

Date:	11 September 2018	Application Number:	WS-2018-108484-00
Reporting Officer:	Sarah Thompson		

Applicant:	The Proprietors of Hauiti Incorporation
Property Address:	Shelton Road
Legal Description:	Lot 43 DP 1323 and Lot 42 DP 1323
Plan:	Tairāwhiti Resource Management Plan 2018
Activity Status:	Discretionary Activity
Proposal:	To take water at a maximum rate of 8 litres per second to a maximum of 200 cubic meters per day from an unnamed spring for irrigation, commercial and domestic purposes.

1.0 INTRODUCTION

1.1 Overview of the application

Hauiti Incorporation have an agreement with Holdco to develop a trial one-hectare block of blueberries increasing to four hectares within two years. The agreement will allow the joint venture between Hauiti Incorporation and Holdco to supply Miro with blueberries who have established joint venture contracts to supply Berryco.

To accompany this development, the Proprietors of Hauiti Incorporation (the applicant) are applying for resource consent to abstract 200 cubic meters of water per day from an unnamed spring which feeds into the Kaitawa Stream, then into the Kaitawa Estuary, at a maximum rate of 8 litres per second. The water is proposed to be used for the irrigation of 4 hectares of blueberries, provide water to the local campground, and for domestic and stock watering purposes during the months of September to March.

The application is being processed separately to the Land Use consent for the development and operation of the blueberry farm currently sitting with Gisborne District Council.

1.2 Description of the Site and locality

The area of land in which the unnamed spring is within belongs to Hauiti Incorporation and is currently farmed (sheep, beef, cropping). Water is to be abstracted from an unnamed spring that feeds into the Kaitawa Stream, and Kaitawa Estuary which are part of the Uawa Catchment. There are 2 existing extraction sites, as outlined in Figure 1. These sites can be accessed via Shelton Road and Wharf Road.

The site where the blueberry farm is to be situated will be accessed off Whangara Road. There is a storage pond on site which currently holds 130 cubic metres of water. The applicant proposes to increase this to 210 cubic metres which allows for one day of storage.

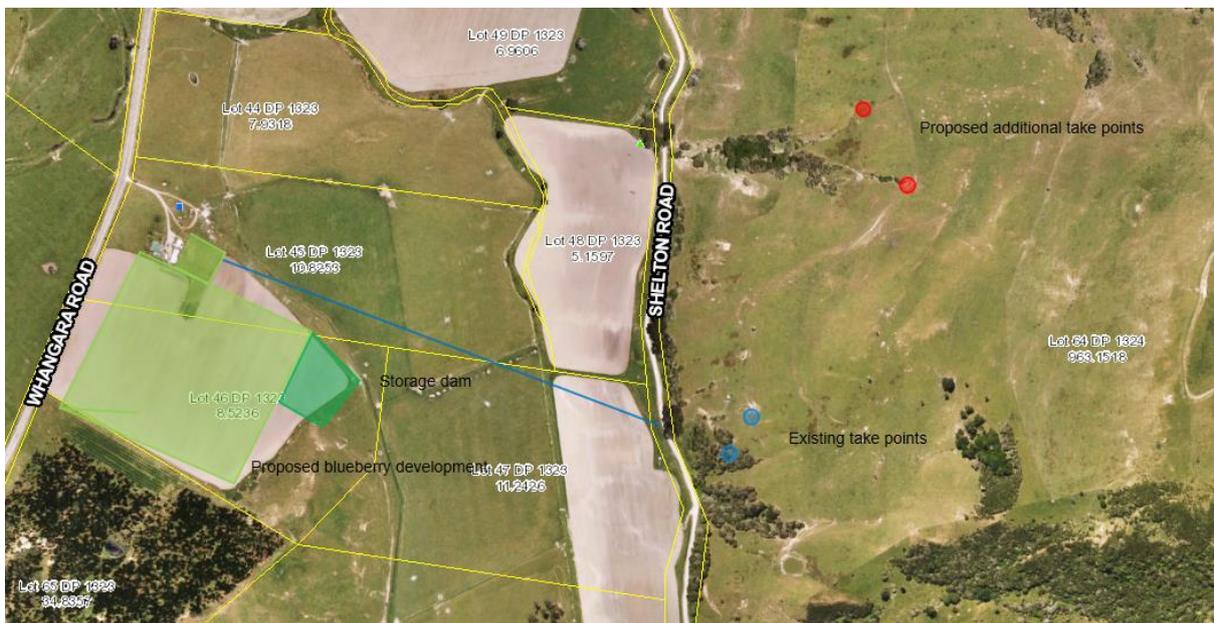


Figure 1 (indicative only): Proposed blueberry development (light green), storage pond (dark green), existing abstraction points (light blue), proposed additional abstraction sites (red) and proposed pipeline (dark blue).

