertaken by a suitably qualified and experienced person. The irrigation system audit shall be prepared in accordance with Irrigation New Zealand's "Irrigation Evaluation Code of Practice" (dated 12 April 2010), and shall include recommendations on any improvements that should be made to the system to increase water efficiencies or any amendments to the ISP. The results of the audit and its recommendations shall be submitted in writing to the Council's assigned Monitoring Officer within one month of the audit being undertaken. Any recommended amendments to the ISP shall be submitted to the Council's Compliance Manager for written certification that it will achieve the purpose of the ISP before they take effect. A follow-up audit shall occur at five yearly intervals throughout the term of this consent with the intent of confirming an irrigation efficiency of at least 80 percent.

24 The Consent Holder shall, within three months of notification in writing by the Council's Compliance Manager, implement any recommendations of the audit referred to in Condition 23.

25 The reticulation system and its component parts shall be maintained in good working order to minimise leakage and wastage of water.

26 The rate at which water is applied to the irrigated area shall not result in ponding of irrigated water within any irrigated area, or runoff from either surface or subsurface drainage to a water body, as a result of the exercise of this consent.

**Advice Note:** *The ISP seeks to ensure that at least 80 percent of the annual volume of water applied to the irrigable area is retained in the soil in the root zone of the crop, compared to the average gross depth of water applied to the crop.*

**Review Condition**

27 The Council may, in accordance with Section 128 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions annually during the month of September for any one or more of the following purposes:

- (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
- (b) To insert trigger level thresholds established in accordance with the GMCP as conditions of consent.
- (c) To review the allocation of the resource.

The Consent Holder shall meet all reasonable costs of any such review.

**Lapsing Condition**

28 This consent shall lapse five years after the date that the consent commences in accordance with section 116(1) of the Resource Management Act 1991, unless the consent has been given effect to before this date.

**This s136 temporary transfer of a water permit , by the addition of Condition 7A, is granted this Twenty Seventh day of March 2020 under delegated authority from the council by:**



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Stuart Savill  
Consents Manager

## Appendix A – MWWUG Master Consent Conditions

### General

1MC. The consented activity must not, individually or cumulatively, result in:

- (a) saltwater intrusion into the Aupouri aquifer; or
- (b) adverse effects on the hydrological functioning of the Kaimaumu-Motutangi wetland; or
- (c) adverse effects on the significant indigenous vegetation and significant habitats of indigenous fauna in terrestrial and freshwater environments of the Kaimaumu-Motutangi wetland; or
- (d) lowering of the groundwater levels in the Aupouri aquifer such that existing efficient bore takes within the aquifer cannot access groundwater.

### Prior to the Exercise of Consent

2MC. Prior to the exercise of this consent, new bores and the Kaimaumu Wetland surface water level sensor required to be installed for the purposes of monitoring the baseline effects in accordance with the GMCP shall be constructed and all required equipment installed.

3MC. Prior to the exercise of this consent;

- (a) a suitable approach to detecting and responding to saline intrusion effects during Stage 1 (Year 1) shall be prepared; and
- (b) a relative water level shall be established at the Kaimaumu surface water level sensor installed in accordance with Condition 2.

The Council's Compliance Manager shall certify that the approach to detecting and responding to saline intrusion, and establishment of a relative water level will give effect to Condition 1MC. The certified information shall be inserted into the GMCP through the process set out in Condition 6MC prior to the exercise of this consent.

### Monitoring and Contingency Measures

4MC. This consent shall be exercised and monitored in accordance with the GMCP.

5MC. The Consent Holder shall, at all times, provide safe and easy access to the production bore wellhead(s) for the purpose of undertaking monitoring on the bore(s), as set out in the GMCP.

6MC. Excluding the Staged Implementation and Monitoring Review process, the GMCP may be amended at any time by the following process:

- (a) Subject to Condition 6MC(d), the Council may amend the GMCP by providing notice in writing to the Consent Holder that the GMCP has been amended and providing a copy of the amended GMCP to the Consent Holder.
- (b) Subject to Condition 6MC(d), the Consent Holder may submit a request for an amendment by giving written notice to the Council of the proposed amendment along with any supporting technical documents.
- (c) Prior to making any decision to amend the GMCP or not, the Council will seek input on any proposed amendment from the Consent Holder and from the Director-General of Conservation.
- (d) The Council will not approve any amendment to the GMCP unless the technical assessment of the proposed change clearly indicates that the change will not result in a breach of Condition 1MC.



# Resource Consent

Document Date: 25.06.2020

*Pursuant to the Resource Management Act 1991, the Northland Regional Council  
(hereinafter called "the council") does hereby grant a Resource Consent to:*

**HONEYTREE FARMS LIMITED, 64 TE MAIKA ROAD, RD 3, WHANGAREI 0173**

**AUT.038471.01.03** To take and use groundwater from the Aupouri-Waiparera sub-aquifer management unit for the purpose of horticultural irrigation.

## **LOCATION**

### **Address of Site**

Norton Road, Waiharara

### **Legal Description of Site**

Site of take: Section 55 Block IV Opoe Survey District, Lot 2 Deposited Plan 497050

Sites of use: Section 55 Block IV Opoe Survey District, Lot 2 Deposited Plan 497050, Lot 1 Deposited Plan 40152, Section 53 Block IV Opoe Survey District

### **Map Reference (New Zealand Transverse Mercator Projection)**

Bore 1: 1618894E 6136120N

Bore 2: 1618552E 6136318N

*Note: An error accuracy of +/- 50 metres applies to these map references.*

## **CONSENT DURATION**

This consent is granted for a period expiring on **30 November 2033**

## **Conditions of AUT.038471.01.03**

- 1 The consent holder shall pay all charges relating to the recovery of cost for the administration, monitoring and supervision of this consent fixed by Council under Section 36 of the Resource Management Act 1991.
- 2 The exercise of this consent is bound by the conditions of the 'MWWUG Master Consent Conditions' (herein referred to as **Master Consent**) attached as Appendix A. The Master Consent uses an alternate numbering system '1MC, 2MC, 3MC...'.
- 3 Subject to compliance with the conditions of this consent, the activity authorised by this consent shall be carried out in accordance with the application and documents submitted as part of the application, including the following documents:

- (a) Assessment of Environmental Effects prepared by Williamson Water Advisory Ltd: *Irrigation Water Supply, Groundwater Take Consent Application – Motutangi Waiharara Water User Group. WWA0026: Final – Rev. 4, dated 30 August 2017;*
- (a) Model Report prepared by Williamson Water Advisory Ltd: *Motutangi-Waiharara Groundwater Model, Factual Technical Report – Modelling. Motutangi-Waiharara Water User Group. WWA0026: Final – Rev. 9, dated 31 August 2017.*
- (b) Technical Peer Review Letter Report prepared by LWP Ltd: *Water Permit Application – Motutangi – Waiharara Water User Group (MWWUG), Aupōuri Peninsula, dated 19 September 2017.*

For the avoidance of doubt, where information contained in the application documents is contrary to the conditions of this consent and those in the Master Consent (Appendix A), or where the information contained in the application documents is internally inconsistent, the conditions of this consent and the Master Consent shall prevail.

- 4 This consent operates under an adaptive management regime. The detail of that adaptive management regime is set out in the Groundwater Monitoring and Contingency Plan for the Waiharara, Motutangi and Houhora sub-areas of the Aupōuri Aquifer Management Unit, Dated: June 2019 (“GMCP”). The primary purpose of the GMCP is to set out the procedures by which the abstraction will be monitored and managed to ensure compliance with Condition 1MC. For the purpose of this consent, the GMCP is the most recent version of the GMCP which may be changed under Condition 6MC. In the event that any of the provisions of the GMCP conflict with the requirements of these conditions of consent, these conditions of consent shall prevail.
- 5 The consent shall be exercised in a staged manner as follows:
  - (a) Stage 1, which shall be for the minimum period of the 2019-2020 irrigation season;
  - (b) Stage 2, which shall be for the minimum period of two consecutive irrigation seasons;
  - (c) Stage 3, which shall be for the minimum period of two consecutive irrigation seasons;
  - (d) Stage 4 which shall be from the irrigation season immediately following written approval to progress from Stage 3 until the expiry of the consent, unless Conditions 9-13 apply.
- 6 The combined daily volume of water taken across all bores shall not exceed the following:
  - (a) 2,325 cubic metres in any 24 consecutive hours unless Conditions 9(b), 11 or 13 of this consent apply; and
  - (b) That required to replace soil moisture depleted by evapotranspiration over the irrigated area.
- 7 The combined annual volume of water taken across all bores for each stage shall not exceed the following unless Conditions 9 – 13 apply:
  - (a) Stage 1: 34,000 cubic metres between 1 July in a year and 30 June in the following year;
  - (b) Stage 2: 96,000 cubic metres between 1 July in a year and 30 June in the following year;
  - (c) Stage 3: 198,000 cubic metres between 1 July in a year and 30 June in the following year;
  - (d) Stage 4: 346,425 cubic metres between 1 July in a year and 30 June in the following year.
- 7A In addition to the annual volume authorised by Condition 7(a), for the period between 27 March 2020 and 1 May 2020 up to an additional 34,000 cubic metres may be taken.
- 8 Progress to the next stage shall only occur where written approval is given by the Council’s Compliance Manager; and

- (a) This written approval will only be given if the council is satisfied that the Staged Implementation and Monitoring Review prepared in accordance with the GMCP confirms that the groundwater abstraction complies with Condition 1MC; and
- (b) A decision on whether written approval will be given or not will not be made until the Council has consulted with the Consent Holder and the Department of Conservation over the Staged Implementation and Monitoring Review; and
- (c) Notwithstanding Condition 8(b), written approval to progress from Stage 1 to Stage 2 will not be considered unless all the monitoring trigger levels required by the GMCP have been set; and
- (d) A report detailing the reasons for the Council's decision in regard to progressing to the next stage, including the identification and discussion of any matters raised during the consultation described in Condition 8(b), will be provided to the Consent Holder and the Department of Conservation.

