

14 December 2023

File Ref: OIAPR-1274023063-24447



Tēnā koe 

### **Request for information 2023-289**

I refer to your request for information dated 23 November 2023, which was received by Greater Wellington Regional Council (Greater Wellington) on 23 November 2023.

You have requested the following:

*“Crown Law has identified particular resource consents concerning activities that occur within or otherwise impact on East Coast Wairarapa – attached as Appendix A. We request from the Greater Wellington Regional Council copies of all information relating to those resource requests. This request is made under the Local Government Official Information and Meetings Act 1987.”*

### **Greater Wellington’s response follows:**

On Monday 4 December 2023 you agreed to clarify your request of “all the information relating to those consents” to “all information relating to those resource consents, once they were granted.” As the clarification of your request was done within the statutory seven working day timeframe provided for under the Local Government Official Information and Meetings Act 1987, Greater Wellington restarted the 20-working day timeframe to respond.

Please refer to the table below for the file references relating to the consent IDs that you have listed. The consent IDs can be grouped under a file number, in this case prefixed with WAR. This table shows the consent and consent activity relation.

Consent	Description	Consent IDs	Activity
WAR200297		36834	To construct and maintain a bore (BP36/0010) for domestic purposes
WAR040089	Coastal protection works at Castlepoint	23726	To occupy Crown Land within the coastal marine area (CMA)
		23728	To disturb the foreshore.
		23729	To deposit in the foreshore.
		23730	To reclaim the foreshore.
WAR080332	Install a tsunami monitoring system on a rock ledge on the Castlepoint headland.	26731	To install water pressure sensors in the coastal marine area (CMA)
		26732	To disturb the coastal marine area (CMA) for installation of water pressure sensors
		26730	To install a tsunami monitoring system on a rock ledge on the Castlepoint coastal headland.
WAR180449		35573	To construct and maintain a bore (BP36/0006) for domestic purposes
WAR180144		35155	To construct and maintain a bore (BP36/0004) for domestic purposes
WAR100243	Works in the bed of an unnamed watercourse at Castlepoint including diverting the watercourse around a recently constructed retaining wall.	30433	To divert an un-named watercourse
		30434	To undertake associated works in the bed of an un-named watercourse including constructing a retaining wall.

Based on your clarification we have provided the officers reports or consent certificates for the file numbers and consent IDs listed above. Formatting differs depending on the time of issue. The following documents have been included in response to your request:

- **Attachment 1** – WAR040089 Decision.pdf
- **Attachment 2** – WAR080332 Officers Report.pdf

- **Attachment 3** – WAR100243 Officers Report.pdf
- **Attachment 4** – WAR180144 Consent Certificate.pdf
- **Attachment 5** – WAR180144 Officers Report.pdf
- **Attachment 6** – WAR180449 Consent Certificate.pdf
- **Attachment 7** – WAR180449 Officers Report.pdf
- **Attachment 8** – WAR200297 - Officers report - bore.pdf

If you have any concerns with the decision(s) referred to in this letter, you have the right to request an investigation and review by the Ombudsman under section 27(3) of the Local Government Official Information and Meetings Act 1987.

Please note that it is our policy to proactively release our responses to official information requests where possible. Our response to your request will be published shortly on Greater Wellington's website with your personal information removed.

Nāku iti noa, nā



**Lian Butcher**

Kaiwhakahaere Matua Rōpū Taiao | Group Manager, Environment

**Decision of the  
Wellington Regional Council Hearings Committee  
on  
Resource Consent Application WAR 040089**

7 April 2005

**Hearings Committee**  
Commissioner Chris Turver (Chairperson)  
Commissioner Te Akapikirangi Arthur  
Commissioner Dr Mike Hilton (Minister of Conservation Representative)

Hearing Held: 14/15 March 2005

**Application for Resource Consent  
Masterton District Council – WAR 040089  
in relation to coastal protection works at  
Castlepoint**

**Applications WAR040089 [23726] [23727] [23728] and [23729]:  
granted in part**

**Application WAR040089 [23730]:  
recommendation to grant in part**

## 1. Preamble

The construction of coastal protection works at Castlepoint requires resource consent from Greater Wellington (trading name for the Wellington Regional Council) and restricted coastal activity consent from the Minister of Conservation. Accordingly, Greater Wellington (GW) appointed a Hearing Committee comprising Councillor Chris Turver, Commissioner Te Akapikirangi Arthur and Minister of Conservation representative Dr Mike Hilton to hear, determine and make recommendations on the applications as appropriate.

