## WEN 040360 Miranda WP-take

#### PETONE PURE WATER COMPANY LIMITED

486 Jackson Street **PETONE** 

PO Box 208
WELLINGTON

Ph: 04 568 7885 Fax: 04 473 9516 Doc. No. 2/3683 Referred to Date/Im

FILE REF

21 June 2004

Wellington Regional Council
2 2 JUN 2004

Wellington Regional Council Environmental Policy and Approvals PO Box 11646 WELLINGTON

Attention: Miranda Robinson / Andrew Jones, Consents Management

Dear Sir

#### APPLICATION FOR RESOURCE CONSENT WATER PERMIT APPLICATION TO TAKE GROUNDWATER – Permit Number WGN040319 [23706]

- 1. Please find *enclosed* an application on behalf of Petone Pure Water Company Limited ("Petone Pure") for non notified resource consent to take and use ground water from the Waiwhetu Acquifer pursuant to a water permit issued by the Wellington Regional Council.
- 2. Petone Pure has been granted a water permit (consent number WGN040319 [23706]) to take water at the rate of 350m3 over any seven day period from Gear Island, Jackson Street Petone. This permit was transferred from a larger permit previously allocated to NZ Wools Limited (permit number WGN 980053).
- 3. Prior to taking this permit, the Wellington Regional Council and the Petone Pure had entered an agreement for Petone Pure to obtain a transfer of existing water permit WGN970036(01) for a period of 29 years (expiring on 12 August 2033). On the basis of this ineffective right, Petone Pure has expended \$300,000.00 in setting up the plant, has employed the services of Mr Alan Findlay (previously from the H2Go Plant), has proceeded work to attract investors based on the 29 year option, and has taken a lease for the premises.
- 4. This replacement water permit finally granted to Petone Pure was only for a period of three years from 9 June 2004 to 9 March 2007.

- 5. Petone Pure seeks to extend the existing water permit for a minimum period of 20 years. It is considered that this is the minimum period of time required to ensure the feasibility of this venture, not only to ensure sufficient levels of investors but to enable the company to build a commercially viable venture. This 20 year minimum also reflects a compromise on the previous 29 year right which was held and relied upon in good faith as a useful water right to start this company.
- 6. In addition, the level of water required by Petone Pure pursuant to this permit is minimal in terms of the overall volume of the acquifer, and in terms of the overall allocation from the acquifer. As an example, the quantity of water required by the Petone Pure Water Company Limited is less than that which is consumed per day by the Museum Hotel in Wellington.
- 7. The officers' report for the initial permit confirms that it is unlikely that the abstraction of water will result in any subsidence and that the risk of saline intrusion is very unlikely given the low abstraction rate. Conditions have also been included in the permit to ensure that this does not become an issue.
- 8. As previously stated, there are currently no water bottling plants of any size in the Wellington region. A water bottling plant would have a significant role in the likely event of the water reticulation services being disrupted after a large earthquake or other civil defence emergency.
- 9. An arrangement already exists with the Wellington Regional Council and the Company so that "force majeure" conditions apply, in the event of a disruption to the water reticulation system. It has been suggested that this arrangement is "ultra vires." It is not, but even if it were, this Company would honour the arrangement as "The Water Company of Wellington."
- 10. We *enclose* a booklet containing completed application forms 1 and 5, as well as other supporting documentation to assist in your decision.

Please contact us should you require any further information.

We look forward to hearing from you.

Yours faithfully

Barry Wilson

Director

# RESOURCE CONSENT APPLICATION SUPPORTING DOCUMENTATION

#### PETONE PURE WATER COMPANY LIMITED

- 1. Resource Consent Application Form 1
- 2. Water Permit Application to Take Groundwater
- 3. Copy Resource Consent WGN 040319[23706]
- 4. Copy Non-Notified Resource Consent Application Officer's Report
- 5. Water Right Agreement with Wellington Regional Council
- 6. Assessment of Effects
- 7. Copy of Hutt City Council Resource Consent
- 8. Letter in Support of Hutt City Council Resource Consent Application (provided by Wellington Regional Council)
- 9. Certificates of Title WN26D/58 and 542/292
- 10. Copy of Aerial Photo, Deposited Plan and Title Map

#### WILSON & CO LAWYERS OF WELLINGTON

Level 7, 234 Wakefield Street PO Box 208, DX SP 20041 WELLINGTON Telephone: (04) 473 7537 Facsimile: (04) 473 9516













# 1 Resource consent application

We need to know who you are and how to contact you for information. This form provides us with your details.

You will also need to fill out another form which explains your proposed activity. Please contact us if you are unsure which other form you should use or if you need help filling in any of the forms.

#### Completing this form

Please answer all questions fully.

It is generally quicker and cheaper to process your application if you have discussed it with one of the Council's resource advisors before you fill in this form. We can be contacted on 04 384 5708 or at P O Box 11 646, Wellington.

#### Fees

Deposit fees for consent applications are explained in the attached Fees Schedule.

Contact details		
Applicant(s) name(s) and address [ie, whose name	e will be on the co	nsent]
Petone Pure Water Company Limited	Telephone:	Business: 04 568 7885
PO Box 208, WELLINGTON		Private:
Attention: Barry Wilson		Facsimile:
Service name and address (if different from abo	ove) [for contact	during the application process]
C/- Wilson & Co	Telephone:	Business: 04 473 7537
Level 7, 234 Wakefield Street		Private:
WELLINGTON		Facsimile:
Billing name and address [for invoices and annual cha	arges]	
Petone Pure Water Company Limited	Telephone:	Business: 04 568 7885
PO Box 208		Private:
WELLINGTON		Facsimile:
Property owner's name (if different from above)	)	
Wellington Regional Council (as per attached)	Telephone:	Business:
Unilever New Zealand Limited (as per attached)		Private:
		Facsimile:

Note: All information provided in your application is available to the public.

Where the activity is	
Location of activity and/or property address	
Gear Island, Jackson Street, Petone	Map reference: NZMS 260: 260:R27; 691.955
	Valuation reference [from rates]:
proximity to any well known landmark, etc)  Te Mome Stream	or other waterbody to which the application may relate,
Legal description	
Certificate of Title 26D/58, Lot 1 DP 52099	
[from rates notice]	
Forms to fill in	
Consent(s) being applied for. You will need	to fill in a form for each of the following activities:
Water:	
	ert (No. 3) Take surface water (No. 4)
Discharge onto or into:	
Land (No.6) Wat	er (No. 7) Air (No. 8)
Land use: Bore/well construction or alteration (No. 9) Activities in or on beds of lakes or rivers (No. 10 Land clearing/tracking/logging (No. 11)	☐ ) ☐ Bridges/culverts (Nos. 10 and 10(a)) ☐ ☐ Soil Disturbance (No. 13) ☐
Coastal:	
Activities in or on the coastal marine area [ie, belo	w mean high water spring] (No. 12)
Consents from local authorities	
Do you require any other resource consents fro	m your local council? Yes ⊠ No □
Territorial authority in which land is situated:	
Wellington City Council  Hutt City Council  Upper Hutt City Council  Porirua City Council	Kapiti Coast District Council  Masterton District Council  South Wairarapa District Council  Carterton District Council
Consents required	
Resource consent from the Hutt City Council has	s been obtained (copy enclosed)
Resource consent: Water Permit, Land Use - place for the purposes of dropping a bore (all enclosed	ce pipeline, Land Use - construct bore; Consent to enter )

Have these consents been applied for?

Yes

 $\boxtimes$ 

No

#### Consultation

#### Non-notified applications

Non-notified consents are for activities which have minor effects on the environment. For your activity to be considered on a non-notified basis you must obtain written approval from all parties potentially affected by your activity (eg, neighbours, iwi, Fish and Game Council, Department of Conservation). If you are unsure who may be an affected party, please call us.

Non-notified consents are significantly cheaper and quicker to process.

#### **Notified applications**

Notified consents are for activities which do not meet the requirements for processing on a non-notified basis. Consultation with all parties potentially affected by your activity prior to lodging your application may result in significant time and cost savings (eg, neighbours, iwi, Fish and Game Council, Department of Conservation, user groups and interest groups).

Hav	re you consulted with iwi?		Yes 🗌	No 🖂			
If so	o, who did you consult?						
Loca	ation of activity and/or property address Gear Isla	and, Jackson Street, Petone					
Who	o else have you consulted? We have been in cons	stant contact with both the We	llington Regi	onal			
Cou	ncil and Unilever in relation to this proposal. The	Petone Pure Water Company	has also obta	ined			
the t	transfer of part of existing water permit WGN9800	of three years.					
Do t	they have any concerns? No concerns have been	raised, particularly given the	fact that the v	vater			
righ	ight applied for is for the transfer of an exisiting right (which will mean that no additional allocation will						
be re	equired from the acquifer), and given that the amo	unt of water required is consid	ered to be mi	nimal.			
If so	o, how have you addressed these concerns?						
Sig	natures of adjoining landowners/nei	ghbours and affected	parties				
	have read this consent application and supporting licant's proposal.	g documents, and have no obj	ection to the				
(1)	Owner's name: Unilever (consent attached)	Occupier's name (if different	t):				
	Address:	Address:					
	Telephone/facsimile:	Telephone/facsimile:					
	Signature:	Signature:					

(2)	Wellington Regional Council Owner's name: (letter of support attached)	Occupier's name (if different):
	Address:	Address:
	Telephone/facsimile:	Telephone/facsimile:
	Signature:	Signature:
(3)	Owner's name:	Occupier's name (if different):
	Address:	Address:
	Telephone/facsimile:	Telephone/facsimile:
	Signature:	Signature:
(4)	Owner's name:	Occupier's name (if different):
	Address:	Address:
	Telephone/facsimile:	Telephone/facsimile:
	Signature:	Signature:
	se note: Your signature indicates that you approve ontial effects that may occur.	