### **Breaching of Trigger Levels**

- 9 In the event of a Trigger Level 2 (TL2) in the GMCP being exceeded, the following actions and requirements shall be initiated:
  - (a) The Council will advise the Consent Holder in writing that a TL2 has been reached;
  - (b) Upon receipt of this notice, the Consent Holder shall immediately reduce their daily abstraction to 50% of the current average daily quantity, as advised by the Council in the notice. The current average daily quantity will be calculated using the previous months water use records required by Condition 19. If the exceedance occurs within one month of a Consent Holder first taking water for irrigation purposes within an irrigation season, then the average shall be calculated using the water use records for this period only;
  - (c) As required by the GMCP, the Council will commission a Groundwater Trigger Exceedance Report to assess why the trigger level has been breached, identify the pumping bores in the area of effect and review all of the available data collected in the affected area(s).
- 10 Once Condition 9(b) has been complied with, the Consent Holder may apply to the Council's Compliance Manager for an alternative reduction in its daily water take volume. Council's approval of an alternative reduction value will only be given if it is satisfied that a TL2 exceedance that is attributable to this consent will not occur and the alternative reduction value is not inconsistent with Condition 1MC. The applicable alternative reduction value is the value that is contained in the recommendations made in the Groundwater Trigger Exceedance Report required to be prepared by Condition 9(c).
- 11 If the TL2 trigger levels are still exceeded after 21 days, then the Consent Holder shall reduce their daily abstraction to 25% of the current average daily quantity calculated for Condition 9(b). The Council will advise the Consent Holder in writing of any breach and the required reduction in the daily water take volume.
- 12 Once Condition 11 has been complied with, the Consent Holder shall also comply with the recommendations contained in the revised and updated Groundwater Trigger Exceedance Report commissioned by the Council which will be prepared for the purpose of specifying a programme of actions to achieve compliance with Condition 1MC.

- 13 If the TL2 trigger levels continue to be exceeded after the implementation of the remedial measures required under Conditions 9-11, the Council may require the Consent Holder to suspend the exercise of this consent, or continue their daily abstraction at a specified rate, until such time as the Council issues written notice that the Consent may be exercised again in accordance with the requirements of the revised and updated Groundwater Trigger Exceedance Report.

### **Notification of Irrigation**

- 14 The Consent Holder shall advise the Council's assigned Monitoring Officer in writing when irrigation is to commence for the first time each season, at least five working days beforehand.

### **Metering and Abstraction Reporting**

- 15 Prior to the first exercise of this consent, a meter shall be installed to measure the volume of water taken, in cubic metres, from each production bore. Each meter shall:
- (a) Be able to provide data in a form suitable for electronic storage;
  - (b) Be sealed and as tamper-proof as practicable;
  - (c) Be installed at the location from which the water is taken; and
  - (d) Have an accuracy of +/-5%.

The Consent Holder shall, at all times, provide safe and easy access to each meter installed for Council to undertake visual inspections and record water take measurements.

- 16 The Consent Holder shall verify that the meter required by Condition 15 is accurate. This verification shall be undertaken prior to 30 June:
- (a) Following the first taking of water from each production bore in accordance with this consent; and
  - (b) At least once in every five years thereafter.

Each verification shall be undertaken by a person, who in the opinion of the Council's Compliance Manager, is suitably qualified. Written verification of the accuracy shall be provided to the council's assigned Monitoring Officer no later than 31 July following the date of each verification.

- 17 The Consent Holder shall keep a record of the daily volume of water taken from each production bore in cubic metres, including all nil abstractions, using the readings from the meter required by Condition 15.
- 18 If the instantaneous rate of taking is equal to or greater than 10 litres per second, then the water meter required by Condition 15 shall have an electronic datalogger for automatic logging of meter data.
- 19 A copy of the records required to be kept by Condition 17 shall be forwarded to the Council's assigned Monitoring Officer on a monthly basis, by the seventh of the following month. In addition, a copy of these records shall be forwarded immediately to the Council's assigned Monitoring Officer on written request. The records shall be in an electronic format that has been agreed to by the council.

**Advice Note:** *If no water is taken during any calendar month then the Consent Holder is still required to notify the council's Monitoring Manager in writing of the nil abstraction. Water use record sheets in an electronic format are available from the council's website at [www.nrc.govt.nz/wur](http://www.nrc.govt.nz/wur).*

## Water Use Efficiency

20 The Consent Holder shall prepare an Irrigation Scheduling Plan (ISP) that outlines how irrigation decisions will be made. The purpose of the ISP is to set out how the irrigation will be undertaken to ensure that at least 80 percent of the annual volume of water applied to the irrigable area is retained in the soil in the root zone of the crop, compared to the average gross depth of water applied to the crop. The ISP shall be prepared by a suitably qualified and experienced person and submitted to the Council's Compliance Manager for written certification that it will achieve the purpose of the ISP. The ISP shall, as a minimum, address:

- Water balance and crop water requirements;
- Subsurface drainage; and
- Overall irrigation strategy.

For each irrigation area, the ISP should include:

- (a) A description of how water requirements for each irrigation cycle are calculated;
- (b) Method(s) for assessing current soil moisture levels;
- (c) Method(s) for assessing potential evapotranspiration (PET) and rainfall to date;
- (d) Soil moisture target to be maintained in each zone by irrigation;
- (e) How measured data will be used to assess irrigation requirements over the next irrigation cycle; and
- (f) A description of proposed method(s) for remaining within consent limits at each borehole or group of boreholes.

21 The Consent Holder shall not exercise this consent until the ISP required by Condition 20 has been certified by the Council's Compliance Manager.

22 The ISP certified in accordance with Condition 21 shall be implemented prior to the first irrigation season, unless a later date has been approved in writing by the Council's Compliance Manager.

23 The Consent Holder shall, within six months of the first exercise of this consent, undertake an audit of the irrigation system and of the certified ISP. The audit shall be undertaken by a suitably qualified and experienced person. The irrigation system audit shall be prepared in accordance with Irrigation New Zealand's "Irrigation Evaluation Code of Practice" (dated 12 April 2010), and shall include recommendations on any improvements that should be made to the system to increase water efficiencies or any amendments to the ISP. The results of the audit and its recommendations shall be submitted in writing to the Council's assigned Monitoring Officer within one month of the audit being undertaken. Any recommended amendments to the ISP shall be submitted to the Council's Compliance Manager for written certification that it will achieve the purpose of the ISP before they take effect. A follow-up audit shall occur at five yearly intervals throughout the term of this consent with the intent of confirming an irrigation efficiency of at least 80 percent.

24 The Consent Holder shall, within three months of notification in writing by the Council's Compliance Manager, implement any recommendations of the audit referred to in Condition 23.

25 The reticulation system and its component parts shall be maintained in good working order to minimise leakage and wastage of water.

26 The rate at which water is applied to the irrigated area shall not result in ponding of irrigated water within any irrigated area, or runoff from either surface or subsurface drainage to a water body, as a result of the exercise of this consent.

**Advice Note:** *The ISP seeks to ensure that at least 80 percent of the annual volume of water applied to the irrigable area is retained in the soil in the root zone of the crop, compared to the average gross depth of water applied to the crop.*

#### **Review Condition**

- 27 The Council may, in accordance with Section 128 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions annually during the month of September for any one or more of the following purposes:
- (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
  - (b) To insert trigger level thresholds established in accordance with the GMCP as conditions of consent.
  - (c) To review the allocation of the resource.

The Consent Holder shall meet all reasonable costs of any such review.

#### **Lapsing Condition**

- 28 This consent shall lapse five years after the date that the consent commences in accordance with section 116(1) of the Resource Management Act 1991, unless the consent has been given effect to before this date.

This change to consent Condition 5 is granted this Twenty Fifth day of June 2020 under delegated authority from the council by:



Stuart Savill  
Consents Manager

## Appendix A – MWWUG Master Consent Conditions

### General

- 1MC. The consented activity must not, individually or cumulatively, result in:
- (a) saltwater intrusion into the Aupouri aquifer; or
  - (b) adverse effects on the hydrological functioning of the Kaimaumu-Motutangi wetland; or
  - (c) adverse effects on the significant indigenous vegetation and significant habitats of indigenous fauna in terrestrial and freshwater environments of the Kaimaumu-Motutangi wetland; or
  - (d) lowering of the groundwater levels in the Aupouri aquifer such that existing efficient bore takes within the aquifer cannot access groundwater.

### Prior to the Exercise of Consent

- 2MC. Prior to the exercise of this consent, new bores and the Kaimaumu Wetland surface water level sensor required to be installed for the purposes of monitoring the baseline effects in accordance with the GMCP shall be constructed and all required equipment installed.
- 3MC. Prior to the exercise of this consent;
- (a) a suitable approach to detecting and responding to saline intrusion effects during Stage 1 (Year 1) shall be prepared; and
  - (b) a relative water level shall be established at the Kaimaumu surface water level sensor installed in accordance with Condition 2.