In compiling this decision and recommendation, the Hearing Committee have read and considered the application and assessment of effects on the environment, all of the submissions, the reports of the GW officer, all the evidence presented at the hearing by the applicant and submitters, the relevant provisions of the New Zealand Coastal Policy Statement, Wellington Regional Policy Statement, Regional Coastal Plan for the Wellington Region and the relevant provisions of the Resource Management Act 1991. The Committee have also conducted a site visit of the area.

The Committee wish to acknowledge the contributions and help received from council staff, the applicant and submitters during the hearing.

## 2. The Proposal

The proposal is fully described in Masterton District Council's Assessment of Environmental Effects and to avoid repetition is not detailed in full here. Instead a brief summary of the works proposed and the necessary consents are outlined.

The beach, banks and dunes at Castlepoint have experienced erosion in recent years. In reaction to this erosion, a series of ad hoc protection measures have been installed to stem further erosion along jetty road. These measures have met with little success and as a consequence Masterton District Council has determined that a rock rip rap seawall is the best practicable option to stem further erosion and reinstate the eroded bank.

The following consents have been applied for and incorporate works at both Stage One and Two which are outlined below.

**WAR 040089 [23726]:** Occupy the coastal marine area (CMA) with structures.

**WAR 040089 [23727]:** Install structures in the CMA, including a rock protection seawall, and a low-level training wall at the mouth of Castlepoint Stream.

**WAR 040089 [23728]:** Disturb the CMA associated with the physical works.

**WAR 040089 [23729]:** Deposit imported rock, miscellaneous construction materials, and excavated beach material in the CMA.

**WAR 040089 [23730]:** Reclaim foreshore that has been subject to coastal erosion.

*Stage One* works are proposed from a point located immediately to the north of the Castlepoint Stream culvert abutment (at or about NZMS260: U26: 2781310 – 6029260) through to a point southwards terminating at the northern bank of a small stream outlet 35 metres south of the Jetty Road/Guthrie Crescent intersection (at or about U26: 2781666 – 6028901).

*Stage Two* works are proposed from a point corresponding with the southern bank of a small stream outlet 35 metres south of the Jetty Road/Guthrie Crescent intersection (at or about U26: 2781673 - 6028895) through to a point southwards adjacent to the sand dunes immediately to the south of the developed urban area on the beach frontage (at or about U26: 2781802 - 6028839).

### **3. Resource Consent Process**

The application was publicly notified on Saturday 12 June 2004. An advertisement was placed in the Wairarapa Times Age. The following parties were also individually notified:

- Adjacent property owners;
- Masterton District Council (Property Section);
- Department of Conservation;
- Department of Conservation (Property Section);
- Ministry for the Environment;
- Wellington Conservation Board;
- Te Puni Kokiri;
- Rangitaane O Wairarapa;
- Ngati Kahungunu ki Wairarapa.

The period for lodging submissions closed on Friday 9 July 2004 at which time 8 submissions were received. Two late submissions have been accepted by the applicant and consequently taken in account by the Hearing Committee.

Further information requested and provided on 18 November 2004 was distributed to all parties to these proceedings and this has been considered by the Committee. The s42A officer's report, including recommendations to the Hearings Committee, was circulated to all parties on 4 March 2005 prior to the commencement of the hearing on 14 March 2005. The hearing was adjourned on 15 March and further information submitted to the Committee on 17 March 2005.

This information was provided to all parties and the applicant provided the opportunity for the right of reply. The applicant responded to the further information on 18 March 2005 at which point the hearing was declared closed.