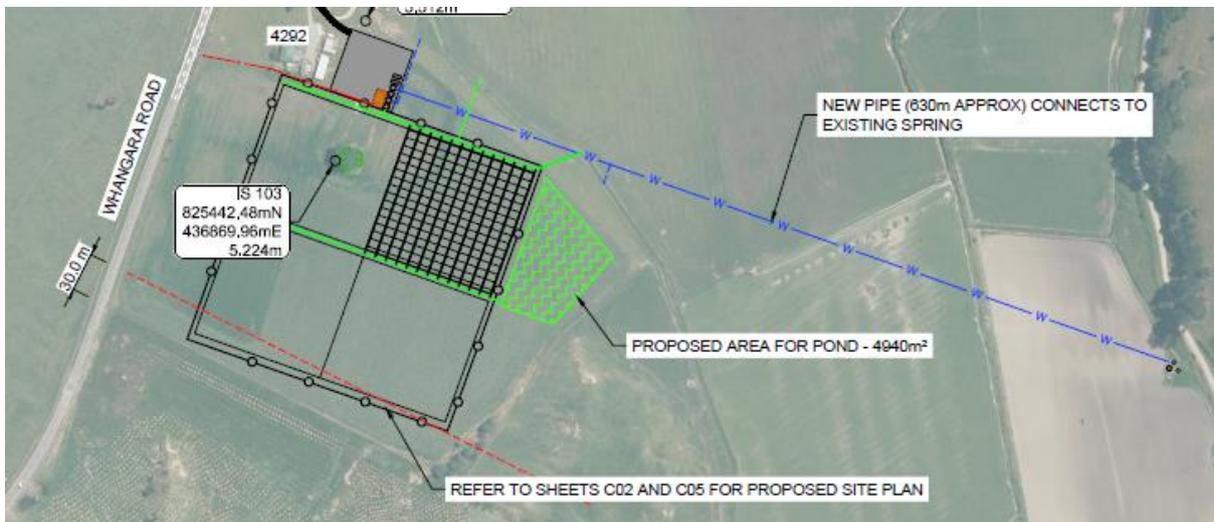


Figure 2: Blueberry farm development plan.

2.0 REASON FOR THE APPLICATION

An assessment of the proposal's compliance with the relevant rules of the Tairāwhiti Resource Management Plan 2018 has been undertaken. The proposal triggers the following rule:

Discretionary activities			
6.1.2(9)	The take and use of surface water or groundwater not lawfully established before the date of notification of this Plan where no catchment plan and water quantity limits are in place.	Discretionary	

The application is for the abstraction of water for irrigation, commercial, domestic and stock watering purposes from an unnamed spring which feeds into the Kaitawa Stream, then into the Kaitawa Estuary and Uawa River. Water will be extracted from the spring at a maximum rate of 8 litres per second with a maximum daily take volume of 200 cubic metres of water. The

proposed take requires a resource consent as it is a **Discretionary Activity** under **Rule 6.1.2(9)** of the Tairāwhiti Resource Management Plan 2018.

Neither the Kaitawa Estuary nor the Uawa River are subject to a catchment plan. No water quality or quantity limits have been set for the river.

3.0 SECTION 95A ASSESSMENT FOR THE PURPOSE OF PUBLIC NOTIFICATION

3.1 Step 1: mandatory public notification in certain circumstances – s.95A(2-3)

The Applicant has not requested public notification of the application (s95A(3)(a)).

Public Notification is not required in terms of a refusal to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the Act (s95A(3)(b)).

The application was not made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)) and therefore, public notification is not required in this instance.

3.2 Step 2: if not required by step 1, public notification precluded in certain circumstances – s.95A(4-6)

No rules in a National Environmental Standard or the *Gisborne Regional Freshwater Plan - Decision Version August 2017* that are relevant to this proposal preclude public notification (s95A(5)(a)).

Subject to section 95A(5)(b) of the Act, public notification is precluded when an application for resource consent relates to a:

- Controlled activity;
- Restricted discretionary or discretionary activities for the subdivision of land or residential activities;
- Restricted discretionary, discretionary or non-complying boundary activities; or
- Prescribed activity.

In this instance, the proposal is a discretionary activity for a new water permit and therefore, public notification is not precluded under Step 2.

3.3 Step 3: if not precluded by step 2, public notification required in certain circumstances – s.95A(7-8)

No rules in a National Environmental Standard or the *Gisborne Regional Freshwater Plan - Decision Version August 2017* that are relevant to this proposal require the application be publicly notified (s95A(8)(a)).