The Council's Compliance Manager shall certify that the approach to detecting and responding to saline intrusion, and establishment of a relative water level will give effect to Condition 1MC. The certified information shall be inserted into the GMCP through the process set out in Condition 6MC prior to the exercise of this consent.

### Monitoring and Contingency Measures

- 4MC. This consent shall be exercised and monitored in accordance with the GMCP.
- 5MC. The Consent Holder shall, at all times, provide safe and easy access to the production bore wellhead(s) for the purpose of undertaking monitoring on the bore(s), as set out in the GMCP.
- 6MC. Excluding the Staged Implementation and Monitoring Review process, the GMCP may be amended at any time by the following process:
- (a) Subject to Condition 6MC(d), the Council may amend the GMCP by providing notice in writing to the Consent Holder that the GMCP has been amended and providing a copy of the amended GMCP to the Consent Holder.
  - (b) Subject to Condition 6MC(d), the Consent Holder may submit a request for an amendment by giving written notice to the Council of the proposed amendment along with any supporting technical documents.
  - (c) Prior to making any decision to amend the GMCP or not, the Council will seek input on any proposed amendment from the Consent Holder and from the Director-General of Conservation.
  - (d) The Council will not approve any amendment to the GMCP unless the technical assessment of the proposed change clearly indicates that the change will not result in a breach of Condition 1MC.

# Resource Consent

Document Date: 27.03.2020

*Pursuant to the Resource Management Act 1991, the Northland Regional Council  
(hereinafter called "the council") does hereby grant a Resource Consent to:*

**HONEYTREE FARMS LIMITED, 64 TE MAIKA ROAD, RD 3, WHANGAREI 0173**

**AUT.038471.01.02** To take and use groundwater from the Aupouri-Waiparera sub-aquifer management unit for the purpose of horticultural irrigation.

## **LOCATION**

### **Address of Site**

Norton Road, Waiharara

### **Legal Description of Site**

Site of take: Section 55 Block IV Opoe Survey District, Lot 2 Deposited Plan 497050

Sites of use: Section 55 Block IV Opoe Survey District, Lot 2 Deposited Plan 497050, Lot 1 Deposited Plan 40152, Section 53 Block IV Opoe Survey District

### **Map Reference (New Zealand Transverse Mercator Projection)**

Bore 1: 1618894E 6136120N

Bore 2: 1618552E 6136318N

*Note: An error accuracy of +/- 50 metres applies to these map references.*

## **CONSENT DURATION**

This consent is granted for a period expiring on **30 November 2033**

## **Conditions of AUT.038471.01.02**

- 1 The consent holder shall pay all charges relating to the recovery of cost for the administration, monitoring and supervision of this consent fixed by Council under Section 36 of the Resource Management Act 1991.
- 2 The exercise of this consent is bound by the conditions of the 'MWWUG Master Consent Conditions' (herein referred to as **Master Consent**) attached as Appendix A. The Master Consent uses an alternate numbering system '1MC, 2MC, 3MC...'.
- 3 Subject to compliance with the conditions of this consent, the activity authorised by this consent shall be carried out in accordance with the application and documents submitted as part of the application, including the following documents:



- (a) Assessment of Environmental Effects prepared by Williamson Water Advisory Ltd: *Irrigation Water Supply, Groundwater Take Consent Application – Motutangi Waiharara Water User Group. WWA0026: Final – Rev. 4*, dated 30 August 2017;
- (a) Model Report prepared by Williamson Water Advisory Ltd: *Motutangi-Waiharara Groundwater Model, Factual Technical Report – Modelling. Motutangi-Waiharara Water User Group. WWA0026: Final – Rev. 9*, dated 31 August 2017.
- (b) Technical Peer Review Letter Report prepared by LWP Ltd: *Water Permit Application – Motutangi – Waiharara Water User Group (MWWUG), Aupōuri Peninsula*, dated 19 September 2017.

For the avoidance of doubt, where information contained in the application documents is contrary to the conditions of this consent and those in the Master Consent (Appendix A), or where the information contained in the application documents is internally inconsistent, the conditions of this consent and the Master Consent shall prevail.

- 4 This consent operates under an adaptive management regime. The detail of that adaptive management regime is set out in the Groundwater Monitoring and Contingency Plan for the Waiharara, Motutangi and Houhora sub-areas of the Aupōuri Aquifer Management Unit, Dated: June 2019 (“GMCP”). The primary purpose of the GMCP is to set out the procedures by which the abstraction will be monitored and managed to ensure compliance with Condition 1MC. For the purpose of this consent, the GMCP is the most recent version of the GMCP which may be changed under Condition 6MC. In the event that any of the provisions of the GMCP conflict with the requirements of these conditions of consent, these conditions of consent shall prevail.
- 5 The consent shall be exercised in a staged manner as follows:
  - (a) Stage 1, which shall be for the minimum period of the first full irrigation season after the consent is first exercised;
  - (b) Stage 2, which shall be for the minimum period of two consecutive irrigation seasons;
  - (c) Stage 3, which shall be for the minimum period of two consecutive irrigation seasons;
  - (d) Stage 4 which shall be from the irrigation season immediately following written approval to progress from Stage 3 until the expiry of the consent, unless Conditions 9-13 apply.
- 6 The combined daily volume of water taken across all bores shall not exceed the following:
  - (a) 2,325 cubic metres in any 24 consecutive hours unless Conditions 9(b), 11 or 13 of this consent apply; and
  - (b) That required to replace soil moisture depleted by evapotranspiration over the irrigated area.
- 7 The combined annual volume of water taken across all bores for each stage shall not exceed the following unless Conditions 9 – 13 apply:
  - (a) Stage 1: 34,000 cubic metres between 1 July in a year and 30 June in the following year;
  - (b) Stage 2: 96,000 cubic metres between 1 July in a year and 30 June in the following year;
  - (c) Stage 3: 198,000 cubic metres between 1 July in a year and 30 June in the following year;
  - (d) Stage 4: 346,425 cubic metres between 1 July in a year and 30 June in the following year.
- 7A In addition to the annual volume authorised by Condition 7(a), for the period between 27 March 2020 and 1 May 2020 up to an additional 34,000 cubic metres may be taken.

- 8 Progress to the next stage shall only occur where written approval is given by the Council's Compliance Manager; and
- (a) This written approval will only be given if the council is satisfied that the Staged Implementation and Monitoring Review prepared in accordance with the GMCP confirms that the groundwater abstraction complies with Condition 1MC; and
  - (b) A decision on whether written approval will be given or not will not be made until the Council has consulted with the Consent Holder and the Department of Conservation over the Staged Implementation and Monitoring Review; and
  - (c) Notwithstanding Condition 8(b), written approval to progress from Stage 1 to Stage 2 will not be considered unless all the monitoring trigger levels required by the GMCP have been set; and
  - (d) A report detailing the reasons for the Council's decision in regard to progressing to the next stage, including the identification and discussion of any matters raised during the consultation described in Condition 8(b), will be provided to the Consent Holder and the Department of Conservation.

### **Breaching of Trigger Levels**

- 9 In the event of a Trigger Level 2 (TL2) in the GMCP being exceeded, the following actions and requirements shall be initiated:
- (a) The Council will advise the Consent Holder in writing that a TL2 has been reached;
  - (b) Upon receipt of this notice, the Consent Holder shall immediately reduce their daily abstraction to 50% of the current average daily quantity, as advised by the Council in the notice. The current average daily quantity will be calculated using the previous months water use records required by Condition 19. If the exceedance occurs within one month of a Consent Holder first taking water for irrigation purposes within an irrigation season, then the average shall be calculated using the water use records for this period only;
  - (c) As required by the GMCP, the Council will commission a Groundwater Trigger Exceedance Report to assess why the trigger level has been breached, identify the pumping bores in the area of effect and review all of the available data collected in the affected area(s).
- 10 Once Condition 9(b) has been complied with, the Consent Holder may apply to the Council's Compliance Manager for an alternative reduction in its daily water take volume. Council's approval of an alternative reduction value will only be given if it is satisfied that a TL2 exceedance that is attributable to this consent will not occur and the alternative reduction value is not inconsistent with Condition 1MC. The applicable alternative reduction value is the value that is contained in the recommendations made in the Groundwater Trigger Exceedance Report required to be prepared by Condition 9(c).
- 11 If the TL2 trigger levels are still exceeded after 21 days, then the Consent Holder shall reduce their daily abstraction to 25% of the current average daily quantity calculated for Condition 9(b). The Council will advise the Consent Holder in writing of any breach and the required reduction in the daily water take volume.
- 12 Once Condition 11 has been complied with, the Consent Holder shall also comply with the recommendations contained in the revised and updated Groundwater Trigger Exceedance Report commissioned by the Council which will be prepared for the purpose of specifying a programme of actions to achieve compliance with Condition 1MC.

- 13 If the TL2 trigger levels continue to be exceeded after the implementation of the remedial measures required under Conditions 9-11, the Council may require the Consent Holder to suspend the exercise of this consent, or continue their daily abstraction at a specified rate, until such time as the Council issues written notice that the Consent may be exercised again in accordance with the requirements of the revised and updated Groundwater Trigger Exceedance Report.

### **Notification of Irrigation**

- 14 The Consent Holder shall advise the Council's assigned Monitoring Officer in writing when irrigation is to commence for the first time each season, at least five working days beforehand.