### **4. Statutory Requirements**

The activity incorporates controlled, discretionary and restricted coastal activities under Rules 1, 16, 25, 40 and 48 of the Regional Coastal Plan. Therefore resource consents are required under Sections 12(1)(a),(b),(c),(d) and 12(2)(a) of the Resource Management Act 1991. The Officer's Report details specifically

the statutory criteria for the application, which we have taken into account in making our decision:

- The Resource Management Act 1991;
- The New Zealand Coastal Policy Statement
- The Wellington Regional Policy Statement;
- The Regional Coastal Plan

We have also considered the Wairarapa Coastal Strategy, a non-statutory document, in accordance with s104(1)(c) of the Resource Management Act.

## 5. Matters to be Considered

RMA Section	Concerning	Determination
5	Purpose	Considered consistent with purpose of Act.
6 (a)	Preservation of Natural Character	The coast is modified, however, it retains significant natural character, particularly along the southern section of coastline and in the vicinity of Castlepoint.
6 (b)	Protection of Outstanding Natural Features	Castlepoint is an outstanding natural feature. Stage One will not adversely affect the Castlepoint landscape. No evidence was presented in relation to the potential impacts of Stage Two on the Castlepoint landscape.
6 (c)	Protection of Significant Indigenous Vegetation and Fauna	Stage One does not contain significant indigenous vegetation or fauna. Other coastal protection options, south of Jetty Road, afford opportunities to restore indigenous vegetation and fauna.
6 (d)	Maintenance and Enhancement of Access	The provision of 5 access points to the beach will assist public access.
6 (e)	Relationship with Maori	Local iwi have indicated support for the proposal.
7 (a)	Kaitiakitanga	Local iwi have indicated support for the proposal.
7 (b)	Efficient Use of Resources	The proposed works are not inconsistent with the efficient use of coastal resources.
7 (c)	Maintenance and Enhancement of Amenity Values	The seawall at Stage One will allow for the creation of amenity areas and walkways.
7 (d)	Intrinsic Values of Ecosystems	Adverse effects on intrinsic values of ecosystems are not considered significant in the vicinity of Stage I of the proposal.
7 (e)	Heritage Values	Not relevant to this decision.
7 (f)	Maintenance and Enhancement of the Quality of the Environment	The proposed works will not degrade the quality of the environment.

7 (g)	Finite Characteristics of Resources	The Stage One seawall may have an adverse impact on the adjacent beach over the long term. These impacts may be satisfactorily mitigated with the implementation of a broad-based coastal management plan.
7 (h)	Trout and Salmon	Not relevant to this decision.
8	Treaty of Waitangi	Not inconsistent with the Treaty
104 (1)(a)	Actual or Potential Effects on the Environment	Considered to be no more than minor in the vicinity of Stage One works, provided conditions are complied with.
104 (1)(b)(i)	A National Policy Statement	There are no relevant national policy statements.
104 (1)(b)(ii)	New Zealand Coastal Policy Statement	The application is consistent with the New Zealand Coastal Policy Statement, in so much as it has been established by the applicant that Stage One seawall is the best practicable option for the term of the consent.
104 (1)(b)(iii)	Regional Policy Statement	The application is consistent with the Regional Policy Statement.
104 (1)(b)(iv)	Plan or Proposed Plan	The application is not inconsistent with the Regional Coastal Plan.
104 (1)(c)	Any other matter	The Wairarapa Coastal Strategy is a non-statutory document that is relevant to this decision and the works are not inconsistent with the policy.
104 (2)	Effects that the plan permits	The coastal plan does not permit the scale of effects that are considered in this decision.
104 (3)(a)	Trade competition	Not relevant to this decision.
104 (3)(b)	Effects on persons that have given their approval	Not relevant to this decision.
104 (3)(c)	Contrary to ss107, 127, order in Council or other regulations	Not relevant to this decision.
104 (3)(d)	Grant of non-notified applications	Application notified – not relevant.
104 (4)	Effects on persons who have withdrawn their written approval	Not relevant to this decision.

## 6. Evidence Presented at the Hearing

### 6.1 Masterton District Council

The applicant's case was led by Mr Philip Milne and a team of experts presented their case. A copy of this evidence is held on the files at Greater Wellington offices and is available for inspection.