## Sketch of the locality

Sketch of the locality and activity points. (Alternatively, you may wish to attach a plan of your activity.)

The sketch or plan should include, but not be limited to, location of neighbouring properties, roads, waterbodies (including streams, wetlands and drains), other significant landmarks, a scale and indicate where north is.

As per attached aerial photographs, and deposited plans.

Checklist				
Have you remembered to:	Yes	No		
<ul> <li>Write down your legal description on page 2?</li> <li>Sketch the locality and activity points above?</li> <li>Obtain written approval from all affected parties (eg, adjoining neighbours)</li> <li>[for non-notified applications]</li> <li>Pay the application fee?</li> <li>Include permit application forms for each box ticked on page 2?</li> <li>Include a plan of any structure for which an application is being made?</li> </ul>				
I hereby certify that, to the best of my knowledge and belief, the information given in this true and correct. I undertake to pay all actual and reasonable application costs incurred Council.				
Signature of applicant: Date: 16/6	104			

Name [block capitals]: BARRY WASON FOR PETONE PURE WATER COMPTANY LTM













# 5 Water permit application to take groundwater

Please answer all questions fully. You should discuss your application with one of the Council's resource advisors before completing this form.

Show the location of the activity and adjoining properties on your map on Form 1. Include design plans and details with this application as appropriate.

-							
Pa	rt A: general						
1.	Do you propose to take water from an existing bore $\square$ or a new bore $\boxtimes$ ?						
	Consent for the drilling of a bore has been obtained (copy enclosed)						
	If you wish to drill a new	bore you will	need to apply for a La	and Use Conse	ent as well. Use	e Application Fort	m No. 9.
	If an existing bore,	what is the	e water permit nu	umber?	WGN04031	9[23706]	
	If a new bore, what	is the land	d use consent nu	umber?	WGN04031	9[23658]	
2.	What will the water	be used for	or? [Tick the approp	oriate box(es)]			
	☐ Irrigation	State me	thod of irrigation	ı (eg, spray	, trickle, oth	ner):	
	☐ Industry	State typ	e of industry:				
	☐ Community	State No	. of households:				
		or popula	ation:				
	Other	State Us	e: Watter bottlin	ng plant			
3.	What will be the ma	aximum ra	te at which wate	r is taken?			litres per second
							hours per day
							days per week
					350m3 or seven day	•	weeks per year
4.	What is the pump n	nake, type	and model?				
	What is the maximu	is the maximum capacity of your pump? litres per second		nd			
5.	(For irrigation only) What area will you be irrigating?						
	Crop(s):		hectares	Crop type	): 		
	Pasture:		hectares	Horticultu	re type:		
	Horticulture		hectares				
	Other:		hectares	Plaaca cr	ecify.		

(Please show clearly the area to be irrigated on your sketch map on Form 1.)

Pa	irt A: general (continued)							
6.	Why do you need the amount of water applied for?							
	For the purposes of operating a commercial water bottling plant to produce bottled water for supply to the Greater Wellington and Hutt Valley areas. The Company has also agreed with the Wellington							
								Regional Council that the entire production of the water plant will be diverted to the needs of Wellington Residents should a natural disaster occur.
Pa	Part B: assessment of effects on the environment							
ass	nere your take could have a significant adverse effect on the environment a more detail essment is required in accordance with the Fourth Schedule of the Resource Management is new applications will require a pump test and analysis of your bore/well to be comp	ent Act 199						
1.	Comment on any possible environmental effects that may occur and any other info consider may assist the Council in dealing with your application. This includes the pumping on neighbouring bores/wells:							
	As the amount of water required from the acquifer is minimal, and has been allocated	ted by the						
	Wellington Regional Council from an existing water permit (WGN980053), it is unlikely that the							
	continuation of this water permit will cause any significant or adverse effects on the environment.  As detailed in the original permit, the proposed transfer will not unduly influence the potential triggering of the seawater intrusion alarms at the McEwan park monitoring bore.  Conditions have been placed in the water permit to ensure that the abstraction from the bore will be							
	monitored with monthly reports to be provided to the Wellington Regional Councialso will comply with any abstraction restrictions and/or rostering as directed							
2.	Within 150 metres of the bore are there any:							
	(1) Septic tanks?	Yes 🗌	No 🖂					
	(2) Springs or surface waterbodies?	Yes 🖂	No 🗌					
	(3) Other waste disposal areas?	Yes	No 🛚					
	[Mark these on your sketch map on Form 1.]							
3.	Are there any alternative water sources available to you?	Yes 🗌	No 🖂					
	If yes, please explain why you have chosen this option and not alternative options:							
4.	Are there any other takes (e.g., for domestic, stock or irrigation use) in the area?	Yes 🗌	No 🏋					
	If yes, please list persons taking water and mark the location of the take on your s Form 1.	ketch map	on					

Consent No.		
Renewal:	Yes 🗌	No 🗌





# Resource Consent Resource MANAGEMENT ACT 1991

#### Consent No. WGN040319 [23706]

Category: Water permit

Pursuant to sections 104B, 108 and 136(5)(b) and subject to all the relevant provisions of the Resource Management Act 1991 and any regulations made thereunder, a consent in respect of a natural resource is hereby granted to:

Name

Address

Term of consent

Purpose for which right is

granted

Location

Legal description of land

Volume/quantity/rate

Conditions

Petone Pure Water Company Limited

PO Box 208, Wellington

Effective: 9 June 2004

Expires: 9 March 2007

To take and use water from the Waiwhetu Artesian Aquifer.

Gear Island, Jackson Street, Petone at or about map reference NZMS 260:R27;691.955

Lot 1 DP 52099

350 m<sup>3</sup> over any seven day period.

1-5 as attached

For and on behalf of

WELLINGTON REGIONAL COUNCIL

Manager, Consents Management



# Summary of your rights and responsibilities

(Not part of the resource consent)

This resource consent gives you the right to use a public resource (e.g. water, air, the coastal marine area) in the manner specified in the consent.

You may exercise the resource consent how you see fit provided that you comply with all the conditions of your resource consent and all other laws of the land.

If you wish to change the way you operate under this resource consent or if you wish to alter or delete any consent conditions, please contact the Wellington Regional Council (hereafter referred to as Greater Wellington) prior to making the changes. You may need a formal variation to your resource consent conditions.

You may transfer your coastal, discharge, or water permit to any other person. So if you sell your operation please contact Greater Wellington and we will arrange the transfer. The service is free of charge.

If your resource consent application contained inaccurate or misleading information Greater Wellington may ask the Environment Court to cancel or alter the resource consent.

Your resource consent does not:

- provide any warranty of any structure or process;
- provide any guarantee that the resource will be available at all times;
- provide any right of access through or over public or private land;
- negate the need for any approvals necessary under other legislation.

You, as the holder(s) of this resource consent and your agents (including contractors and employees), are jointly and severally liable for compliance with the conditions of this consent. It's important that anyone operating on your behalf fully understands and complies with the conditions of the resource consent.

You are required to pay any relevant charges that are associated with the consent. Greater Wellington fixes these charges under section 36 of the Resource Management Act 1991. The Act allows you to comment on any proposed charges *prior to them being fixed*. Charges are usually fixed every three years. If you would like a copy of our current Resource Management Charging Policy please ask us.

You are required to allow Greater Wellington Enforcement Officers access to your site and operation at any reasonable time so that we can inspect your operation and confirm that it is complying with the resource consent.

Your resource consent will lapse if you do not exercise it within five years of the date it was granted (unless otherwise specified in the resource consent conditions). If this lapsing is going to be a problem for you please contact Greater Wellington before the lapse date.

If you stop using your resource consent for a continuous five-year period, Greater Wellington may cancel your resource consent. We will advise you in advance if we propose to cancel your consent. You also have the right to object to your consent being cancelled.

This consent is issued without prejudice to any claim that is lodged with the Waitangi Tribunal in relation to the customary ownership of natural resources, whether it be a claim that is pending hearing or whether it is a claim that is awaiting settlement by the Crown.

# Conditions to Resource Consent WGN040319 [23706]

- (1) The location, design, implementation and operation of the take shall be in accordance with the consent application and associated plans and documents lodged with the Wellington Regional Council on 30 April 2004, and the transfer of permit applications lodged with the Wellington Regional Council on 20 May 2004 and 24 May 2004.
- (2) The rate of abstraction shall not exceed 350 cubic metres over any seven day period.
- (3) The permit holder shall meter all abstractions and supply records of total daily abstraction to the Manager, Consents Management, Wellington Regional Council, on a monthly basis. The installed meter shall have an accuracy of +/- 5%.
- (4) If the pressure in the Waiwhetu Artesian Aquifer drops to an average, over a 24 hour period, of +2.3 metres above datum, as measured by the McEwan Park (site number 1428009) water level monitoring station, or any other official Wellington Regional Council water level monitoring station in the Petone and Seaview area, the permit holder shall comply with all abstraction restrictions and/or rostering as directed by the Manager, Consents Management, Wellington Regional Council.
- (5) The Wellington Regional Council may review any or all of the conditions of this permit by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, at any time within six months of the first and second anniversaries of the date of commencement of this consent to deal with any adverse effects on the environment that may arise from the exercise of this consent, and which are appropriate to deal with at a later stage.

12 9/6/04



9 June 2004

File: WGN040319 [23658] & [23659] wgn\_docs#210772-v1

# Non-notified resource consent application officer's report

#### Application granted with conditions

**Date Granted:** 

9 June 2004

**Applicant:** 

Petone Pure Water Company Limited

P O Box 208 Wellington

**Consents Granted:** 

WGN040319 [23658]: Discretionary Activity

To construct a bore to take water from the Waiwhetu

Artesian Aquifer.

WGN040319 [23659]: Controlled Activity

To place, use and maintain a pipeline under the bed of the

Te Mome Stream.