### **Metering and Abstraction Reporting**

- 15 Prior to the first exercise of this consent, a meter shall be installed to measure the volume of water taken, in cubic metres, from each production bore. Each meter shall:

- (a) Be able to provide data in a form suitable for electronic storage;
- (b) Be sealed and as tamper-proof as practicable;
- (c) Be installed at the location from which the water is taken; and
- (d) Have an accuracy of +/-5%.

The Consent Holder shall, at all times, provide safe and easy access to each meter installed for Council to undertake visual inspections and record water take measurements.

- 16 The Consent Holder shall verify that the meter required by Condition 15 is accurate. This verification shall be undertaken prior to 30 June:

- (a) Following the first taking of water from each production bore in accordance with this consent; and
- (b) At least once in every five years thereafter.

Each verification shall be undertaken by a person, who in the opinion of the Council's Compliance Manager, is suitably qualified. Written verification of the accuracy shall be provided to the council's assigned Monitoring Officer no later than 31 July following the date of each verification.

- 17 The Consent Holder shall keep a record of the daily volume of water taken from each production bore in cubic metres, including all nil abstractions, using the readings from the meter required by Condition 15.

- 18 If the instantaneous rate of taking is equal to or greater than 10 litres per second, then the water meter required by Condition 15 shall have an electronic datalogger for automatic logging of meter data.

- 19 A copy of the records required to be kept by Condition 17 shall be forwarded to the Council's assigned Monitoring Officer on a monthly basis, by the seventh of the following month. In addition, a copy of these records shall be forwarded immediately to the Council's assigned Monitoring Officer on written request. The records shall be in an electronic format that has been agreed to by the council.

**Advice Note:** *If no water is taken during any calendar month then the Consent Holder is still required to notify the council's Monitoring Manager in writing of the nil abstraction. Water use record sheets in an electronic format are available from the council's website at [www.nrc.govt.nz/wur](http://www.nrc.govt.nz/wur).*

## Water Use Efficiency

20 The Consent Holder shall prepare an Irrigation Scheduling Plan (ISP) that outlines how irrigation decisions will be made. The purpose of the ISP is to set out how the irrigation will be undertaken to ensure that at least 80 percent of the annual volume of water applied to the irrigable area is retained in the soil in the root zone of the crop, compared to the average gross depth of water applied to the crop. The ISP shall be prepared by a suitably qualified and experienced person and submitted to the Council's Compliance Manager for written certification that it will achieve the purpose of the ISP. The ISP shall, as a minimum, address:

- Water balance and crop water requirements;
- Subsurface drainage; and
- Overall irrigation strategy.

For each irrigation area, the ISP should include:

- (a) A description of how water requirements for each irrigation cycle are calculated;
- (b) Method(s) for assessing current soil moisture levels;
- (c) Method(s) for assessing potential evapotranspiration (PET) and rainfall to date;
- (d) Soil moisture target to be maintained in each zone by irrigation;
- (e) How measured data will be used to assess irrigation requirements over the next irrigation cycle; and
- (f) A description of proposed method(s) for remaining within consent limits at each borehole or group of boreholes.

21 The Consent Holder shall not exercise this consent until the ISP required by Condition 20 has been certified by the Council's Compliance Manager.

22 The ISP certified in accordance with Condition 21 shall be implemented prior to the first irrigation season, unless a later date has been approved in writing by the Council's Compliance Manager.

23 The Consent Holder shall, within six months of the first exercise of this consent, undertake an audit of the irrigation system and of the certified ISP. The audit shall be undertaken by a suitably qualified and experienced person. The irrigation system audit shall be prepared in accordance with Irrigation New Zealand's "Irrigation Evaluation Code of Practice" (dated 12 April 2010), and shall include recommendations on any improvements that should be made to the system to increase water efficiencies or any amendments to the ISP. The results of the audit and its recommendations shall be submitted in writing to the Council's assigned Monitoring Officer within one month of the audit being undertaken. Any recommended amendments to the ISP shall be submitted to the Council's Compliance Manager for written certification that it will achieve the purpose of the ISP before they take effect. A follow-up audit shall occur at five yearly intervals throughout the term of this consent with the intent of confirming an irrigation efficiency of at least 80 percent.

24 The Consent Holder shall, within three months of notification in writing by the Council's Compliance Manager, implement any recommendations of the audit referred to in Condition 23.

25 The reticulation system and its component parts shall be maintained in good working order to minimise leakage and wastage of water.

26 The rate at which water is applied to the irrigated area shall not result in ponding of irrigated water within any irrigated area, or runoff from either surface or subsurface drainage to a water body, as a result of the exercise of this consent.

**Advice Note:** *The ISP seeks to ensure that at least 80 percent of the annual volume of water applied to the irrigable area is retained in the soil in the root zone of the crop, compared to the average gross depth of water applied to the crop.*

#### **Review Condition**

- 27 The Council may, in accordance with Section 128 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions annually during the month of September for any one or more of the following purposes:
- (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
  - (b) To insert trigger level thresholds established in accordance with the GMCP as conditions of consent.
  - (c) To review the allocation of the resource.

The Consent Holder shall meet all reasonable costs of any such review.

#### **Lapsing Condition**

- 28 This consent shall lapse five years after the date that the consent commences in accordance with section 116(1) of the Resource Management Act 1991, unless the consent has been given effect to before this date.

**This s136 temporary transfer of a water permit , by the addition of Condition 7A, is granted this Twenty Seventh day of March 2020 under delegated authority from the council by:**



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Stuart Savill  
Consents Manager

## Appendix A – MWWUG Master Consent Conditions

### General

- 1MC. The consented activity must not, individually or cumulatively, result in:
- (a) saltwater intrusion into the Aupouri aquifer; or
  - (b) adverse effects on the hydrological functioning of the Kaimaumau-Motutangi wetland; or
  - (c) adverse effects on the significant indigenous vegetation and significant habitats of indigenous fauna in terrestrial and freshwater environments of the Kaimaumau-Motutangi wetland; or
  - (d) lowering of the groundwater levels in the Aupouri aquifer such that existing efficient bore takes within the aquifer cannot access groundwater.

### Prior to the Exercise of Consent

- 2MC. Prior to the exercise of this consent, new bores and the Kaimaumau Wetland surface water level sensor required to be installed for the purposes of monitoring the baseline effects in accordance with the GMCP shall be constructed and all required equipment installed.
- 3MC. Prior to the exercise of this consent;
- (a) a suitable approach to detecting and responding to saline intrusion effects during Stage 1 (Year 1) shall be prepared; and
  - (b) a relative water level shall be established at the Kaimaumau surface water level sensor installed in accordance with Condition 2.

The Council's Compliance Manager shall certify that the approach to detecting and responding to saline intrusion, and establishment of a relative water level will give effect to Condition 1MC. The certified information shall be inserted into the GMCP through the process set out in Condition 6MC prior to the exercise of this consent.

### Monitoring and Contingency Measures

- 4MC. This consent shall be exercised and monitored in accordance with the GMCP.
- 5MC. The Consent Holder shall, at all times, provide safe and easy access to the production bore wellhead(s) for the purpose of undertaking monitoring on the bore(s), as set out in the GMCP.
- 6MC. Excluding the Staged Implementation and Monitoring Review process, the GMCP may be amended at any time by the following process:
- (a) Subject to Condition 6MC(d), the Council may amend the GMCP by providing notice in writing to the Consent Holder that the GMCP has been amended and providing a copy of the amended GMCP to the Consent Holder.
  - (b) Subject to Condition 6MC(d), the Consent Holder may submit a request for an amendment by giving written notice to the Council of the proposed amendment along with any supporting technical documents.
  - (c) Prior to making any decision to amend the GMCP or not, the Council will seek input on any proposed amendment from the Consent Holder and from the Director-General of Conservation.
  - (d) The Council will not approve any amendment to the GMCP unless the technical assessment of the proposed change clearly indicates that the change will not result in a breach of Condition 1MC.

# Resource Consent

Document Date: 25.06.2020

*Pursuant to the Resource Management Act 1991, the Northland Regional Council (hereinafter called "the council") does hereby grant a Resource Consent to:*

**MAPUA AVOCADOS LIMITED, PO BOX 302608, NORTH HARBOUR, AUCKLAND 0751**

**AUT.038610.01.02** To take and use groundwater from the Aupouri-Houhora and Aupouri-Motutangi sub-aquifer management units for the purposes of horticultural irrigation purposes.

## LOCATION

### Address of Site

3547 State Highway 1, Motutangi

### Legal Description of Site

Site of take: Section 89 Block XV Houhora Survey District, Lot 2 Deposited Plan 373078, Lot 2 Deposited Plan 497050

Sites of use: Section 87 Block XV Houhora East Survey District, Lot 2 Deposited Plan 373078, Section 67 and Section 90-91 Block XV Houhora East Survey District, Section 66, Section 79 and Section 89 Block XV Houhora East Survey District, Section 47-48 Block XV and Section 53 Block XV Houhora East Survey District, and Part Section 13 Block XV and Part Section 51 Block XV Houhora East Survey District.