### 6.2 Officers Report

Grant Kneebone tabled his s42A report that had been pre-circulated to all parties along with a supplementary memo. The memo highlighted salient points from the report.

### 6.3 Submitters

**Emily and Anders Crofoot** appeared in support of their original submission and presented an oral submission to the Committee.

**Department of Conservation's** case was led by Mr Kevin Smith and a team of experts presented their case. A copy of this evidence is held on the files at Greater Wellington offices and is available for inspection.

**Castlepoint Residents and Ratepayers Association** was represented by Mr John Keen. Mr Keen presented a further written submission.

**Mr John Wiffin** presented a further written submission in support of his original submission.

**Mr Wayne James** presented a further written submission in support of his original submission.

A further written submission from **Neville and Jan Zanders** was tabled and taken as read as the Zanders were unable to appear in person.

All parties responded to questions raised by the Committee and aided in the Committee's determination of the applications.

### 6.4 Officers reply

Mr Kneebone clarified issues that had been raised by both the submitters and the applicant.

### 6.5 Applicants reply

Phillip Milne closed the applicant's case by addressing a number of matters that had been raised by submitters through the course of the hearing.

## 7. Reasons for the Decision

### 7.1 Stage One

Stage one of the proposed seawall extends from just north of Castlepoint Stream through to a small stream outlet 35m south of the Jetty Road/Guthrie Crescent intersection. This section of coast line is bounded by Jetty Road and has been subject to erosion for a number of years. Rock and other materials have been deposited along the foreshore, in a haphazard manner, to the detriment of amenity values. Ad hoc coastal protection works have been installed in the past with limited success. Masterton District Council have applied for the appropriate resource consents to install a consolidated rip rap seawall to ensure the integrity of the town's infrastructure.

The evidence presented to the Committee demonstrated that the construction of the seawall and ongoing occupation of the coastal marine area would not have ecological impacts on the coastal environment.

The submissions received are generally in support of the construction of Stage One, although some contain conditional support for the proposal. Further, the

officer's s42A report recommends that these applications are approved. During the course of the hearing, the Committee did not hear any strong opposition to the applications in terms of Stage One. Nonetheless there were discussions regarding the appropriateness of the conditions and these are discussed in section 8 below.

The Committee, when taking into account all aspects of this proposal, consider that the installation of a rock riprap seawall in this location is an appropriate use and development of the coastal marine area. Further, they consider that the level of information that has been presented indicates that it is necessary to protect Castlepoint's infrastructure and in particular access to and from the beach.

## 7.2 Stage Two

The portion of seawall that comprises Stage Two extends from the small stream outlet 35m south of the Jetty Road/Guthrie Crescent intersection south to the extent of the developed coastline. This section of coastline contains a paper road which is bounded by private properties.

Stage One did not receive the same level of opposition from the submitters as Stage Two. There was significant opposition to the installation of a 'hard' coastal protection structure along this section of coast from the Department of Conservation. The Department submitted that the threat to property and dwellings along this stretch of coast was not immediate, and that dune restoration should be trialled and implemented.

A number of residents, including the Castlepoint Residents and Ratepayers' Association were opposed to a two-stage approach and wanted the entire length (Stage One and Two) constructed at one time. There was also debate regarding a public walkway along the length of Stage Two seawall. Local residents representatives indicated that the affected property owners were likely to accommodate a public accessway behind the proposed Stage 2 seawall, even if it impinged on private property.

Both the applicant and the Department of Conservation presented evidence from their respective coastal experts.

Mr Ian Goss of OCEL presented on behalf of the applicant. He advised us through his evidence and subsequent questioning that:

- Stage Two is subject to the same erosion process and observed retreat as Stage One.
- Retreat of the dune toe is clearly evident in recent times (15m in 60 years).
- There is a degree of fluctuation of shoreline positions, with significant retreat of the dune crest, particularly towards the southern end evident between 1963 and 1983.
- In recent years, the dunes to the south of Guthrie Crescent have experienced more severe erosion than residents can recall.