Location:

Gear Island, Jackson Street, Petone

Map References:

WGN040319 [23658]: At or about map reference NZMS

260:R27;691.955

WGN040319 [23659]: At or about map reference NZMS

260:R27;690.955

**Legal Descriptions:** 

WGN040319 [23658]: Lot 1 DP 52099

WGN040319 [23659]: Lot 1 DP 13037

**Duration of Consents:** 

WGN040319 [23658] & [23659]: Two years

#### **Conditions Relate to:**

The standard the bore is to be constructed and maintained to, submission of the bore log form, minimisation of sedimentation during placement of the pipeline, maintenance of the pipeline.

Report prepared by:

Recommendation approved:

MIRANDA ROBINSON

Resource Advisor, Consents Management

LUCTRYAN

Manager, Consents Management

# Reasons for decision: resource consent WGN040319 [23658] & [23659]

#### 1. Background

Petone Pure Water Company Limited (the applicant) wishes to establish a water bottling plant in Lower Hutt. The plant will be a commercial plant, producing bottled water under the brand name "Petone Pure" and other names for different markets. The primary target market is Hutt City and the Wellington region. The applicant also hopes to establish an export market.

The applicant has an agreement with the Strategy and Asset Department of Greater Wellington Regional Council (Greater Wellington) that in the event of a natural disaster the entire production of the plant would be diverted to the needs of residents in the greater Wellington area.

Water is to be sourced from the Waiwhetu Artesian Aquifer.

The bottling plant is to be located on land owned by Unilever New Zealand Limited, Jackson Street, Petone.

## 2. Proposal

The applicant proposes to construct a new bore (bore number, R27/6441) on land owned by the Wellington Regional Council, at Gear Island, Jackson Street, Petone. The details of the proposed bore are as follows:

Depth: 30 m Screen Length: 3 m Bore Diameter: 150mm

The bore is to be constructed by Griffith's Drilling (NZ) Limited. An air break and a one-way valve are to be installed on the bore to ensure that backflow to the aquifer is prevented.

The proposed site of the bore is immediately adjacent to the location of the bottling plant, on the opposite side of the Te Mome Stream (otherwise known as the 'Dead Arm'). In order to get water from the bore to the bottling plant a pipeline is proposed to be constructed under the bed of the Te Mome Stream.

The proposed pipeline will be constructed of 50mm diameter polyethylene. The substrate of the Te Mome Stream at the site of the proposed pipe is composed of soft sedimentary sands and silts. It has therefore been determined by the applicant that in order to minimise disturbance of the streambed, the pipeline will be eased into the substrate and weighted down with custom-made pre-cast concrete anchors. The anchors are to be placed at 2 metre intervals along the length of the pipe, and will be of the following approximate dimensions:

Length: 250mm Width: 150mm Height: 150mm The anchors will have a hollow centre, through which the pipe will run. The applicant anticipates these anchors will bury the pipeline at least 0.5 metres into the streambed, ensuring the pipeline does not cause a snagging hazard.

Water is proposed to be sourced from the Waiwhetu Artesian Aquifer. Currently this aquifer is over-allocated. The Regional Freshwater Plan for the Wellington Region (RFP) gives a maximum safe yield from the aquifer of 90,000 m³ per day. At present a total of 94,735 m³ per day has already been allocated. As such, any further applications for water permits from the Waiwhetu Artesian Aquifer are discouraged, and are classed as non-complying activities.

The applicant has therefore reached an agreement with the Strategy and Asset Department, Greater Wellington to transfer part of an existing water permit into the name of Petone Pure Water Company Limited, and to the location of the new bore. The details of these transfers are reported separately in Appendix One.

#### 3. Consultation

In accordance with the agreement between Greater Wellington and local iwi in relation to non-notified consents, the application has been sent to Wellington Tenths Trust and Te Runanganui o Taranaki Whanui ki te Upoko o te Ika a Maui. Teri Puketapu responded on behalf of Te Runanganui o Taranaki Whanui ki te Upoko o te Ika a Maui, and advised he had no concerns with the proposed bore or pipeline. No comment was received from Wellington Tenths Trust.

The applicant has consulted with Unilever New Zealand Limited, and obtained their written approval for the proposal. Unilever New Zealand Limited are the owners of the property which the pipeline is proposed to be constructed under (i.e., the bed of the Te Mome Stream).

The applicant has also consulted with Murray Kennedy, Manager of the Strategy and Asset Department, Greater Wellington, and obtained his written approval for the proposal. Wellington Regional Council own the land on which the bore is proposed to be constructed.

#### 4. Environmental effects

Andrew Jones, Greater Wellington's Groundwater Scientist, has assessed the application. Mr Jones considers that provided the bore is drilled in accordance with the New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001), the potential effects on the aquifer will be no more than minor.

The proposed pipeline is to be constructed under the bed of the Te Mome Stream, otherwise known as the 'Dead Arm', Gear Island, Petone. The stream is approximately 20 metres wide at the location of the proposed crossing point. The crossing point is upstream from the coastal marine area boundary, and the

PAGE 2 OF 14 WGN040319

floodgate in the vicinity of the Waione Street Bridge. The site is, however, in a tidal zone.

The pipe is designed to be flexible to ensure that the soft substrate will not affect the integrity of the pipe. The pipe is to be regularly inspected and maintained by the applicant. Any leaks are to be immediately repaired. In the event of a leak the potential effects would be negligible given that the pipe will be conveying only groundwater.

The pipeline is to be sunk into the streambed, by way of concrete anchors. Trenching, excavation or boring of the pipeline under the streambed is considered unnecessary by the applicant, and is likely to cause significantly more disturbance to the streambed. The concrete anchors will also help to ensure the pipeline stays submerged and does not present a snagging hazard.

In the short term, during laying of the pipeline some silt material will be discharged into the stream, causing a local and temporary increase in turbidity and suspended solids concentrations, and reduced water clarity. High suspended solid concentrations can have adverse effects on the in-stream ecology, if these conditions are maintained over a long period. Reduced water clarity and settlement of particulate matter can reduce primary production and invertebrate feeding efficiency, and may also reduce feeding efficiency of fish. In extreme cases, very high suspended solids concentrations over a sustained period may have direct lethal effects on aquatic plants and invertebrates by smothering, and on fish by clogging gill rakers and gill filaments.

The disturbance of the streambed during placement of the pipeline is likely to result in the discharge of sediment. However, the discharge will be minor and temporary in nature. The proposed method of laying the pipeline is considered to produce the least disturbance to the streambed and therefore a minimum amount of sedimentation.

Fish passage is unlikely to be affected during laying of the pipeline as a result of sedimentation. I consider the adverse effects of sedimentation during construction will be minimal and temporary, and water quality should return quickly to normal after the works are completed.

The pipeline will not affect fish passage once in place. Fish species expected to present within this area of the Te Mome Stream are the Shortfin eel and Common smelt.

The Te Mome Stream is not identified in the Regional Freshwater Plan (RFP) as a waterbody with any significant habitat values to be protected. Therefore restrictions on the timing of the works do not apply.

## Statutory framework

#### 5.1 Resource Management Act 1991

Part II (Section 5) of the Resource Management Act 1991 (the Act) defines its purpose as the promotion of sustainable management of natural and physical

WGN040319 PAGE 3 OF 14

resources. Sections 6, 7 and 8 of Part II of the Act define the matters a consent authority shall consider when achieving this purpose. I consider that the proposal relating to this consent application is consistent with Part II of the Act.

Under Section 9 of the Act, which relates to restrictions of the use of land, no person may use land in a manner that contravenes a rule in a regional plan unless that activity is expressly allowed by a resource consent.

'Use', in relation to any land, includes -

(b) Any excavation, drilling, tunnelling, or other disturbance of the land; or....

The proposed bore is not permitted by a rule in a regional plan, or by an existing resource consent, therefore land use consent is required. The relevant regional plan is the RFP.

Under Section 13 of the Act, which relates to certain uses of beds of lakes and rivers, no person may –

- (a) Use, erect, reconstruct, place, alter, extend, remove, or demolish any structure of part of any structure in, on, under, or over the bed; or
- (b) Excavate, drill, tunnel, or otherwise disturb the bed; or...

unless expressly allowed by a rule in a regional plan ... or a resource consent.

The proposed pipeline under the bed of the Te Mome Stream is not permitted by a rule in a regional plan, or by an existing resource consent, therefore land use consent is required. The relevant regional plan is the RFP.

#### 5.2 Regional plans

Rule 15 of the RFP provides for the construction of the bore as a *discretionary activity*.

Rule 46 of the RFP provides for the placement of the pipeline under the bed of the Te Mome Stream, as a *controlled activity*.

The Te Mome Stream is not identified in the RFP as a water body with any significant habitat attributes to be specifically protected.

I have reviewed the objectives and policies of the RFP, and I consider that the application is consistent with the relevant policies contained in Sections 4, 6 and 7 of the RFP.

In particular, Policy 6.2.4 seeks to ensure that land use consents to construct a bore/well avoid damage to the structural integrity of the aquifer, and contamination of the aquifer from external sources.

PAGE 4 OF 14 . WGN040319

Policy 7.2.10 seeks to ensure that all structures in streambeds are adequately maintained for safety reasons and to minimise the adverse effects of a structure on the visual amenity of the area. Petone Pure Water Company Limited will retain responsibility for the maintenance of the pipeline under the bed of the Te Mome Stream.

#### 5.3 Regional Policy Statement

The Regional Policy Statement for the Wellington Region (RPS) contains several objectives and policies aimed at maintaining the quality of the freshwater environment. These objectives and policies are intended to provide for the current and reasonably foreseeable needs of current and future generations. The relevant chapters of the RPS are Chapter 5 (Freshwater) and Chapter 9 (Ecosystems). The proposed bore construction and placement of a pipeline under the bed of the Te Mome Stream are consistent with these objectives and policies.

#### 6. Reasons for waiver of notification

I consider that notification under Section 93 of the Act is not required, as the effects of the proposed bore construction and pipeline placement on the environment will be minor.