### Map Reference (New Zealand Transverse Mercator Projection)

Bore 1: 1612579E 6141738N

Bore 2: 1613011E 6142457N

Bore 3: 1612468E 6142348N

*Note: An error accuracy of +/- 50 metres applies to these map references.*

## CONSENT DURATION

This consent is granted for a period expiring on **30 November 2033**

### Conditions of AUT.038610.01.02

- 1 The consent holder shall pay all charges relating to the recovery of cost for the administration, monitoring and supervision of this consent fixed by Council under Section 36 of the Resource Management Act 1991.
- 2 The exercise of this consent is bound by the conditions of the 'MWWUG Master Consent Conditions' (herein referred to as **Master Consent**) attached as Appendix A. The Master Consent uses an alternate numbering system '1MC, 2MC, 3MC...'.

3 Subject to compliance with the conditions of this consent, the activity authorised by this consent shall be carried out in accordance with the application and documents submitted as part of the application, including the following documents:

- (a) Assessment of Environmental Effects prepared by Williamson Water Advisory Ltd: *Irrigation Water Supply, Groundwater Take Consent Application – Motutangi Waiharara Water User Group. WWA0026: Final – Rev. 4*, dated 30 August 2017;
- (b) Model Report prepared by Williamson Water Advisory Ltd: *Motutangi-Waiharara Groundwater Model, Factual Technical Report – Modelling. Motutangi-Waiharara Water User Group. WWA0026: Final – Rev. 9*, dated 31 August 2017.
- (c) Technical Peer Review Letter Report prepared by LWP Ltd: *Water Permit Application – Motutangi – Waiharara Water User Group (MWWUG), Aupōuri Peninsula*, dated 19 September 2017.

For the avoidance of doubt, where information contained in the application documents is contrary to the conditions of this consent and those in the Master Consent (Appendix A), or where the information contained in the application documents is internally inconsistent, the conditions of this consent and the Master Consent shall prevail.

4 This consent operates under an adaptive management regime. The detail of that adaptive management regime is set out in the Groundwater Monitoring and Contingency Plan for the Waiharara, Motutangi and Houhora sub-areas of the Aupōuri Aquifer Management Unit, **Dated: June 2019 (“GMCP”)**. The primary purpose of the GMCP is to set out the procedures by which the abstraction will be monitored and managed to ensure compliance with Condition 1MC. For the purpose of this consent, the GMCP is the most recent version of the GMCP which may be changed under Condition 6MC. In the event that any of the provisions of the GMCP conflict with the requirements of these conditions of consent, these conditions of consent shall prevail.

5 The consent shall be exercised in a staged manner as follows:

- (a) Stage 1, which shall be for the minimum period of the 2019-2020 irrigation season;
- (b) Stage 2, which shall be for the minimum period of two consecutive irrigation seasons;
- (c) Stage 3, which shall be for the minimum period of two consecutive irrigation seasons;
- (d) Stage 4 which shall be from the irrigation season immediately following written approval to progress from Stage 3 until the expiry of the consent, unless Conditions 9-13 apply.

6 The combined daily volume of water taken across all bores shall not exceed the following:

- (a) 5,000 cubic metres in any 24 consecutive hours unless Conditions 9(b), 11 or 13 of this consent apply; and
- (b) That required to replace soil moisture depleted by evapotranspiration over the irrigated area.

7 The annual volume of water taken from Bore 3 for each stage shall not exceed the following unless Conditions 9-13 apply:

- (a) Stage 1: 34,000 cubic metres between 1 July in a year and 30 June in the following year;
- (b) Stage 2: 96,000 cubic metres between 1 July in a year and 30 June in the following year;
- (c) Stage 3: 198,000 cubic metres between 1 July in a year and 30 June in the following year;
- (d) Stage 4: 209,000 cubic metres between 1 July in a year and 30 June in the following year.



- 7A The combined annual volume of water taken from Bores 1 and 2 for each stage shall not exceed the following unless Conditions 9-13 apply:
- (a) Stage 1: 34,000 cubic metres between 1 July in a year and 30 June in the following year;
  - (b) Stage 2: 96,000 cubic metres between 1 July in a year and 30 June in the following year;
  - (c) Stage 3: 198,000 cubic metres between 1 July in a year and 30 June in the following year;
  - (d) Stage 4: 418,000 cubic metres between 1 July in a year and 30 June in the following year.
- 8 Progress to the next stage shall only occur where written approval is given by the Council's Compliance Manager; and
- (a) This written approval will only be given if the council is satisfied that the Staged Implementation and Monitoring Review prepared in accordance with the GMCP confirms that the groundwater abstraction complies with Condition 1MC; and
  - (b) A decision on whether written approval will be given or not will not be made until the Council has consulted with the Consent Holder and the Department of Conservation over the Staged Implementation and Monitoring Review; and
  - (c) Notwithstanding Condition 8(b), written approval to progress from Stage 1 to Stage 2 will not be considered unless all the monitoring trigger levels required by the GMCP have been set; and
  - (d) A report detailing the reasons for the Council's decision in regard to progressing to the next stage, including the identification and discussion of any matters raised during the consultation described in Condition 8(b), will be provided to the Consent Holder and the Department of Conservation.

### **Breaching of Trigger Levels**

- 9 In the event of a Trigger Level 2 (TL2) in the GMCP being exceeded, the following actions and requirements shall be initiated;
- (a) The Council will advise the Consent Holder in writing that a TL2 has been reached;
  - (b) Upon receipt of this notice, the Consent Holder shall immediately reduce their daily abstraction to 50% of the current average daily quantity, as advised by the Council in the notice. The current average daily quantity will be calculated using the previous months water use records required by Condition 19. If the exceedance occurs within one month of a Consent Holder first taking water for irrigation purposes within an irrigation season, then the average shall be calculated using the water use records for this period only;
  - (c) As required by the GMCP, the Council will commission a Groundwater Trigger Exceedance Report to assess why the trigger level has been breached, identify the pumping bores in the area of effect and review all of the available data collected in the affected area(s).
- 10 Once Condition 9(b) has been complied with, the Consent Holder may apply to the Council's Compliance Manager for an alternative reduction in its daily water take volume. Council's approval of an alternative reduction value will only be given if it is satisfied that a TL2 exceedance that is attributable to this consent will not occur. The applicable alternative reduction value is the value that is contained in the recommendations made in the Groundwater Trigger Exceedance Report required to be prepared by Condition 9(c).

- 11 If the TL2 trigger levels are still exceeded after 21 days, then the Consent Holder shall reduce their daily abstraction to 25% of the current average daily quantity calculated for Condition 9(b). The Council will advise the Consent Holder in writing of any breach and the required reduction in the daily water take volume.
- 12 Once Condition 11 has been complied with, the Consent Holder shall also comply with the recommendations contained in the revised and updated Groundwater Trigger Exceedance Report commissioned by the Council which will be prepared for the purpose of specifying a programme of actions to achieve compliance with Condition 1MC.
- 13 If the TL2 trigger levels continue to be exceeded after the implementation of the remedial measures required under Conditions 9-11, the Council may require the Consent Holder to suspend the exercise of this consent, or continue their daily abstraction at a specified rate, until such time as the Council issues written notice that the Consent may be exercised again in accordance with the requirements of the revised and updated Groundwater Trigger Exceedance Report.

#### **Notification of Irrigation**

- 14 The Consent Holder shall advise the Council's assigned Monitoring Officer in writing when irrigation is to commence for the first time each season, at least five working days beforehand.

#### **Metering and Abstraction Reporting**

- 15 Prior to the first exercise of this consent, a meter shall be installed to measure the volume of water taken, in cubic metres, from each production bore. Each meter shall:
  - (a) Be able to provide data in a form suitable for electronic storage;
  - (b) Be sealed and as tamper-proof as practicable;
  - (c) Be installed at the location from which the water is taken; and
  - (d) Have an accuracy of +/-5%.

The Consent Holder shall, at all times, provide safe and easy access to each meter installed for Council to undertake visual inspections and record water take measurements.

- 16 The Consent Holder shall verify that the meter required by Condition 15 is accurate. This verification shall be undertaken prior to 30 June:
  - (a) Following the first taking of water from each production bore in accordance with this consent; and
  - (b) At least once in every five years thereafter.

Each verification shall be undertaken by a person, who in the opinion of the Council's Compliance Manager, is suitably qualified. Written verification of the accuracy shall be provided to the council's assigned Monitoring Officer no later than 31 July following the date of each verification.

- 17 The Consent Holder shall keep a record of the daily volume of water taken from each production bore in cubic metres, including all nil abstractions, using the readings from the meter required by Condition 15.
- 18 If the instantaneous rate of taking is equal to or greater than 10 litres per second, then the water meter required by Condition 15 shall have an electronic datalogger for automatic logging of meter data.

- 19 A copy of the records required to be kept by Condition 17 shall be forwarded to the Council's assigned Monitoring Officer on a monthly basis, by the seventh of the following month. In addition, a copy of these records shall be forwarded immediately to the Council's assigned Monitoring Officer on written request. The records shall be in an electronic format that has been agreed to by the council.

**Advice Note:** *If no water is taken during any calendar month then the Consent Holder is still required to notify the council's Monitoring Manager in writing of the nil abstraction. Water use record sheets in an electronic format are available from the council's website at [www.nrc.govt.nz/wur](http://www.nrc.govt.nz/wur).*

### Water Use Efficiency

- 20 The Consent Holder shall prepare an Irrigation Scheduling Plan (ISP) that outlines how irrigation decisions will be made. The purpose of the ISP is to set out how the irrigation will be undertaken to ensure that at least 80 percent of the annual volume of water applied to the irrigable area is retained in the soil in the root zone of the crop, compared to the average gross depth of water applied to the crop. The ISP shall be prepared by a suitably qualified and experienced person and submitted to the Council's Compliance Manager for written certification that it will achieve the purpose of the ISP. The ISP shall, as a minimum, address:

- Water balance and crop water requirements;
- Subsurface drainage; and
- Overall irrigation strategy.