- The proposed seawall will allow for dune restoration and build up of sand and plantings on the rock wall itself.
- The erosion is unlikely to get too much worse, in part, due to the natural protection of the papa step that underpins the foredune.

Mr James Dahm of Eco Nomos advised us through his evidence and subsequent questioning that:

- Periods of erosion and recovery are a natural process common to all open-coast beaches like Castlepoint.
- Permanent erosion is rare.
- Erosion at the south end of Castlepoint beach is temporary as evidenced by the notch in the papa layer.
- It can take many years for a beach/dune system to recover from a period of erosion.
- On east coast, North Island beaches, erosion and recovery can be influenced by climate cycles that lead to prolonged periods when either erosion or accretion dominates.
- Beach profiles surveyed since 1994 show that erosion is relatively minor.
- Present dune erosion may continue slightly further landward and affect the seaward edge of some properties but poses no threat to existing dwellings.

It is therefore apparent that both experts have concluded that erosion at the south end or Stage Two section of the coast is unlikely to pose an immediate threat to the dwellings.

However, the applicant has taken a pragmatic approach. They have determined that the paper road is an important infrastructure asset and should be protected from further coastal erosion and, therefore, a seawall is necessary. They consider that there is not enough public land available to undertake soft options and in order to prevent erosion of private properties a seawall should be constructed now on the available public land.

The Department has taken a converse view. They consider that as the erosion is temporary and not accelerated, soft options should be employed. The Department does not consider that all alternatives have been exhausted, that a precautionary approach should be adopted and that a seawall at this time and in this location is not an appropriate use or development in the coastal marine area.

However, in proposing dune restoration, Mr Dahm noted that no design work had been commissioned by the Department for dune restoration.

The Committee have considered all these aspects as well as taking guidance from the relevant statutory documents. The applicant has failed to provide sufficient evidence to convince us that a seawall is necessary at this location and time.

Instead, the information presented suggests that the erosion is temporary and there is the potential to reinstate dunes and avoid any threat of erosion to dwellings. While the applicant has demonstrated a real 'need' for the seawall along Jetty Road, the same 'need' has not been demonstrated for Stage Two. Consequently, in keeping with the New Zealand Coastal Policy Statement, we consider that it is pertinent to take a precautionary approach and decline consent for Stage Two works.

The Committee was disappointed with the level of consultation between the parties involved (MDC, DoC and residents) regarding the potential options available for addressing the erosion experienced in the Stage Two area. In particular, the Committee was concerned that DoC had failed to take a lead in promoting dune restoration in an adjacent reserve area they have stewardship over. It was extremely disturbing to see the lack of collaboration between the Department of Conservation, local residents, tangata whenua, and other agencies, towards resolving issues of coastal erosion and coastal access, prior to the Hearing.

In light of the decision, the Committee would like to see a collaborative approach by all parties involved to establish a positive pathway forward. The relevant agencies, DoC, MDC and GW should start with a clean slate and work with the community to develop an integrated management plan that determines the most appropriate method or methods to manage the coast and dunes in the Stage Two area. This strategy should commence immediately.

## **8. Comment on Conditions**

The following comments are restricted to conditions that have been altered from those recommended in the s42A officer's report. Where conditions remain unaltered, the reasoning for those conditions as outlined in the officer's report has been adopted by the Committee.

**Condition 1** has been altered to reflect comments from Mr Milne regarding the lapse date outlined in s125 of the Act and accepted by Mr Kneebone. The Committee also considered it pertinent to add **Condition 2** for clarity over the lapse issue.

**Condition 3** has been amended to reflect that only works relating to Stage One can be conducted.

**Conditions 7 and 8** review conditions, have been amended as the Committee considered that the frequency of review recommended by Mr Kneebone was unduly onerous.

**Condition 11** has been amended to reflect landscape matters pertaining only to Stage One. The Committee has also included a provision to provide five access points to the beach along this section of the beach. The draft landscape plans presented to the Committee only had provision for three access point, which the Committee considered insufficient. Further, the Committee considers that one access point should be constructed to provide for limited mobility access.