Section 94(2) of the Act provides that a consent authority is not required to serve notice of the application under subsection (1) if all persons who, in the opinion of the consent authority, may be adversely affected by the works have given their written approval.

Written approval has been obtained from the owners of the properties on which the bore will be constructed and the pipeline laid, Wellington Regional Council and Unilever New Zealand Limited, respectively.

I do not consider there to be any other affected parties.

#### 7. Term of consent

I consider a term of two years to be appropriate for land use consents WGN040319 [23658] and [23659]. Two years will provide sufficient time for the bore to be constructed, and the pipeline to be laid. A term of two years is consistent with that granted for similar activities in the region.

#### 8. Recommendation

That under sections 104B and 108 of the Resource Management Act 1991, Petone Pure Water Company Limited be granted the following non-notified consent.

Land use consent WGN040319 [23658] to construct a bore to take water from the Waiwhetu Artesian Aquifer at or about map reference NZMS 260:R27;691.955, for a term of two years, subject to the following conditions:

WGN040319 PAGE 5 OF 14

- (1) The location, design, implementation and operation of the bore shall be in accordance with the consent application and its associated plans and documents, lodged with the Wellington Regional Council on 30 April 2004, and further information received on 14 May 2004.
- (2) Prior to the bore being constructed, the consent holder shall provide a copy of this consent to the driller who will construct the bore.
- (3) The bore shall be constructed and maintained in accordance with the New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001), including the installation of a backflow prevention device(s).
- (4) Within one month of the completion of the bore, the consent holder shall submit to the Manager, Consents Management, Wellington Regional Council, a copy of the Bore Log Form as completed by the driller who constructed the bore.
- (5) If requested by the Manager, Consents Management, Wellington Regional Council, the permit holder shall make the bore available for the monitoring of water levels and water quality.
- (6) This consent shall lapse two years after the date of commencement, unless the consent is given effect to before that lapsing date.

That under sections 104A and 108 of the Resource Management Act 1991, Petone Pure Water Company Limited be granted the following non-notified consent.

Land use consent WGN040319 [23659] to place, use and maintain a pipeline under the bed of the Te Mome Stream at or about map reference NZMS 260:R27;690.955, for a term of two years, subject to the following conditions:

- (1) The location, design, implementation and operation of the pipeline shall be in accordance with the consent application and its associated plans and documents, lodged with the Wellington Regional Council on 30 April 2004, and further information received on 14 May 2004.
- (2) The Manager, Consents Management, Wellington Regional Council, shall be given a minimum of 48 hours notice prior to the works commencing.
- (3) The consent holder shall pass a copy of this consent, including any relevant site plans and attachments, to any contractor undertaking the works authorised by this consent, prior to the works commencing.
- (4) The consent holder shall take all practicable steps to minimise sedimentation and increased turbidity of the Te Mome Stream during the construction, implementation and maintenance of the pipeline, including completing all works in the minimum time practicable.

PAGE 6 OF 14 WGN040319

- (5) No contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid) shall be released into water from equipment being used for the works. No machinery or equipment shall be cleaned, stored or refuelled in the streambed or floodplain and all machinery shall be well maintained at all times to prevent leakage or spill of oil or other chemicals into the stream.
- (6) The pipeline shall remain the responsibility of the consent holder and shall be maintained so that it does not become a snagging hazard and so that the structural integrity of the pipeline is retained.
- (7) All works affecting the stream, including tidy up on completion of the works shall be completed to the satisfaction of the Manager, Consents Management, Wellington Regional Council.
- (8) This consent shall lapse two years after the date of commencement, unless the consent is given effect to before that lapsing date.

#### 9. Reason for conditions

Adherence to the above conditions for resource consents WGN040319 [23658] & [23659] should ensure that the construction of a bore and placement of a pipeline under the bed of the Te Mome Stream has no more than a minor effect on the Te Mome Stream and the surrounding environs.

Application Lodged:30/04/04Application Officially Received:30/04/04Application Stopped:06/05/04Application Started:31/05/04Decision to be Notified by:23/06/04Decision Notified:09/06/04Time Taken to Process Application:10 working days

WGN040319 PAGE 7 OF 14

## **Appendix One – Transfer of Water Permit**

TO Luci Ryan, Manager, Consents Management

FROM Miranda Robinson, Resource Advisor

DATE 9 June 2004

FILE NUMBER WGN040319 [23706]

#### **Transfer of Water Permit**

#### 1. Background

Petone Pure Water Company Limited (the applicant) wishes to establish a water bottling plant in Lower Hutt. The plant will be a commercial plant, producing bottled water under the brand name "Petone Pure" and other names for different markets. The primary target market is Hutt City and the Wellington region. The applicant also hopes to establish an export market. The applicant has an agreement with the Strategy and Asset Department of Greater Wellington Regional Council (Greater Wellington) that in the event of a natural disaster the entire production of the plant would be diverted to the needs of residents in the greater Wellington area.

The bottling plant is to be located on land owned by Unilever New Zealand Limited, Jackson Street, Petone.

Water is to be sourced from the Waiwhetu Artesian Aquifer.

The Hutt aquifer system is an important water resource, supplying approximately 40 percent of the regional demand for public water supply. Water from the aquifer is also used extensively by local industry.

Currently this aquifer is over-allocated. The Regional Freshwater Plan for the Wellington Region (RFP) gives a maximum safe yield from the aquifer of 90,000 m³ per day. At present a total of 94,735 m³ per day has already been allocated. As such, any further applications for water permits from the Waiwhetu Artesian Aquifer are discouraged, and are classed as *non-complying* activities.

The applicant has therefore reached an agreement with the Strategy and Asset Department, Greater Wellington to transfer part of an existing water permit (WGN980053) held by it into the name of Petone Pure Water Company Limited, and to the location of the new bore. Therefore, there will be no additional allocation of water from the aquifer.

WGN040319 PAGE 9 OF 14

high river flow. Consequently, river flows have the potential to be affected by groundwater abstraction. However, given the low rate of take, there will be no measurable effect on the Hutt River. Again, the water level trigger recommended will reduce the potential effects on flow in the Hutt River.

#### 6.4 Effects on other users

Groundwater abstraction from an artesian aquifer system has the effect of drawing down the artesian water pressure in the well and surrounding aquifer. Given the low rate of take, it is very unlikely the drawdown induced would affect any other users of the aquifer. The closest other use of the aquifer is the Strategy and Asset Department, Greater Wellington, who take groundwater for public water supply. The Strategy and Asset Department has given approval for the proposed transfer.

#### 7. Term of consent

The expiry date will remain the same as on the original consent i.e. 5 March 2007.

#### 8. Recommendation

That pursuant to sections 104B, 108 and 136(5)(b) of the Resource Management Act 1991, 350m³ of groundwater, over any seven day period, be transferred from consent WGN980053, held by Wellington Regional Council, located at Bloomfield Terrace and Mahoe Street, Waterloo, Lower Hutt, to Petone Pure Water Company, under the new permit number WGN040319 [23706], located at Gear Island, Jackson Street, Petone, subject to the following conditions:

- (1) The location, design, implementation and operation of the take shall be in accordance with the consent application and associated plans and documents lodged with the Wellington Regional Council on 30 April 2004, and the transfer of permit applications lodged with the Wellington Regional Council on 20 May 2004 and 24 May 2004.
- (2) The rate of abstraction shall not exceed 350 cubic metres over any seven day period.
- (3) The permit holder shall meter all abstractions and supply records of total daily abstraction to the Manager, Consents Management, Wellington Regional Council, on a monthly basis. The installed meter shall have an accuracy of +/- 5%.
- (4) If the pressure in the Waiwhetu Artesian Aquifer drops to an average, over a 24 hour period, of +2.3 metres above datum, as measured by the McEwan Park (site number 1428009) water level monitoring station, or any other official Wellington Regional Council water level monitoring station in the Petone and Seaview area, the permit holder shall comply with all abstraction restrictions and/or rostering as

PAGE 12 OF 14

directed by the Manager, Consents Management, Wellington Regional Council.

(5) The Wellington Regional Council may review any or all of the conditions of this permit by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, at any time within six months of the first and second anniversaries of the date of commencement of this consent to deal with any adverse effects on the environment that may arise from the exercise of this consent, and which are appropriate to deal with at a later stage.

# Cancellation of 350m<sup>3</sup> of groundwater over any seven day period from resource consent WGN980053

Pursuant to section 136(5)(a) of the Resource Management Act 1991, 350m³ of groundwater, over any seven day period, be cancelled from consent WGN980053, held by Wellington Regional Council, located at Bloomfield Terrace and Mahoe Street, Waterloo, Lower Hutt. Condition 6 of consent WGN980053, shall therefore be amended to:

(6) The rate of abstraction shall not exceed 8,750 cubic metres over any seven day period.

#### 9. Reasons for conditions

The conditions of the new water permit WGN040319 remain essentially unchanged from that of the original permit WGN980053.

Condition 9 of WGN980053, which relates to the review of the conditions of the permit at the time of the Regional Freshwater Plan becoming operative, is no longer considered relevant, and has therefore been omitted.

Condition 11 of WGN980053, which relates to the design and maintenance of the wellhead and its connections, is not considered appropriate for this permit. The requirements of this condition are covered by condition 3 of the applicant's bore permit, and it is not considered appropriate to duplicate these requirements.

Condition 12 of WGN980053 relates to the maintenance of a minimum water level in the Waiwhetu aquifer at the McEwan Park water level monitoring station, or any other official Greater Wellington water level monitoring station in the Petone and Seaview areas, in order to protect the aquifer from the risk of saline intrusion. The minimum water level given in condition 12 is 1.4 metres above datum.