For each irrigation area, the ISP should include:

- (a) A description of how water requirements for each irrigation cycle are calculated;
- (b) Method(s) for assessing current soil moisture levels;
- (c) Method(s) for assessing potential evapotranspiration (PET) and rainfall to date;
- (d) Soil moisture target to be maintained in each zone by irrigation;
- (e) How measured data will be used to assess irrigation requirements over the next irrigation cycle; and
- (f) A description of proposed method(s) for remaining within consent limits at each borehole or group of boreholes.

- 21 The Consent Holder shall not exercise this consent until the ISP required by Condition 20 has been certified by the Council's Compliance Manager.
- 22 The ISP certified in accordance with Condition 21 shall be implemented prior to the first irrigation season, unless a later date has been approved in writing by the Council's Compliance Manager.
- 23 The Consent Holder shall, within six months of the first exercise of this consent, undertake an audit of the irrigation system and of the certified ISP. The audit shall be undertaken by a suitably qualified and experienced person. The irrigation system audit shall be prepared in accordance with Irrigation New Zealand's "Irrigation Evaluation Code of Practice" (dated 12 April 2010), and shall include recommendations on any improvements that should be made to the system to increase water efficiencies or any amendments to the ISP. The results of the audit and its recommendations shall be submitted in writing to the Council's assigned Monitoring Officer within one month of the audit being undertaken. Any recommended amendments to the ISP shall be submitted to the Council's Compliance Manager for written certification that it will achieve the purpose of the ISP before they take effect. A follow-up audit shall occur at five yearly intervals throughout the term of this consent with the intent of confirming an irrigation efficiency of at least 80 percent.

- 24 The Consent Holder shall, within three months of notification in writing by the Council's Compliance Manager, implement any recommendations of the audit referred to in Condition 23.
- 25 The reticulation system and its component parts shall be maintained in good working order to minimise leakage and wastage of water.
- 26 The rate at which water is applied to the irrigated area shall not result in ponding of irrigated water within any irrigated area, or runoff from either surface or subsurface drainage to a water body, as a result of the exercise of this consent.

**Advice Note:** *The ISP seeks to ensure that at least 80 percent of the annual volume of water applied to the irrigable area is retained in the soil in the root zone of the crop, compared to the average gross depth of water applied to the crop.*

#### **Review Condition**

- 27 The Council may, in accordance with Section 128 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions annually during the month of September for any one or more of the following purposes:
- (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
  - (b) To insert trigger level thresholds established in accordance with the GMCP as conditions of consent.
  - (c) To review the allocation of the resource.

The Consent Holder shall meet all reasonable costs of any such review.

#### **Lapsing Condition**

- 28 This consent shall lapse five years after the date that the consent commences in accordance with section 116(1) of the Resource Management Act 1991, unless the consent has been given effect to before this date.

This change to consent Condition 5 is granted this Twenty Fifth day of June 2020 under delegated authority from the council by:



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Stuart Savill  
Consents Manager

## Appendix A – MWWUG Master Consent Conditions

### General

- 1MC. The consented activity must not, individually or cumulatively, result in:
- (a) saltwater intrusion into the Aupouri aquifer; or
  - (b) adverse effects on the hydrological functioning of the Kaimaumu-Motutangi wetland; or
  - (c) adverse effects on the significant indigenous vegetation and significant habitats of indigenous fauna in terrestrial and freshwater environments of the Kaimaumu-Motutangi wetland; or
  - (d) lowering of the groundwater levels in the Aupouri aquifer such that existing efficient bore takes within the aquifer cannot access groundwater.

### Prior to the Exercise of Consent

- 2MC. Prior to the exercise of this consent, new bores and the Kaimaumu Wetland surface water level sensor required to be installed for the purposes of monitoring the baseline effects in accordance with the GMCP shall be constructed and all required equipment installed.
- 3MC. Prior to the exercise of this consent;
- (a) a suitable approach to detecting and responding to saline intrusion effects during Stage 1 (Year 1) shall be prepared; and
  - (b) a relative water level shall be established at the Kaimaumu surface water level sensor installed in accordance with Condition 2.

The Council's Compliance Manager shall certify that the approach to detecting and responding to saline intrusion, and establishment of a relative water level will give effect to Condition 1MC. The certified information shall be inserted into the GMCP through the process set out in Condition 6MC prior to the exercise of this consent.

### Monitoring and Contingency Measures

- 4MC. This consent shall be exercised and monitored in accordance with the GMCP.
- 5MC. The Consent Holder shall, at all times, provide safe and easy access to the production bore wellhead(s) for the purpose of undertaking monitoring on the bore(s), as set out in the GMCP.
- 6MC. Excluding the Staged Implementation and Monitoring Review process, the GMCP may be amended at any time by the following process:
- (a) Subject to Condition 6MC(d), the Council may amend the GMCP by providing notice in writing to the Consent Holder that the GMCP has been amended and providing a copy of the amended GMCP to the Consent Holder.
  - (b) Subject to Condition 6MC(d), the Consent Holder may submit a request for an amendment by giving written notice to the Council of the proposed amendment along with any supporting technical documents.
  - (c) Prior to making any decision to amend the GMCP or not, the Council will seek input on any proposed amendment from the Consent Holder and from the Director-General of Conservation.
  - (d) The Council will not approve any amendment to the GMCP unless the technical assessment of the proposed change clearly indicates that the change will not result in a breach of Condition 1MC.

**APPLICATION NUMBERS:** APP.038471.01.03

APP.038420.01.02

APP.038610.01.02

**Application Type:** Non-notified Change

**Applicant Name:** Honeytree Farms Limited  
Largus Orchards Limited Partnership  
Mapua Avocados Limited

Changes are shown as ~~strike through~~, underscored and **bolded** text.

*Note: Text below shows partial consents only and does not reflect all conditions applying to each consent.*

**MAPUA AVOCADOS LIMITED, PO BOX 302608, NORTH HARBOUR, AUCKLAND 0751**

**AUT.038610.01.0~~12~~** To take and use groundwater from the Aupouri-Houhora and Aupouri-Motutangi sub-aquifer management units for the purposes of horticultural irrigation purposes.

#### **LOCATION**

##### **Address of Site**

3547 State Highway 1, Motutangi

##### **Legal Description of Site**

Site of take: Section 89 Block XV Houhora Survey District, Lot 2 Deposited Plan 373078, Lot 2 Deposited Plan 497050

Sites of use: Section 87 Block XV Houhora East Survey District, Lot 2 Deposited Plan 373078, Section 67 and Section 90-91 Block XV Houhora East Survey District, Section 66, Section 79 and Section 89 Block XV Houhora East Survey District, Section 47-48 Block XV and Section 53 Block XV Houhora East Survey District, and Part Section 13 Block XV and Part Section 51 Block XV Houhora East Survey District.

##### **Map Reference (New Zealand Transverse Mercator Projection)**

Bore 1: 1612579E 6141738N

Bore 2: 1613011E 6142457N

Bore 3: 1612468E 6142348N

*Note: An error accuracy of +/- 50 metres applies to these map references.*

#### **CONSENT DURATION**

This consent is granted for a period expiring on **30 November 2033**

### Conditions of AUT.038610.01.012

...

5 The consent shall be exercised in a staged manner as follows:

- (a) Stage 1, which shall be for the minimum period of the 2019-2020 ~~first full~~ irrigation season ~~after the consent is first exercised~~;

...cont.

**LARGUS ORCHARD LIMITED PARTNERSHIP, PO BOX 302608, NORTH HARBOUR, AUCKLAND 0751**

**AUT.038420.01.012 To take and use groundwater from the Aupouri-Waiharara sub-aquifer management unit for the purposes of horticultural irrigation.**

### LOCATION

#### Address of Site

385 Heath Road, Waiharara

#### Legal Description of Site

Site of take: Section 53 Block V Opoe Survey District, Section 118 Block V Opoe Survey District

Sites of use: Section 52 and Section 60 Block V Opoe Survey District, Section 129 Block V Opoe Survey District, Section 118 Block V Opoe Survey District, Section 53 and Part Section 38 Block V Opoe Survey District

#### Map Reference (New Zealand Transverse Mercator Projection)

1617919E 6132263N

1617905E 6132480N

*Note: An error accuracy of +/- 50 metres applies to these map references.*

### CONSENT DURATION

This consent is granted for a period expiring on **30 November 2033**

### Conditions of AUT.038420.01.012

...

5 The consent shall be exercised in a staged manner as follows:

- (a) Stage 1, which shall be for the minimum period of the 2019-2020 ~~first full~~ irrigation season ~~after the consent is first exercised~~;

...cont.

**HONEYTREE FARMS LIMITED, 64 TE MAIKA ROAD, RD 3, WHANGAREI 0173**

**AUT.038471.01.023 To take and use groundwater from the Aupouri-Waiparera sub-aquifer management unit for the purpose of horticultural irrigation.**

### LOCATION

#### Address of Site

Norton Road, Waiharara

#### Legal Description of Site

Site of take: Section 55 Block IV Opoe Survey District, Lot 2 Deposited Plan 497050

Sites of use: Section 55 Block IV Opoe Survey District, Lot 2 Deposited Plan 497050, Lot 1 Deposited Plan 40152, Section 53 Block IV Opoe Survey District

## Map Reference (New Zealand Transverse Mercator Projection)

Bore 1: 1618894E 6136120N

Bore 2: 1618552E 6136318N

Note: An error accuracy of +/- 50 metres applies to these map references.