**Condition 14** has been amended so that public access during construction is only restricted to the extent necessary to ensure public safety.

**Conditions 35 and 36** have been amended to reflect planting adjacent to Stage One only.

The monitoring conditions, **Conditions 37-40** have been significantly amended to accommodate works for Stage One only. The Committee have also refined the aspects to be considered as well as the frequency of monitoring. In addition, the Committee has added **Condition 38** to ensure potential end effects are monitored in an appropriate manner.

The Committee have included a requirement to monitor inanga movement across the beach at Castlepoint Stream. The Committee consider that **Condition 44** would alleviate concerns raised by the Department of Conservation regarding the impacts of the works on inanga.

Mr Kneebone suggested conditions relating to Stage Two Works (10-13, 15, 41, 42, 45 and 46) <sup>1</sup> in his report. These have been deleted as they are no longer relevant as Stage Two is not progressing.

## 9. Summary

Given the erosion of Stage One, the Hearing Committee had no difficulty in accepting the necessity, with appropriate conditions, for a hard rip rap stone wall along the coastal frontage to protect existing infrastructure, including the narrow coastal road, and safeguard housing over the longer term on the landward side of the coastal road

Separately, and outside the terms of the application, the Committee noted that a permanent seawall would provide space for day visitor car parking on the seaward side of the coastal road to minimise vehicle congestion, and provide a clearly defined walkway with public access points to the beach

The Hearing Committee found difficulty, however, with a “hard” solution at this time for Stage Two because:

- As set out in 7.2 the applicant and the Department of Conservation have diametrically opposed views about the solution but suggest through their expert evidence that further erosion may not be significant in the short to medium term, south of the Jetty Road, Guthrie Crescent intersection.
- In support of its "hard" option, the applicant has determined that its paper road, some of it already eroding, needs protecting and that there is insufficient public land available to provide for "soft" options. However, the Committee was not convinced that the “hard” option was the better of all the available options.

---

<sup>1</sup> Where conditions recommended by Mr Kneebone have been deleted, the numbering refers to those from the s42A officer's report.

- Unresolved between the applicant and Castlepoint Residents & Ratepayers Association is a strong Association plea for the Stage One public walkway to be continued through Stage Two to the boundary with the Department's dune reserve. We would encourage the agencies, when developing the integrated coastal management plan, to investigate public walkway options.
- The Department opposed continuation of the Stage One rock wall into Stage Two and pressed for "soft" options including dune restoration but no detailed design evidence was produced.
- The Castlepoint Residents & Ratepayers Association wanted continuation of the rock seawall to the point where Stage Two merges with the DoC reserve and said property owners on Stage Two would not agree to their land being taken for dune restoration. Consultation between the parties is clearly required to move forward and determine appropriate solutions via the integrated coastal management plan.

The Committee has resolved to take a precautionary approach in declining consent to the proposed Stage Two seawall given the number of unresolved issues. The Committee envisages that by the time the works for Stage One have been completed a strategy covering concepts, timelines and agency involvement should be established. While the Committee can not require such actions as a condition of this consent, we urge all parties to give careful consideration towards working together to develop an integrated coastal management plan.

#### **10. Recommendation to Minister of Conservation**

Pursuant to the powers delegated to us by the Wellington Regional Council under section 34 of the Resource Management Act 1991, we the appointed Hearings Committee recommend to the Minister of Conservation, pursuant to sections 117 and 119 of the RMA, that coastal permit WAR 040089 [23730] for reclamation of the foreshore and seabed by the construction of a rock riprap seawall be granted for a term of 35 years subject to the conditions outlined in Appendix 1.

#### **11. Decision**

Pursuant to the powers delegated to us by the Wellington Regional Council under Section 34 of the Resource Management Act 1991, we the appointed Hearings Committee hereby grant the resource consent applications WAR 040089 [23726], [23727], [23728], and [23729] for a thirty five year term subject to the conditions outlined in Appendix 1. The consents are granted pursuant to Sections 104, 104A, 104B, 105(2) and 108 of the Resource Management Act 1991.