Pursuant to section 95A(8)(b) of the Act, a consent authority must publicly notify an application if it decides under s95D(8)(b) that the activity will have or is likely to have adverse effects on the environment that are more than minor. An assessment in this respect is therefore made in section 3.3.2 below:

3.3.1 Effects that May or Must be Disregarded – s. 95D

- Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).
- Pursuant to section 95D(b) of the Act, an adverse effect of an activity may be disregarded if a rule or national environmental standard permits an activity with that effect. This is often referred to as the permitted baseline. The permitted baseline is not relevant in this instance and is not considered further in this assessment.
- The activity is a restricted discretionary activity, so that adverse effects which do not relate to a matter of discretion have been disregarded (s95D(c)).
- Trade competition and the effects of trade competition (s95D(d)).
- No persons have provided their written approval and as such, no adverse effects on any parties have been disregarded (s95D(e)).

3.3.2 Assessment of Adverse Effects – s.95A(7)(a)

In accordance with Section 95A(7)(a) of the Act, resource consents must be publicly notified if the Consent Authority believes the activity will have, or is likely to have, adverse effects on the environment that are more than minor. The effects of relevance to the proposal relate to the daily and annual volume of water abstracted from the Kaitawa Stream in order to irrigate four hectares of blueberries and provide a smaller volume of water to both private and commercial entities.

Environmental Effects Considered	Less than minor, minor or more than minor	Comment
Effects on aquatic ecosystems and the estuarine environment	Undetermined	<p>The proposal may have effects on aquatic systems and the estuarine environment. Effects are specifically related to the instantaneous rate of take and daily volume and the streams capacity to sustain this during low flow conditions.</p> <p>The Kaitawa Estuary is the receiving environment of the spring water. There is no flow data available to inform an assessment of the proposed removal of 200 cubic metres of water daily from this receiving environment.</p> <p>The Kaitawa Stream is not subject to a catchment plan, therefore water quantity limits have not been set. Gisborne District Council holds no flow data for the Kaitawa Stream.</p> <p>The Kaitawa estuary is an important ecosystem and valued by the community who have been working to restore it through native planting days.</p> <p>It is therefore important that the proposed take does not have significant adverse effects on the ecosystem values, resulting in degradation.</p>
The rate, volume, and timing of the take including	Undetermined	The unnamed spring and the Kaitawa Stream are not subject to a catchment plan, therefore, little is known about the water demands in the catchment.

daily, weekly, monthly and annual limits		It is important to have an understanding of these demands to avoid over allocation and potential degradation of both water resources (ground and surface water) and ecosystem services in the catchment. Until more information is available, whether the rate, volume and timing of the take is less than minor cannot be determined.
Reasonable needs and use	Less than minor	<p>The applicant proposes to irrigate 4 hectares of blueberries, along with an additional allocation for supplying water to the local campground, and for domestic and stock watering purposes during the months of September to March. The breakdown of water use is proposed to be 126 cubic metres of water allocated to the blueberries and the remaining 74 cubic metres to the camp ground and other domestic uses.</p> <p>Overall, it is considered that the Applicant has a reasonable need and use to abstract a daily volume of 200 cubic metres should it be available from the unnamed spring.</p>
Efficiency of use	Less than minor	<p>The blueberries growing system will be enclosed, with a high water use efficiency. ET will be significantly reduced along with infield water losses. However, due to the system being enclosed, there is no contribution from rainfall. The applicant has estimated that the growing system proposed for the blueberries has a water use efficiency of 85-90%.</p> <p>The blueberry variety to be grown has a maximum water need of 3mm per ha per day.</p> <p>In terms of the other proposed uses of the spring water, water is currently being taken from multiple seepage points above Shelton Rd for stock water, reticulation of 5 farm buildings and the Tolaga Bay Camp Ground. These are historic takes, which have been in place for many years. Monitoring of existing water use during the 2015/2016 summer recorded a maximum daily usage of 44m³. No other monitoring for these takes is available.</p> <p>Based on the foregoing, it is considered that the water use will be efficient use of water.</p>
Water meter requirements	Less than minor	<p>National water metering standards (Resource Management (Measuring and Reporting of Water Takes) Regulations 2010)) apply to this take as their rate of take is greater than 5 litres per second.</p> <p>The applicant has stated that water meters will be installed and be compliant with the BlueTick Guidelines.</p>
Access to survival water	Less than minor	The Plan has not provided for crop survival allocations for this water source.