## CONSENT DURATION

This consent is granted for a period expiring on **30 November 2033**

## Conditions of AUT.038471.01.023

...

5 The consent shall be exercised in a staged manner as follows:

- (a) Stage 1, which shall be for the minimum period of the **2019-2020** ~~first full~~ irrigation season ~~after the consent is first exercised~~;

...cont.

## REASONS FOR THE DECISION

This change to conditions of consent is granted pursuant to Section 104B of the Resource Management Act 1991 (the Act). In reaching this decision, the council has considered the matters outlined in Section 104 of the Act. It has been determined that:

- (1) The adverse effects of the proposed change to conditions on the environment will be no more than minor.
- (2) The proposed change to conditions is consistent with the relevant statutory planning documents and regulations.
- (3) The granting of this change to conditions achieves the purposes of the Act.

## Summary of Change

Mapua Avocados Limited, Honeytree Farms Limited and Largus Avocados Limited Partnership (“the applicants”) hold existing consents to take and use groundwater that were granted as part of the suite of consents sought by the Motutangi-Waiharara Water Users Group (MWWUG). The applicants seek to vary condition 5(a) of Water Permits AUT.038610.01.01, AUT.038471.01.01 and AUT.038420.01.01, respectively, to provide clarity on the timeframe for initiating the move to Stage 2 of their allocations. The reason for the change is to clarify the intent of the condition, i.e. that Stage 1 comprises a period that enables 12 months of data to be collected to provide a baseline on which trigger levels for ensuing stages may be set, rather than necessarily including a full, complete irrigation season after the consent is first exercised.

The proposed change is as follows (proposed additions shown in bold underline and proposed deletions shown in strikethrough text):

5. *The consent shall be exercised in a staged manner as follows:*

- (a) *Stage 1, which shall be for the minimum period of the **2019-2020** ~~first full~~ irrigation season ~~after the consent is first exercised~~;*

...

The applicants have drawn attention to an inconsistency between the descriptions of Stage 1 in the consent conditions and the Groundwater Monitoring and Contingency Plan (GMCP): the former references 12 months from “exercise” of consent and the latter references 12 months from “commencement” of consent. It is noted that the conditions take precedence over the provisions of the GMCP, in the event that there is conflict between the two. This inconsistency, and the intent of the conditions and the Environment Court’s decision are discussed in more detail in the applicant’s



## **Section 127 of the Act**

Under Section 127 of the Act, an application for a change to a consent condition is deemed to be a discretionary activity. Sections 88 to 121 therefore apply to the application for variation as if it were a resource consent for a discretionary activity, though only the actual and potential effects of the proposed change shall be considered.

## **Actual and Potential Effects (Section 104(1)(a) of the Act)**

The applicants have provided an assessment of the potential effects of the proposed change on the environment, including the social and economic impacts, physical effects on the surrounding environment and groundwater resource, and effects on cultural values. The application concludes that the effects will be largely beneficial from a social and economic perspective, and that the adverse effects on the physical environment and cultural values will be less than minor as a result of the proposed changes being generally administrative / semantic in nature.

Council generally concurs with the conclusions drawn in the application regarding the actual and potential effects of the proposed change on the environment and accept that the adverse effects will be less than minor. A discussion of the principal issues and areas of effect is included below.

### **Economic and social effects**

The three applicants have made significant investment in developing their orchards, for which the additional allocation of groundwater enabled under Stage 2 of the adaptive management regime is required to protect. The proposed change would provide confirmation for the applicants that the process required to move to Stage 2 of their allocations could be initiated to enable Stage 2 to occur before or during the 2020/2021 irrigation season.

The staged adaptive management regime stipulated in the GMCP was designed to enable the MWWUG consent holders to progressively develop their orchards/properties in a precautionary manner that allowed the potential adverse effects on the Kaimaumu Wetland specifically to be better understood and trigger levels set. Due to the lengthy determination and appeals process through which the MWWUG applications were granted, the applicants have already experienced delays in being able to exercise their consents. Further ambiguity on the timeframes within which they may increase their allocations in line with the staged abstraction outlined in the GMCP puts their investment at risk and prevents the realisation of the economic and employment benefits associated with increased horticultural activity.

The full realisation of the economic and social benefits of the horticultural activities enabled by the MWWUG consents—both for the applicants and the wider community—is dependent on the ability of the applicants to develop their orchards. The staged implementation and adaptive management process provided in the GMCP recognises this and provides a mechanism to do so. It does, however, rely on specific processes designed to act as checks and balances to make sure that that progressive development does not come at a cost to the environment, particularly the natural character and ecological values of the Kaimaumu Wetland. Therefore, the consents do not guarantee the applicants the ability to progress their allocations to subsequent stages automatically, based on timeframes alone.

Whilst it is acknowledged that the proposed changes will clarify the timeframes within which a move to Stage 2 allocation can be instigated, the proposed change itself does not facilitate or guarantee that move; it simply removes the ambiguity around when the Staging: Implementation and Monitoring Programme Review (SIMPR) can be commissioned. As such, the proposed change provides certainty to the applicants around timeframes, but not certainty around outcomes. This certainty is beneficial for the applicants in allowing them justification to petition Council to initiate the SIMPR, which

provides some comfort that their investments will be adequately protected and that the broader economic and social benefits of the horticultural activity may be realised (subject to the results of the SIMPR) in the community, particularly within the current post-COVID-19 economic climate.

### **Physical, ecological and natural character effects**

Under section 127 of the Act, only the effects of the proposed change above and beyond those effects authorised under the existing consent can be considered. Re-litigation or reconsideration of the effects of the groundwater abstractions themselves is outside the scope of this determination. That being said, the proposed change will remove the ambiguity surrounding the timeframes for the initiation of the SIMPR process, potentially enabling a subsequent move to Stage 2 allocations for the applicants, which will increase the volume and rate of abstraction at the three consented takes. The consequences and effects of a move to Stage 2 and beyond have been considered adequately and appropriately through the initial consent application and determination processes, and the proposed management and mitigation measures deemed appropriate.

As noted above, the proposed change to the conditions of the existing Water Permits does not materially change the activity for which they are granted, nor will it give rise to additional, exacerbated, or unanticipated effects not already considered through the determination of the existing consents. The change is primarily administrative and will not cause any actual physical effects on land or water resources, or ecological or natural character values. Any subsequent effects attributable to a move to Stage 2 will be managed through the implementation of the GMCP, following a robust assessment through the SIMPR process.

The actual and potential adverse effects of the proposed change on the environment are therefore assessed as being negligible / less than minor.

### **Department of Conservation feedback**

The Department of Conservation (DoC) was provided a copy of the application for comment as they have a statutory responsibility for the protection of the Kaimaumu Wetland and were also integral in the Environment Court appeal process on the MWWUG applications.

Feedback was received from DoC<sup>1</sup> who assert that for a consent holder to move from stage 1 to stage 2, a full irrigation season is required so that robust monitoring of the take can occur which would then inform the SIMPR process. This is a valid point and is a critical element of the adaptive management approach of the GMCP to avoid its objectives not being met. However, council considers that these three consent holders have passed this requirement as both Mapua and Honeytree have taken all their allocation, with Largus taking approximately 60 % of its allocation. In addition, Honeytree has also taken an additional allocation that was transferred to it from an adjacent consent holder. Even though the takes did not occur over a “full irrigation” season in the temporal sense, the volume of allocation for the first irrigation season has been largely fully utilised. It is therefore considered that if there were any adverse effects of these takes on the interim trigger levels that have been set, then the monitoring data should show them in-spite of the takes not being over a longer time period. If anything, the shorter time period would increase the potential for any adverse effects to manifest themselves. In addition to this Northland experienced one of its worst droughts on record during the 2019/2020 irrigation season.

Council also does not consider that the SIMPR process will be prematurely initiated by the proposed change to conditions, nor that the proposed change undermines the purpose, outcomes and application of the GMCP. DoC’s involvement as a key player in the SIMPR process is not compromised and the SIMPR process provides a robust safeguard for assessing and avoiding adverse effects on the Kaimaumu Wetland as a result of the groundwater takes.

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<sup>1</sup> Letter from Meirene Hardy-Birch, Department of Conservation, dated 23 June 2020 (File ref: DOC-6332279)

## Impacts on other water users

Given that the proposed change does not materially affect the abstraction activity authorised under the existing consents, there will be no consequent adverse effect on any other water users. The eventual move to Level 2 abstraction is anticipated in the existing consent. The potential effects of the abstractions have been robustly considered through the determination of the MWWUG consents and the management measures developed so as to enable the takes to be implemented progressively, subject to monitoring of potential effects.

The three consents to which the variation is sought are part of a group of individual consents granted by the Environment Court to members of the MWWUG. All these individual consents are subject to the same suite of conditions, with variations that accommodate the staged allocation of each consent holder. The applicants seek to vary condition 5 (a) of their own individual consents. The proposed change will remove ambiguity around the timeframes for initiating a potential move to Stage 2 for these three applicants, whose orchards are well established. The proposed change will not affect the conditions of the remaining water permits, nor will it give the three applicants any greater right to the groundwater resource or relax the conditions under which they can exercise their consents

The actual and potential adverse effects of the proposed change on other water users are assessed as being negligible / less than minor.