---

Chris Turver (Chairman)

---

Date

PROACTIVE RELEASE

# Appendix 1

## Administrative

### Consent Term

1. Resource consent WAR 040089 shall be for a term of 35 years from the date of commencement of the restricted coastal activity permit WAR040089 [23730].
2. Resource consent WAR 040089 shall lapse five years after the date of commencement outlined in condition 1 in accordance with section 125 of the Resource Management Act 1991.

### Works in Accordance with Consent

3. The location, design, implementation and operation of the works shall be limited to the works described as Stage One in accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 2 June 2004, and the further information provided dated 18 November 2004, but subject to any modifications required to comply with any of the conditions of the consent.

### Copy of Consent to Operator

4. The consent holder shall provide a copy of this consent and attachments to the operator undertaking the foreshore disturbance works and any associated maintenance works. Furthermore, the consent holder shall ensure that the operator(s) are familiar with the nature and scope of this consent and its conditions.

### Reporting

5. The consent holder shall notify Wellington Regional Council, Consents & Compliance Section at least 48 hours:
  - prior to commencing the construction works;
  - before the work will be completed.
6. The consent holder shall contact the Manager, Planning & Resources, Wellington Regional Council, Wairarapa Division at least two working days prior to the commencement of any maintenance of the seawall and associated structures.

### Review Conditions

7. The Wellington Regional Council may review any or all of the conditions of this consent by giving notice of its intentions to do so pursuant to Section 128 of the Resource Management Act 1991, at any of the following specified times:
  - at any time within three months of the annual anniversary of the date of commencement this resource consent for the first five years
  - or
  - thereafter at any time within six months of the tenth, fifteenth, twentieth, twenty-fifth or thirtieth anniversary of the date of commencement of this resource consent.
8. The review of consent conditions will be for the following purposes:
  - dealing with any adverse effects on the environment that may arise from the exercise of this resource consent;
  - assessing the adequacy of the current monitoring; and/or
  - reviewing the frequency of current inspections and maintenance of the structure; and/or
  - requiring specific action to be taken to mitigate and/or remedy demonstrated adverse environmental effects.

### **Cost Recovery re Review of Conditions**

9. The Wellington Regional Council shall be entitled to recover from the consent holder the costs of the conduct of any review, calculated in accordance with and limited to that Council's scale of charge in force and applicable at that time pursuant to Section 36 of the Resource Management Act 1991.

### **Resource Management Charge**

10. A Resource Management charge set in accordance with Section 36(2) of the Resource Management Act 1991 shall be paid to the Wellington Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of resource consents and for the execution of its functions under Section 35 (duty to gather information, monitor, and keep records) of the Act.

Note: If you do not comply with the resource consent conditions, an additional charge, set in accordance with Section 36(3) of the Resource Management Act 1991 shall be paid to the Wellington Regional Council. The charge is to cover extra staff time and other costs associated with investigating and following up on non compliance with this resource consent.

### **Plans to be Submitted Prior to Construction**

#### **Landscape Plan**

11. Prior to advertising for tenders to construct the seawall and associated works, the consent holder shall prepare a final landscape plan. This plan shall include:
  - proposed planting of the works area, proposed pedestrian walkway and access points from the walkway to the beach, provision for parking and picnic areas;
  - proposed timeframes for completion of the planting and other works;
  - a maintenance programme to ensure that safe pedestrian access is maintained.

The landscape plan shall include provision for five access points, including one limited mobility access. A copy of this plan is to be provided to the Manager, Planning & Resources, Wellington Regional Council, Wairarapa Division, at least one month prior to construction work commencing.

#### **Management Plan**

12. Prior to advertising for tenders to construct the seawall and associated works, a construction management plan is to be submitted to the Manager, Planning & Resources, Wellington Regional Council, Wairarapa Division.

### **Construction**

#### **Cultural Sites, Artefacts and Human Remains**

13. In the event that an archaeological site is encountered during works for the proposed development, work shall cease immediately and the consent holder shall immediately notify Ngati Kahungunu ki Wairarapa, Rangitaane o Wairarapa, the New Zealand Historic Places Trust and, if appropriate, the New Zealand Police so that an archaeological assessment can be made and advice given accordingly.