The effects the take or use has on any other authorised takes and uses	Less than minor	The existing water take to supply the campground and domestic buildings is proposed to be included in this consent. It is therefore assumed that the parties accept the potential impact from the additional pressure on the resource.
Water storage capabilities	Less than minor	There is currently 130m ³ of storage in the existing system. This will be increased to 210 cubic metres, however this only allows for one day of storage.
Existing infrastructure investment	Less than minor	<p>Miro Limited Partnership is a collaboration of Māori business and horticultural leadership specifically focused on delivering sustainable productivity to Māori-owned horticultural land.</p> <p>Miro's vision is to commercialise high value berry varieties in partnership with Māori landowners. Together BerryCo and Miro Limited Partnership will present a unique structure offering strong agribusiness now and into the future.</p> <p>The proposed infrastructure for this development include:</p> <ul style="list-style-type: none"> • 4500 Blue berry plants per hectare, average annual crop value \$360,000.00 per hectare • Total development of 13500 plants with a total annual crop value of \$1,440,000.00 • One tunnel house manager • Two supervisors • Seasonal workers, picking pruning up to 30-40 people. • Road entry • Hardstand • Power • Wind break • Poly tunnels • Water reticulation and storage • Storage shed
Any actual or potential adverse effects on tangata whenua;	Less than minor	<p>The applicant has offered the following information in relation to potential adverse effects on tangata whenua:</p> <p><i>'Ngati Porou hapu have their own perspectives on managing natural and physical resources, based on matauranga Maori and Ngatiporoutanga. This underpins the way Ngati Porou view and interact with the environment and their kaitiaki role. Te Runanganui o Ngati Porou and Hauiti Incorporation have signed an agreement to develop a four-hectare block of blueberries in partnership and have provided a signed document fully supporting this initiative. While understanding that the water take is at the lower-mid end of the scale there needs to be a better understanding of this natural resource now and into the future. Having good data to help inform the decision-making process will enable sustaining the mauri of the water body. Providing an irrigation management plan</i></p>

		<i>once history of water usage for this crop and an overall water management plan will add to minimising any major impact this application will have on the environment.'</i>
The requirement for an Irrigation Management Plan in accordance with Schedule 13		The applicant submitted an irrigation management plan with their application which meets the requirements of Schedule 13.

The application has prepared an assessment of effects and has also provided measures to mitigate some of the actual and potential effects.

However, Gisborne District Council has limited hydrological and ecological knowledge on the unnamed spring and Kaitawa Stream as they have not yet been subject to catchment planning. Therefore, an adequate analysis of the adverse environmental effects cannot be conducted to determine if the effects of the proposed take will be less than minor.

Overall, the environmental effects of the proposed activities are unknown.

For completeness, the application relates to the following General Policy for Water Quantity and Allocation in the Tairāwhiti Resource Management Plan 2018.

C6.1.1 Policies Water Quantity and Allocation

1. When considering any application the consent authority must have regard to the following matters:
 - a. The extent to which the change would adversely affect safeguarding the life-supporting capacity of fresh water and of any associated ecosystem, and
 - b. The extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of freshwater and of any associated ecosystem resulting from the change would be avoided.

2. This policy applies to:
 - a. Any new activity; and
 - b. Any change in the character, intensity or scale of any established activity – That involves any taking, using, damming or diverting of freshwater or draining of any wetland that is likely to result in any more than minor adverse change in the natural variability of flows or level of any freshwater, compared to that which immediately preceded the commencement of the new activity or the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out).

3. This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.

Comment: An assessment of environmental effects of the proposed take is provided in Section 3.3.2 of this report. Due to the lack of information that Gisborne District Council holds on the Kaitawa Stream, an accurate assessment of the effects of the proposed take on the life supporting capacity of freshwater and brackish ecosystems cannot be determined to be less than minor. The applicant did not provide a detailed assessment of environmental effects in their application to determine that the proposed take will not have an adverse effect on the environment.

3.4 Special Circumstances – s.95A(9)

A council may decide to publicly notify an application if it considers that special circumstances exist. Special circumstances have been defined as circumstances that are unusual or exceptional, but may be less than extraordinary or unique. The purpose of considering special circumstances requires looking at matters that are beyond the plan itself.

Special circumstances must be more than:

- Where a council has had an indication that people want to make submissions
- The fact that a large development is proposed
- The fact that some persons have concerns about a proposal.

The Kaitawa Stream is not subject to a catchment plan. No water quality or quantity limits have been set for the Kaitawa Stream or Estuary. Council is therefore unable to determine if the effects of the proposed take will have adverse effects on the hydrological and ecological capacity of the Kaitawa Stream due to a lack of information held on the reach. This is beyond the Plan and therefore can be considered a special circumstance and it is therefore considered that full public notification is required to ensure that all potentially affected parties have the opportunity to comment on the application.

4.0 SECTION 95 NOTIFICATION RECOMMENDATION AND DECISION

UNDER DELEGATED AUTHORITY

Pursuant to Sections 95A and 95B of the Act, the application WS-2018-108484-00 to take water at a maximum rate of 8 litres per second to a maximum of 200 cubic meters per day from the Kaitawa Stream for irrigation, commercial and domestic purposes as a Discretionary Activity shall proceed on a **Notified** basis for the reasons given above.

Reporting Officer



**Sarah Thompson
Senior Water and Coastal Resources
Officer**

Date: 10 September 2018

Approved By:



**Lois Easton
Environmental and Science Manager**

Date: 10 September 2018