In April 2001, the Wellington Regional Council Resource Investigations Department produced Technical Publication No. RINV-T-01/26. This publication analysed risk management approaches to prevent saltwater intrusion to the Waiwhetu Artesian Aquifer. In short, the report documented a re-assessment of the saltwater intrusion risk for the Waiwhetu Artesian Aquifer based on a review of previous studies, examination of the long-term

WGN040319 PAGE 13 OF 14

groundwater monitoring record, and analysis of system behaviour using the recently updated Hutt Aquifer Model (Phreatos Limited, 2001).

Of critical importance to this transfer are the recommended minimum foreshore levels associated with saltwater intrusion risk aquifer conditions. Based on the analysis of the report, the following tiered foreshore aquifer management levels were recommended (based on a 24-hour mean):

- Warning Level 2.5 amsl<sup>1</sup>
- Critical Level 2.3 amsl (as compared to a level of 1.4 metres as authorised by condition 12 of consent WGN980053)
- Minimum allowable foreshore level 2.0 amsl

These recommended levels differ from that found in resource consent WGN980053 in that they are now at higher levels in relation to mean sea level than that authorised by the consent. Essentially, the report recommends a more conservative approach to the management of the aquifer making the current condition of consent inadequate.

Given this difference, condition 4 of the new water permit WGN040319 gives a level of 2.3 amsl, to ensure that a conservative approach to groundwater management is taken in the Waiwhetu Artesian Aquifer system, and that this approach is consistent with latest information and recommendations available to Greater Wellington.

Other water permits which authorise the taking of water from the Waiwhetu Artesian Aquifer have recently been reviewed to be consistent with this approach.

Adherence to the above conditions for resource consent WGN040319 [23706] will ensure that the transfer of part of water permit WGN980053 from Waterloo to Gear Island has no more than a minor effect on the Waiwhetu Artesian Aquifer and surrounding environs, and other users of the aquifer.

Report prepared by:

MIRANDA ROBINSON

Resource Advisor, Consents Management

Recommendation approved:

Manager, Consents Management

**Application Lodged:** 

24/05/04 Application Officially Received: 24/05/04

Decision to be Notified by:

22/06/04 Decision Notified:

09/06/04

Time Taken to Process Application: 11 working days

PAGE 14 OF 14 . WGN040319

<sup>&</sup>lt;sup>1</sup> Above Mean Sea Level

#### PARTIES:

WELLINGTON REGIONAL COUNCIL (Greater Wellington)
THE PETONE PURE WATER COMPANY LIMITED (the Company)

#### RECITALS:

- A. Greater Wellington has responsibilities under the Wellington Regional Water Board Act 1972 for the supply of water to its constituent territorial authorities and hence to their residents and ratepayers and under the Civil Defence Emergency Management Act 2002 for planning for emergencies and responding to emergencies in the event of their occurrence.
- B. Greater Wellington recognises there is a risk that the reticulated water supply to residents and ratepayers within the Wellington region could be severely disrupted in the event of a natural disaster and that in such event, water would need to be supplied in considerable quantities in bottled form.
- C. Greater Wellington is concerned by the absence of any facility within the Wellington region for the bottling and supply of bottled water.
- D. The Utility Services Division of Greater Wellington has a water permit which permits it to take water from the Waiwhetu Artesian Aquifer under Resource Consent No. WGN970036(01) for a term expiring on 12 August 2033.
- E. The Company wishes to establish a water bottling plant in Lower Hutt and for such purpose to obtain a supply of 50,000 litres per day from the Waiwhetu Artesian Aquifer.
- F. The Company has approached Greater Wellington to obtain such supply and, subject to the conditions hereafter appearing, Greater Wellington has agreed to transfer to the company from its current water permit the 50,000 litres per day sought by the Company.

#### AGREEMENT:

- 1. In consideration of the sum of \$1 paid by the Company to Greater Wellington, Greater Wellington hereby grants to the Company an option to acquire the right to obtain a transfer from Greater Wellington's water permit (Consent No. WGN970036(01) a copy of which is attached) of the right to extract 50,000 litres per day from new bore to be installed at a location (as set out in clause 4 below) for the purpose of extracting such supply in exchange for a reduction of 50,000 litres of water from Greater Wellington's current right to extract water from the Waiwhetu Artesian Aquifer. The right to be transferred shall be subject to the same limitations and conditions as are imposed by Consent No. WGN970036(01) and such further conditions as may be imposed by the Environment Division of Greater Wellington.
- The option shall start on 1 February 2004 and shall be exercised on or before
   September 2004 and such option is not transferable.
- 3. In the event the Company:
  - 3.1. Elects to exercise the option; and
  - 3.2. Is successful in installing the bore referred to in clause 6 below; and
  - 3.3. The quality of the water from the bore is, in the opinion of the Company, suitable for bottled for water

it shall pay to Greater Wellington the sum of \$10,000 plus GST.

4. Upon or before the exercise of the option, the Company shall notify Greater Wellington of the location of its proposed bottling plant within the area of Lower Hutt City and above the Hutt Valley Groundwater System and of the site where it proposes to install or has installed a bore for the purpose of abstracting

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the water pursuant to this agreement and the transfer to it by Greater Wellington of the water right.

- 5. The Company shall ensure that the building in which its bottling plant is installed complies with all relevant national and local authority standards with regard to earthquakes and other natural disasters for that building.
- 6. Prior to exercising its option and commissioning the bottling plant, the Company shall consult with the emergency management staff of Greater Wellington with regard to the provision of bottled water products and the method of distribution of such products in the circumstances outlined in clause 12 below so as to ensure the Company will be able to discharge its obligation to Greater Wellington pursuant to clause 12.
- 7. The parties acknowledge that to exercise its option, the Company will:
  - 7.1. Be required to obtain a consent from the Environment Division of Greater Wellington for the installation of a new bore at a site to be chosen by the Company and notified to Greater Wellington pursuant to clause 4 above for the purpose of extracting not more than 50,000 litres of water per day; and
  - 7.2. Be required to obtain a consent from the Environment Division of Greater Wellington for the transfer from Greater Wellington to the Company of the right to extract 50,000 litres of water from the new bore in exchange for a reduction of 50,000 litres from Greater Wellington's current right to extract water from the Waiwhetu Artesian Aquifer.
  - 7.3. Be satisfied that the quality of the water which can be abstracted from the new bore is suitable for marketing as bottled water; and

- 7.4. Be willing to accept such further conditions as may be imposed by the Environment Division of Greater Wellington to the water right so transferred.
- 8. Upon the exercise of the option by the Company, Greater Wellington shall take all such steps and do such things as may be necessary to effect a transfer of the right to extract 50,000 litres of water from the Waiwhetu Artesian Aquifer.
- 9. All costs in respect of the transfer and the installation of the new bore (including the costs incurred in obtaining a resource consent from the Environment Division of Greater Wellington) shall be payable by the Company.
- 10. The Company agrees not to transfer the water right to any person other than Greater Wellington. Notwithstanding the foregoing, Greater Wellington may, in its sole discretion, consent to a transfer of the water right provided the transferee executes an agreement to perform and abide by all the conditions of this agreement (including the appointment of the General Manager or Chief Executive of Greater Wellington as the attorney of the transferee for the purpose set out in clause 13 below).
- 11. The Company agrees not to seek any right to abstract more water from the new bore than the 50,000 litres to be transferred to it by Greater Wellington provided that this clause shall not prevent the abstraction by the Company of such further volume as may be authorised pursuant to a subsequent transfer to the Company of the whole or part of a water permit current at the date of this agreement.
- 12. The Company agrees to keep and maintain its bottling plant in efficient working order and to provide Greater Wellington or any of the constituent territorial authorities within the Wellington region with access to supplies of bottled water at the prevailing wholesale prices and, in the event of a natural

disaster or other event whereby the supply of reticulated water by Greater Wellington or any of its constituent territorial authorities is substantially disrupted or is contaminated, to supply all bottled water only to outlets or persons within that area to which the supply of reticulated water has been disrupted or contaminated and if Greater Wellington at its sole discretion so requires, to supply to Greater Wellington (or to such of its constituent territorial authorities as Greater Wellington may direct) all bottled water (or such amount as Greater Wellington may require) from the bottling plant at the wholesale price prevailing immediately prior to such disruption or contamination. For the avoidance of doubt, the Company acknowledges this provision records a commercial arrangement with Greater Wellington who shall not be liable to the Company for any loss of markets, business disruption or loss of or damage to goodwill which may result from the Company's inability to supply other customers during the period when Greater Wellington, pursuant to this clause, requires from the Company all of its supply.

- 13. In the event that the Company:
  - 13.1. Is placed in liquidation or receivership; or
  - 13.2. Ceases for a period in excess of six months to produce from its bottling plant bottled water from the water abstracted pursuant to the water permit

the Company will transfer the water permit back to Greater Wellington and, for such purpose, the Company hereby irrevocably nominates, constitutes and appoints the General Manager or Chief Executive Officer of Greater Wellington to be the lawful attorney of the Company to transfer back to Greater Wellington the right to abstract water from the Waiwhetu Aquifer.

14. The Company shall engage the Greater Wellington Water Laboratory to undertake any water testing so long as that laboratory is able to provide services

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at a competitive rate and for such purpose, the Laboratory shall have the right of last refusal to match any prices obtained by the Company from any other reputable laboratory for the services required.

- 15. The Company agrees not to seek any variation to the terms of the water permit issued to it following the transfer by Greater Wellington or to obtain a further water permit for abstraction of water from the Waiwhetu Artesian Aquifer or within the Hutt Valley groundwater system either during the currency of the water permit or on its expiry provided that:
  - 15.1. If the Company first enters into an agreement with Greater Wellington (or its successor) to continue to provide bottled water to Greater Wellington in the circumstances and on the terms set out in clause 12 above, the Company shall be entitled to apply for a new permit on or pending expiry of the permit issued to it following the transfer from Greater Wellington;
  - 15.2. The Company may apply for a variation of the permit with the prior written consent of Greater Wellington (such consent not to be unreasonably or arbitrarily withheld) and so long as the variation does not seek to increase the volume of water to be abstracted so as to prejudice in the opinion of Greater Wellington the supply or future supply by Greater Wellington of bulk water from the Hutt Valley groundwater to its constituent territorial authorities.