## Precedent effects

The applicants proposed changes may be perceived as setting a precedent for the other MWWUG consent holders in determining when a move to Stage 2 could be initiated. However, this change has no precedent effect as the applicants' orchards were the only ones that had been developed to such a large extent at the time of the court decision to grant the consents. This put in place a situation where the actual irrigation demand of the applicants was greater than the allocation allowed for by Stage 1 of the consents. Such a situation will not occur for the other MWWUG consent holders as their orchards are either less mature and will be developed over number of irrigation seasons or they have not yet been expanded to utilise any additional allocation provided by their consent.

## Relevant Statutory Provisions (Section 104(1)(b) of the Act)

The council has determined that the granting of this change to the resource consents is consistent with the objectives and policies contained in the relevant statutory documents, including:

- National Environmental Standards for Sources of Human Drinking Water 2007;
- Resource Management (Measurement and Reporting of Water Takes) Regulations 2010;
- National Policy Statement for Freshwater Management 201 (amended 2017);
- New Zealand Coastal Policy Statement 2010;
- Chapters 3 and 4 of the Regional Policy Statement for Northland 2016;
- Chapters D.2, D.4, and F.1 of the Proposed Regional Plan for Northland (Appeals Version – June 2020); and
- Chapters 6 and 10 of the Regional Water and Soil Plan for Northland 2004.

Te Aupōuri and Ngāi Takoto have Settlement Acts that cover the area covered by these applications. In this instance, the proposed change does not adversely affect any land subject to a statutory acknowledgement.

The *Te Iwi o Ngāi Takoto Environmental Plan 2017* contains specific objectives and policies relating to the sustainable management of water allocation and monitoring of activities that may significantly impact on water and participation of Ngāi Takoto in feedback and policy development processes. The provisions and intent of the Ngāi Takoto plan have been considered in the processing of this application. The application was also circulated to Ngāi Takoto for comment and no response was received.

I confirm that these are the true and correct reasons for the decision to grant resource consent application numbers APP.038471.01.03, APP.038420.01.02, and APP.038610.01.02



**Name and Signature of  
Authorised Person:**

.....  
Stuart Savill  
Consents Manager

**Date:**

25 June 2020

**APPLICATION NUMBER: APP.038410.01.02**

**Application Type:** Non-notified transfer of a water permit between two sites

**Applicant Name:** GT and MN Covich and Honeytree Farms Limited

Changes are shown as ~~strike through~~, underscored and **bolded** text.

**GEORGINA TUI COVICH AND MATE NICKOLAS COVICH, 2786 FAR NORTH ROAD, RD 4, KAITAIA 0484**

**AUT.038410.01.01~~02~~** To take and use groundwater from the Aupouri-~~Waiparera~~ ~~Waiharara~~ sub-aquifer management unit for the purposes of horticultural irrigation purposes.

.....

7 The combined annual volume of water taken across all bores for each stage shall not exceed the following unless Conditions 9-13 apply:

- (a) Stage 1: 34,000 cubic metres between 1 July in a year and 30 June in the following year;
- (b) Stage 2: 96,000 cubic metres between 1 July in a year and 30 June in the following year;
- (c) Stage 3: 198,000 cubic metres between 1 July in a year and 30 June in the following year;
- (d) Stage 4: 223,500 cubic metres between 1 July in a year and 30 June in the following year.

**7A** **Notwithstanding condition 7(a), between 16 August 2019 and 30 June 2020 the combined annual volume of water taken by the exercise of this consent and consent AUT.038471.01.02 shall not exceed 68,000 cubic metres.**

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**HONEYTREE FARMS LIMITED, 64 TE MAIKA ROAD, RD 3, WHANGAREI 0173**

**AUT.038471.01.01~~02~~** To take and use groundwater from the Aupouri-~~Waiparera~~ ~~Waiharara~~ sub-aquifer management unit for the purpose of horticultural irrigation.

.....

7 The combined annual volume of water taken across all bores for each stage shall not exceed the following unless Conditions 9 – 13 apply:

- (a) Stage 1: 34,000 cubic metres between 1 July in a year and 30 June in the following year;
- (b) Stage 2: 96,000 cubic metres between 1 July in a year and 30 June in the following year;
- (c) Stage 3: 198,000 cubic metres between 1 July in a year and 30 June in the following year;
- (d) Stage 4: 346,425 cubic metres between 1 July in a year and 30 June in the following year.

**7A In addition to the annual volume authorised by Condition 7(a), for the period between 27 March 2020 and 1 May 2020 up to an additional 34,000 cubic metres may be taken.**

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## **REASONS FOR THE DECISION**

This temporary transfer of a water permit between two sites in the same sub catchment of the Aupouri aquifer is granted pursuant to Section 104B of the Resource Management Act 1991 (the Act). In reaching this decision, the council has considered the matters outlined in Sections 104 and 136(4)(b) of the Act. It has been determined that:

- (1) The adverse effects of the transfer on the environment will be no more than minor.
- (2) The transfer is consistent with the relevant statutory planning documents and regulations.
- (3) The granting of this transfer achieves the purposes of the Act.

## **Summary of Transfer**

The applicants are part of the Motutangi-Waiharara Water Users Group (MWWUG), whose consents were issued by the Environment Court in August 2019. Both consents are located within the Waipareira subsection of the Aupouri aquifer and are between 1.2-1.5 kilometres apart.

Honeytree Limited (APP.038471.01.02) have already planted avocado trees, however the groundwater allocation authorised by Stage 1 of its consent is insufficient to meet the irrigation requirements of the planted crop. Honeytree Farms Limited also has a consented surface water take from the Okohine Stream which is used to supplement irrigation requirements. However, this surface water source is not available due to the current prolonged drought reducing the water quality to an unacceptable level for irrigation purposes.

The Covich's (APP.038410.01.02) have not yet planted, or started their water abstraction, and are in the process of selling their property. The Covich's have agreed to transfer their allocation of 34,000 m<sup>3</sup>/annum to Honeytree Farms Limited for the limited period between the date of this decision and the 1 May 2020.

To achieve this transfer, Honeytree Farms Limited have requested that its authorised annual volume for this period be increased by 34,000 m<sup>3</sup>.

## **Regional Plan Rule(s) Affected**

Under section 136(4)(b) of the Act, a transfer of a water permit between sites is treated as an application for a resource consent.

There is no specific rule in either the Regional Water and Soil Plan for Northland (RWSP) nor the Proposed Regional Plan for Northland (PRP) that covers the transfer of water permits. Therefore, the transfer must be treated as a discretionary activity under section 87B of the Act.

## **Actual and Potential Effects (Section 104(1)(a) of the Act)**

The effects of the transfer of the allocation to Honeytree Farms Limited relative to those authorised under Consent AUT.038471.01.01 are considered to be no more than minor for the following reasons:

Given the close proximity of the two sites in relation to the wider sub catchment area and the very short duration of the transfer (just over one month), it is considered that the effects of the transfer on groundwater levels, saline intrusion potential, and the Kaimaumu Wetland complex will be less than minor.

The water take consent for Honeytree Farms Limited, and the other MWWUG consents, are regulated by a management plan that has set "interim" trigger levels to prevent adverse effects on groundwater levels, saline intrusion and the Kaimaumu wetland. It is not expected that this transfer will result in any breach of these trigger levels.

The MWWUG consents have only been exercised since December 2019. The management plan for the consents requires that "baseline" monitoring data is collected from all the sentinel monitoring bores for a period of 12 months, which will then be used to set the trigger levels for the remaining term of these consents. Given the location of the sentinel bores, this transfer will have no effect on the data collected. There is also a shallow groundwater monitoring bore located on the Honeytree Farms Ltd property whose purpose is to monitor the effect on local shallow groundwater levels as a result of the Honeytree's deep aquifer take. This transfer will only add to the information on any effects from the take.

The applicants have requested that the transfer arrangement end on 1 May 2020 allowing the Covich's to access any remaining annual allocation up until the 30 June 2020, being the end of the water allocation year. To ensure that the annual allocation is not exceeded by the two parties accessing the same allocation in the same season, a condition has been included on the Covich consent that limits the combined annual allocation from the use of both consents during this water year.

The applicant has asked that a minor correction to the preamble also be made for each consent, where it refers to the subsection of the aquifer as Waiharara, it should be Waiparera. The council is in agreement with this correction.

### **Relevant Statutory Provisions (Section 104(1)(b) of the Act)**

The council has determined that the granting of these changes to the resource consents are consistent with the objectives and policies contained in Section 18 of the Regional Policy Statement and Section 10 of the RWSP, Section D.4 and H.4.4 of the Proposed Regional Plan.

Section 136(4) requires that, in addition to Section 104 of the Act, the Consent Authority shall have regard to the effects of the proposed transfer, including the effect of ceasing or changing the exercise of the permit under its current conditions, and the effects of allowing the transfer. These effects have been discussed above.

In all the circumstances, the changes are consistent with the purpose and principles of the Act, as included at Part 2 of it.

**I confirm that these are the true and correct reasons for the decision to grant changes to resource consent numbers APP.038410.01.02:**

**Name and Signature of Authorised Person:**   
.....  
Stuart Savill  
Consents Manager

**Date:** 27 March 2020