SIGNED for and on behalf of

THE PETONE PURE WATER

COMPANY LIMITED

SIGNED for and on behalf of

WELLINGTON REGIONAL

COUNCIL



caring about you O your environment

# Resource Management Act 1991

# Resource Consent

Consent No. WGN 970036(02)

Category: Water Permit

Pursuant to sections 105 and 108, and subject to all the relevant provisions of the Resource Management Act 1991 and any Regulations made thereunder, a consent in respect of a natural resource is hereby granted to:

Name

Address

Term of Consent

Purpose for Which Right is

Granted

Location

Volume/Quantity/Rate

Standard Conditions

Additional Conditions

Utility Services Division, Wellington Regional Council

P O Box 11 646, Wellington

Granted: 12 August 1998

Expires: 12 August 2033

To take water from the Waiwhetu Artesian Aquifer.

From bores located near the Gear Island Pump Station, Petone, at or about map reference NZMS 260:R27;686.959 to R27;688.958.

See attached conditions

1-5 as on reverse of this form

6-21 as attached

For and on behalf of WELLINGTON REGIONAL COUNCIL

Manager, Consents Management

Consents\ConsFrms\970036.AGI:ajw

# Standard Conditions

- This consent is subject to all relevant provisions of the Resource Management Act 1991, its amendments and any regulations made thereunder. It is the obligation of the consent holder to comply with all the statutory requirements relating to the exercise thereof.
- The consent holder may keep all such records as may be reasonably required by the Wellington Regional Council
  and shall, if so requested, supply this information to the Wellington Regional Council.
- 3. This consent is subject to the Wellington Regional Council or its servants, or its agents, being permitted access at all reasonable times for the purpose of carrying out inspections, measurements and the taking of samples.
- 4. The design and maintenance of any works relating to the exercise of the consent must be to a standard adequate to meet the conditions of the consent.
- 5. An annual charge, set in accordance with section 36(2) of the Resource Management Act 1991, shall be paid to the Wellington Regional Council for carrying out its functions in relation to the administration, monitoring and supervision of resource consents, and for carrying out its functions under section 35 (duty to gather information, monitor and keep records) of the Act.

# General Information

[not part of the consent]

- 1. The granting of this consent does not imply compliance with the requirements of any other statute, bylaw or regulation.
- A consent may be exercised only for the purpose stated in that consent. For example, a consent to take water does
  not authorise the discharge of water or contaminant into water.
- A water or discharge consent is not an authority to obtain access to a source of water or a point of discharge.
- 4. In granting a consent to take or use water the Wellington Regional Council does not guarantee or represent that the quality or quantity specified or implied will be available or maintained.
- The consent holder must, when required, supply the Wellington Regional Council with information on the exercise of the consent.
- 6. If there is a serious temporary shortage of water the Wellington Regional Council may issue a direction under section 329 that the taking or use of any water be apportioned, restricted or suspended for a period of up to 14 days and such a direction may be renewed from time to time.
- 7. The consent holder may apply, pursuant to section 127, to the Wellington Regional Council for a change or cancellation of consent conditions, except that the term of the consent cannot be extended by such a change.
- 8. A consent shall be exercised only by the consent holder or their duly authorised agent. A coastal, water or discharge consent may, pursuant to sections 135, 136 and 137 and upon written notice to the Wellington Regional Council, be transferred to a new owner of the land in respect of which the consent is granted but on the same terms and conditions and for the same purpose as set out in the consent.
- 9. The consent holder shall make payment of such annual resource management cost recovery fees as may be notified and confirmed by the Wellington Regional Council from time to time in accordance with section 36 of the Resource Management Act 1991.

# Additional Conditions to Resource Consent WGN 970036(02)

- 6. The design, operation and implementation of the activity shall be in accordance with the application and its associated documents lodged with the Wellington Regional Council on 6 December 1996. Where the content of the application differs to the conditions of this permit, the permit conditions shall prevail.
- 7. The permit holder shall monitor and control the combined take for Waterloo, Gear Island and Buick Street Pump Stations at all times to ensure that the 24 hour mean groundwater level at McEwan Park (site number 1428009) water level monitoring station, or any other official Wellington Regional Council water level monitoring station in the Petone and Seaview areas, does not fall below +1.6m relative to mean sea level (except where allowed by condition 8).
- 8. If the 24 hour mean groundwater level at McEwan Park (site number 1428009) water level monitoring station, or any other official Wellington Regional Council water level monitoring station in the Petone and Seaview areas, is less than +1.6m relative to mean sea level, the permit holder may only abstract water at the discretion of the Manager, Consents Management, Wellington Regional Council. The permit holder shall notify the Manager, Consents Management immediately if the 24 hour mean 1.6m level is reached.
- 9. The permit holder shall ensure that the combined take from the Waterloo, Gear Island and Buick Street Pump Stations is limited to ensure that the 24 hour mean groundwater level at McEwan Park (site number 1428009) water level monitoring station, or any other official Wellington Regional Council water level monitoring station in the Petone and Seaview areas, does not fall below +1.4m relative to mean sea level.
- 10. The permit holder shall perform a pump test within one year of the commissioning of new pumping equipment to increase the distribution pumping capacity at the Waterloo Pump Station. The details of the pump test shall be agreed upon between the Manager, Consents Management, Wellington Regional Council, and the applicant.

The results of the pump test shall be made available by the permit holder to Manager, Consents Management, Wellington Regional Council, as soon as practicable on the completion of the test.

- 11. Subject to conditions 7-9, the combined mean maximum daily abstraction volume for Waterloo, Gear Island and Buick Street Pumping Stations, calculated as a moving daily mean over any continuous 12 month period, shall not exceed 80.5 megalitres until such time as the Manager, Consents Management, Wellington Regional Council, having regard to the results of the pump test and the long term and sustainable management of the Lower Hutt Ground Water resource, may determine and shall notify the permit holder a new mean maximum daily abstraction volume, calculated as above, which shall not exceed 85 megalitres.
- 12. Subject to conditions 7-10 the combined maximum daily abstraction volume for Waterloo, Gear Island and Buick Street pump stations shall not exceed 115 megalitres.
- 13. Subject to conditions 7-11 the maximum daily abstraction volume from the Waterloo, Gear Island and Buick Street Pump Stations shall not exceed the following:

Pump Station

Maximum Daily Abstraction Volume

Waterloo Gear Island 115 megalitres 40 megalitres

Buick Street

12.5 megalitres

- 14. The permit holder shall operate to ensure that the demand for groundwater is largely met by abstracting water at the Waterloo Pump Station. Accordingly, the Gear Island Pump Station shall only be used when operational factors including, but not limited to:
  - Equipment failure
  - Scheduled or unscheduled equipment maintenance or testing requirements
  - Quality of water available from other sources
  - Quantity of water available from other sources
  - Aggregate Public demand

preclude supply, from other sources, of a sufficient volume of water which meets the specification determined by the permit holder, or to restore target reservoir storage levels following an outage.

- 15. The Wellington Regional Council, Consents Management Department may review any or all conditions of this permit by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, at any time within the six months following:
  - the first anniversary of the date of commencement
  - every fifth anniversary of the date of commencement

# Additional Conditions to Resource Consent WGN 970036(02) (cont'd)

completion of analysis of data derived from the pump test required under condition 10 of this permit,
 or within 12 months of completion of that pump test.

Such a review shall be for any of the following purposes:

- to deal with any adverse effect on the environment which may arise from the exercise of the permit, and which it is appropriate to deal with at a later stage.
- to review the adequacy of any monitoring programme requirements and if necessary to amend those requirements.
- to reassess the rates of abstraction authorised by this permit.
- 16. The permit holder shall separately meter all abstraction, and supply records of daily total abstraction to the Manager, Consents Management, Wellington Regional Council, on a monthly basis. The installed meters shall be accurate to +/-2 per cent or better.
- 17. The permit holder shall take all practicable steps to ensure that leaks within its distribution and storage system are identified and repaired.
- 18. At each well, the well head and its connections to the public supply system shall be designed and maintained in general accordance with section 3.4.2.4.3 of the Guidelines for Drinking Water Quality Management for New Zealand (Version 1, 13 November 1995).
- 19. The term of this permit shall be limited to a period of 35 years.
- 20. Within nine months of the date of commencement of this permit the permit holder and the Manager, Consents Management, Wellington Regional Council, shall agree on the details of:
  - a long-term Waiwhetu Artesian Aquifer water chemistry monitoring programme. In particular, agreement shall be reached on the specific parameters that will be taken to indicate that saline intrusion may be occurring; and
    - annual reporting by the permit holder on any water conservation or demand management strategies undertaken.

The programme and reporting requirement may be reviewed and amended as required at the request of either the Manager, Consents Management, Wellington Regional Council, or the permit holder. Any amendments shall be agreed upon by the permit holder and the Manager, Consents Management.

21. Should, in the opinion of the Manager, Consents Management, Wellington Regional Council, changes in the specific parameters monitored in accordance with the agreed monitoring programme required by condition 20 indicate that saline intrusion may be occurring, the permit holder shall reduce the rate of abstraction, as directed by the Manager, Consents Management, Wellington Regional Council.

### ASSESSMENT OF EFFECTS

Application by Petone Pure Water Company Limited for Resource Consent to extracting and use Water from the Waiwhetu Aquifer under a Water Right Issued by the Wellington Regional Council

### **Explanation**

A. Approval is sought for a water permit for a minimum period of 20 years to extract and use water from the Waiwhetu Acquifer from a bore situated on Gear Island, Jackson Street, Petone, at ore about map reference NZMS260:R27;691.55.

Resource consent for a period of three years expiring 9 March 2007 has been granted under permit number WGN040319[23706].

Initially, Petone Pure Water Company Limited was offered a water right until 2033 to extract 50,000 litres per day from the Waiwhetu Aquifer, however this has been diminished due to a transfer of a water right other than that initially envisaged. The water right initially offered by the Wellington Regional Council was in recognition of the fact that there is now no serious bottling facility in the Wellington region which is of concern in the event of a natural disaster when water supplies will be dislocated in many areas for quite some time, perhaps weeks or even months. The nearest water bottling plants are in Putaruru, Whakatane and Rotorua to the north, and in Kaiapoi to the south.

This is a very large and significant gap in the water bottling capacity of New Zealand and is a matter of Civil Defence concern for Wellington. The plant is a commercial plant and will be producing water under the brand "Petone Pure" and other names for different markets. The primary target market is Hutt City and the Wellington region, but a volume will be available for export, if such a market can be established. The proposal is therefore a commercial water bottling proposal extracting pure artesian water and then treating it to a high standard which is expected to be organically certified. The water right contains a force majeure provision so that in the event of a natural disaster, such as an earthquake, the entire production of the plant will be diverted to the

needs of residents in greater Wellington. The Regional Council considers this plant to be a "strategic imperative" and has offered full support.

### **Effects**

B. The effects of the extraction are minimal to non-existent. The level of extraction sought and given to the company is at a rate of 350m2 over any seven day period. Although closer to the harbour, the level of water required is unlikely to increase any risk of saline intrusion, and it has been determined that the water pressure through the acquifer is sufficient to ensure that subsidence around the extraction bore should not occur. In addition, the Regional Council offered this site as the most proximate to the water bottling plant.

### **Adverse Effects**

- C. It is not considered that any adverse effects arise in respect of the proposal, particularly given the conditions of the original consent, with which the Petone Pure Water Company Limited will comply.
- D. There are no contaminants or discharges from or relating to this extraction. Any damage to the pipe used to extract and transfer the water would be recognised by a fall in pressure and this in turn would result in the bore being turned off, so that the Aquifer water was not wasted. At present huge volumes of Aquifer water are discharged into the harbour around Somes Island and elsewhere, and the volume of this water right is very small indeed. The Waiwhetu Aquifer provides approximately 40% of the region's water needs which is about 60 million litres per day. Against that water right of Petone Pure Water Company Limited at 50,000 litres per day it is very small.

### Mitigation

E. Mitigation measures proposed will be the safeguarding of the bore and the pipe by an alert system should any damage be caused to the pipe to cause outflow of water. In addition, the levels of extraction from the Aquifer

through the bore will be monitored with records of the total daily abstraction being supplied to the Consents Management division of the Wellington Regional Council on a monthly basis.

### **Affected Parties**

F. It is not considered that any persons/parties other than the Regional Council and Unilever (who have leased the Water Company bottling plant site) are affected. Both these parties have shown their full support for the proposal by the Regional Council granting the water right in the first place and by Unilever granting a lease of the Water Company building, marked on the aerial photograph and permitting the laying of the water pipe to cross the Unilever yard. The application is not contrary to the interests of any persons but in fact is in the interests of Hutt City and greater Wellington because of the Civil Defence benefits of having a water bottling facility available in the Wellington The water company will create four new jobs and it is in the region. economic interests of Hutt City. There are expected to be downstream jobs in marketing, and distribution in addition to those jobs which are created at the Petone site. It is considered that there are overwhelming public interest and public good benefits in the proposal proceeding.

### Management

- G. The Petone Pure Water Company has secured the services of Alan Findlay who started H<sub>2</sub>Go as a brand in Wanganui. When the Wanganui Plant was mothballed and the operation moved to Kaiapoi (where H<sub>2</sub>Go is now produced) Alan Findlay was able to purchase the plant and bring it to Wellington. Alan Findlay is a hugely experienced water plant operator and constructor, and has the plant under construction on the Unilever Site. Alan Findlay is well capable of monitoring all aspects of the operation and providing training as necessary to all persons involved.
- H. There is no effect on any eco-systems or disturbance of habitats in the vicinity.

- I. There are no aesthetic, recreational scientific, historic, spiritual or cultural aspects that are of concern.
- J. There are no discharges of contaminants or hazardous substances. In the unlikely event of any spillage, there would only be a discharge of water that is very pure. The only ingredient of this water needing treatment is an iron content which is treated out by ozonation in the Water Company plant.
- K. Overall it is considered that the application is strongly in the interests of all residents of Hutt Valley and wider Wellington and any effects of the proposal are absolutely *de minimis* and therefore of no concern.



E Albuquerque Environmental Policy and Approvals



19 April 2004

Petone Pure Water Company Limited C/- Wilson & Co PO Box 208 WELLINGTON

Dear Sir

RESOURCE CONSENT APPLICATION - PETONE PURE WATER COMPANY LIMITED TO SINK A WATER BORE AND CONSTRUCT A PIPELINE TO THE BOTTLING FACTORY ON LAND CLASSIFIED AS GENERAL RECREATION AND GENERAL BUSINESS ACTIVITY AREAS (DP 3821 AND LOT 1 DP 13037 AND MAP REFERENCE NZMS 260:R27; 686.959 TO R27; 688.958. RULE 14I. 2.2. AND 7A 2.3)

### 1. DECISION

The applicant has applied for a resource consent to sink a water bore and construct a pipeline to the bottling factory on land shown on Appendix F of the application. The applicant states that extraction equipment for the operation of the bore will be housed in a small shed of approximately 1.5m square and 1.5m high.

While not clear from the application it is presumed that the water bore will require resource consent as it may not comply with the requirements of Rule 14I 2.1 and conditions 14I 2.1.1 of the District Plan. This being the case the proposal is a Restricted Discretionary Activity in terms of Rule 14I 2.2 and the standard and terms specified in 14I 2.2.1 of the District Plan need to be taken into account.

The extraction equipment for the operation of the bore may be considered a Discretionary Activity in terms of Rule 7A 2.3 of the District Plan. However, it should be pointed out that if the water bore and the above ground structure is

considered to be a utility then in terms of Rule 13.2.1 (d) it is a Permitted Activity. However, to avoid any doubt on this matter the above ground structure is considered to be a Discretionary Activity.

The applicant advises that "the pipe will be buried approximately 0.5m below the ground from the bore site and will be covered under the "Dead Arm". This will ensure that the pipe does not cause a snagging danger within the "Dead Arm" area of water, will not be visible to the public, and will lessen any potential environmental effects (which are considered to be minimal to non existent)."

As part of the site where the pipe will be constructed is classified as General Recreation Activity Area Rule 7A 2.3 (b) may apply. However, the pipe may be classified as a utility and therefore in terms of Rule 13.2.1 (b) is a Permitted Activity. However, as there is some doubt on this matter the pipe is considered as a Discretionary Activity.

Acting under delegated authority from the Hutt City Council, I advise that the following decisions have been made:

- Council considered the application without it being notified.
- Council granted the application on the 19 April 2004 subject to the following conditions:
  - (i) The proposal to be substantially in accordance with the application and plans submitted.
  - (ii) At the completion of the work the ground shall be reinstated as far as reasonably practicable to the condition of the immediately surrounding ground.
  - (iii) The shed to house the operation of the bore shall be painted and maintained to the satisfaction of the General Manager Customer Services.

### 2. NOTIFICATION

Has the applicant requested notification?

The applicant has not requested notification.

Are the adverse effects of the activity on the environment minor or more than minor?

The water bore has already received WRC consent and this was granted on a non-notified basis as the effects were considered to be minor.

It is considered that the amenity values of the area will not be adversely affected by the water bore and the small above ground structure. Likewise the underground pipeline will not compromise amenity values.

The site is relatively flat and no existing natural features will be adversely affected. A check of the District Plan showed that there are no know historical or cultural features on the site.

Taking all matters into account, it is considered that the water bore and the under ground pipe after taking permitted baseline effects will have adverse effects on the environment which are no more than minor and any effects on any person are de minimis.

### Who may be adversely affected by the activity?

The WRC who owns the land supports the application and it is considered that no other party is adversely affected.

### Do special circumstances exist?

There are no special circumstances that require the application to be publicly notified under Section 94(c) of the Act.

### 3. CONCLUSION

Taking all matters into account it is considered that adverse effects on the environment are no more than minor and adverse effects on any other person are de minimis.

Reconsideration of this decision and/or conditions of the resource consent may be sought under Section 357(3) of the Act. Applications for reconsideration should be made to Council in writing within 15 working days of the date of this decision was made. Applications must set out the reasons for the objection and include a review fee of \$112.50.

### Notes:

- Plans submitted with the application have only been checked for compliance with the RMA 1991.
- Any building work associated with the proposed activity should not commence until a building consent has been obtained under the Building Act 1991.
- The resource consent is valid for 5 years from the date it was granted.
- The resource consent is specific to the application received by Council. Any changes to the proposal may require a new resource consent and additional fee.

- The applicant is reminded that this resource consent is not a licence to create adverse effects. You still have a duty under the Act to avoid, remedy or mitigate adverse effects. Notwithstanding any resource consent held, Section 17 of the Act continues to apply and enforcement action will be taken where necessary.
- Council may issue an abatement notice if the conditions of this resource consent are not complied with. Contravention of an abatement notice may incur fines up to \$200,000.

Yours sincerely

E Albuquerqué

Divisional Manager Environmental Policy & Approvals

Application Received:

13.4.2004

Application Issued:

19.4.2004

Days in Processing

application:

4 working days.



File No: B/13/01/03 8 April 2004

Mr Robert Hayles
Team Leader, Resource Consents
Environmental Policy and Approvals
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Lower Hutt

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Greater Wellington is the promotional name of the Wellington Regional Council

Dear Mr Hayles

# Petone Pure Water Company Limited – Application for Resource Consent under Section 88 of the Resource Management Act 1991

I am writing in support of the Application for Resource Consent by Petone Pure Water Company Limited (Petone Pure) to sink a bore to extract water from the Waiwhetu Aquifer.

The Greater Wellington Regional Council is keen to foster the development of the water bottling plant as this is seen as a strategic advantage particularly in terms of the provision of a supplementary supply to the greater Wellington Region during civil defence emergencies.

At present, I am not aware of any significant other facility within the Wellington Region for the exclusive supply and bottling of water supplies, should access to the region be affected, a fact which played a large part in the granting of the Water Right Option to Petone Pure.

The Water Right Agreement with the Petone Pure contains force majeure conditions that if there is a disruption to Wellington, the Petone Pure will divert all supplies solely to the Wellington Region.

The proposed bore site is on land owned by the Greater Wellington Regional Council, and I consider that the bore will be of no impact or significance as the structure required is very modest. I consider that any minimal visual impact of the structure housing the bore equipment will be more than outweighed by the social benefits of establishing a water bottling plant in Wellington.

The Water Right being granted by the Greater Wellington Regional Council is for a total of 50,000 litres per day, which in terms of the overall volume of the aquifer is very minimal and highly unlikely to present any environmental impact.

In addition to the local government regulatory safeguards ensuring the proper and efficient operation of the plant, the Greater Wellington Regional Council will be working with Petone Pure to monitor the safety of the water, and the operation of the plant and product.

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I consider that it would be in the interests of the Greater Wellington Region to have the bore to supply this water bottling facility.

Yours sincerely

M D Kennedy

Strategy and Asset Manager

WGN\_DOCS-#202347-V1



## COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952

# of Land

### Search Copy

Identifier

WN26D/58

Land Registration District Wellington

**Date Issued** 

04 December 1984

**Prior References** WNB4/1174

Estate

Fee Simple

Area

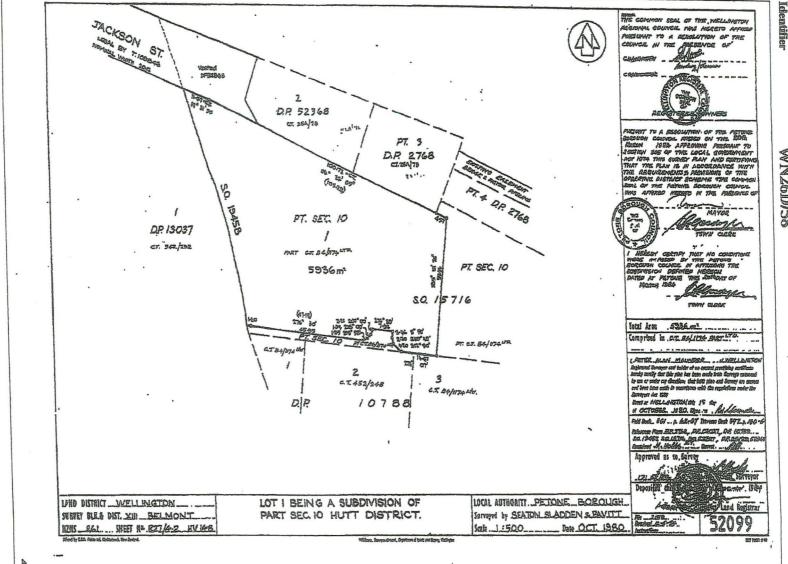
5936 square metres more or less

Legal Description Lot 1 Deposited Plan 52099

**Proprietors** 

The Wellington Regional Council

Interests





### COMPUTER FREEHOLD REGISTER **UNDER LAND TRANSFER ACT 1952**



### Search Copy

Identifier

WN542/292

Land Registration District Wellington

Date Issued

15 December 1948

Prior References

WN269/154

WN283/32

Estate

Fee Simple

Area

5.5644 hectares more or less

Legal Description Deposited Plan 3821 and Lot 1 Deposited

Plan 13037

**Proprietors** 

Unilever New Zealand Limited

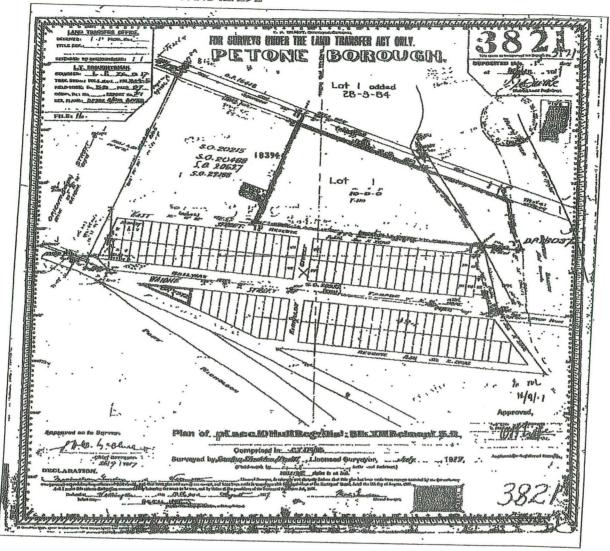
Appurtenant hereto are tramway rights created by Transfer 109845 (affects Lot 1 DP 13037)

Appurtenant hereto are drainage rights created by Transfer 136876 (affects land in DP 3821)

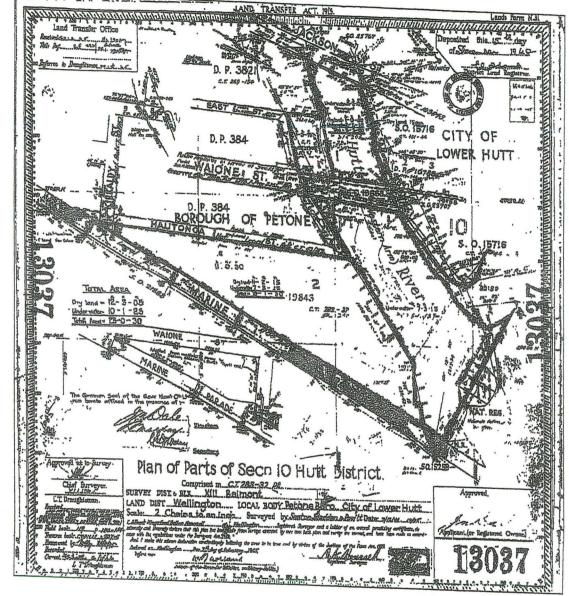
Subject to drainage rights over part created by Transfer 136876 (affects land in DP 3821)

286068 Encumbrance to Her Majesty the Queen - 15.12.1948 at 12.05 pm (affects Lot 1 DP 13037)

Subject to rights (in gross) to maintain a gas regulator over part marked A on Plan 56277 in favour of (now) Powerco Limited created by Transfer 717211.2 - 24.9.1985 at 10.19 am



Identifier



MAYOR

TOWN CLERK

lotzi Area .5336 m² Comprised in .C.T. BA/1174 MET LIFD.

THE COMMON SEAL OF THE WELLINGTON

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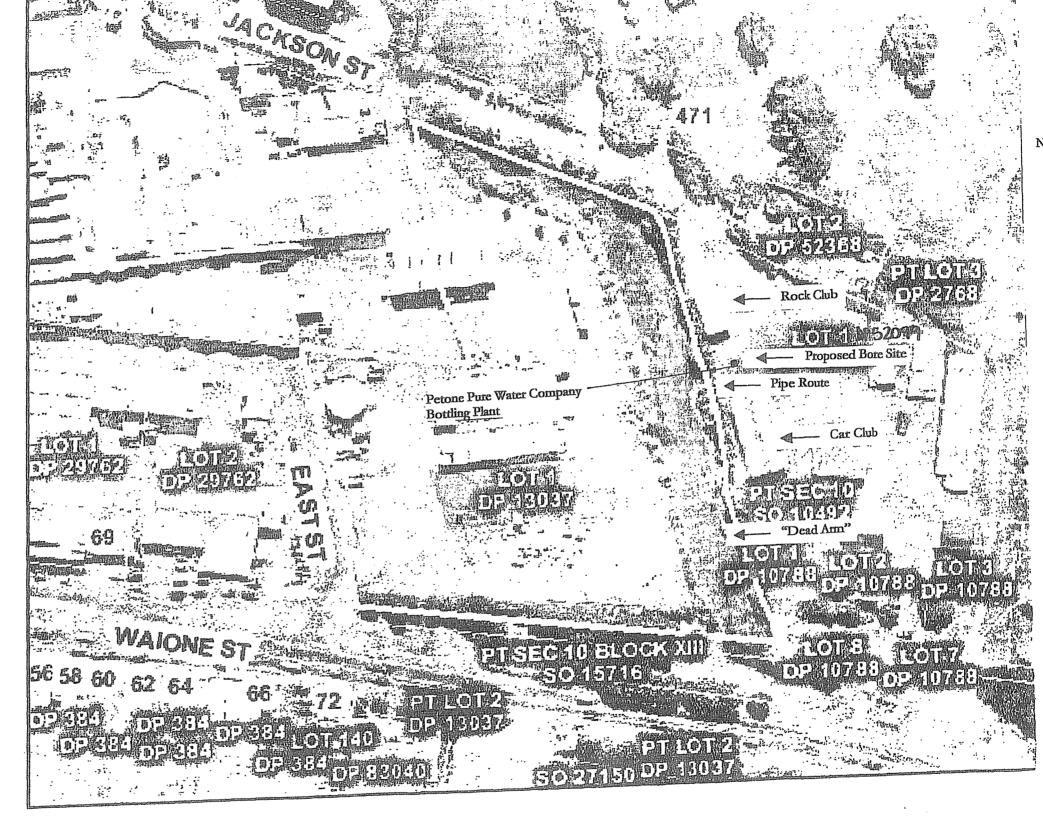
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Secrch Copy Dated 10/03/04 2:56 pm, Page 2 of 2 Register Only



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