#### **Public Safety**

14. Adequate provision shall be made to ensure that the activity does not compromise public safety. Public access shall only be restricted to the extent necessary to ensure public safety.
15. The consent holder shall ensure that during the construction phase of the physical works, warning signs advising of the works being undertaken shall be erected at both the northern and southern end of the works area, at Jetty Road and on Castlepoint Beach.
16. The consent holder shall ensure that the construction sequence is appropriately managed to minimise the risk to exposed surfaces of adjacent property from accelerated erosion.

17. The consent holder shall ensure that no cement or concrete is released to the coastal marine environment during construction and maintenance activities authorised by this consent.
18. New concrete or mortar shall not be exposed to water before the concrete or mortar has hardened to a strength of at least 10 MPa, or for at least 48 hours.

#### **Stockpiling of Materials**

19. Where imported material is required to be stock piled during construction of the structure, it shall, where practicable, be stock piled outside the coastal marine area. Stockpiling shall only occur in the coastal marine area when there is no suitable area available outside the coastal marine area.

#### **Handling of Fuel and other Hazardous Substances**

20. No contaminants (including, but not limited to oil, petrol, diesel, and hydraulic fluid) shall be released into the coastal marine area from equipment being used for the activity, and no refuelling of equipment shall take place in any part of the coastal marine area.
21. In the event of a spill of a liquid contaminant, immediate steps shall be taken to remove or contain the spilled material. The Consent Holder shall notify the Manager, Planning & Resources, Wellington Regional Council, Wairarapa Division, as soon as practicable after the spill.

#### **Hours of Operation**

22. No seawall or related construction works shall be undertaken during the months of December to March inclusive.
23. Work associated with the construction of the structure shall only take place between the hours of 7:00am and 6:00pm, Monday to Friday inclusive.

#### **Noise**

24. Noise generated by work in the coastal marine area associated with the construction of the structure shall meet the following:
  - the activity will not cause excessive noise (defined in Section 326 of the Resource Management Act 1991) outside the coastal marine area;
  - any construction activities shall meet the relevant requirements of Tables 1, 2 and 3 and Clause 5.1.2 of NZS 6803P:1984, and any subsequent amendments or updates.

Note: The condition relating to noise is derived from Rule B.1.4.2[a][ii] of the Masterton District Plan. This is intended to achieve consistency in administration in relation to construction activities landward of the coastal marine area that are under the Jurisdiction of Masterton District Council.

#### **Environmental Disturbance**

25. The consent holder shall take all practical steps to minimise as far as is practicable the nuisance effects of wind-blown dust from construction materials exposed during the construction phase, including but not limited to the use of measures such as dampening the works area.
26. The consent holder shall take all reasonable steps to ensure minimal disturbance to the surrounding environment occurs while any works are proceeding and will make every effort to complete all works in the coastal marine area in the quickest possible time so that disturbance of the foreshore will be limited in duration.
27. The consent holder shall remove from the beach any construction material (including placed rock) that is not an integral component of the seawall or rock training wall, and placed at an appropriate destination outside of the coastal marine area.

28. The consent holder shall ensure that any subsequent materials associated with repair and maintenance activities authorised by this consent that are no longer required as part of the works, are removed from the site.
29. The consent holder shall ensure that any fill (unprotected by geotextile) used in the seawall structure is free of fine textured material such as silt and clay.

## **Post Construction**

### **Removal of Equipment and Materials**

30. All equipment and surplus materials used for any of the activities shall be removed from the coastal marine area on completion of the works.
31. Any existing materials on the site that are not naturally occurring, and which are not incorporated as fill behind the seawall shall be removed from the site and disposed of appropriately within 1 month of completing construction of the seawall.
32. The consent holder shall remove all old riprap and other ad hoc protection not incorporated in the new structure that has been placed on the beach at the site in the past to control erosion. These materials are to be removed within 1 calendar month of completing the physical works.
33. The consent holder shall ensure that upon completion of the works, the beach is left in a smooth state free of holes, mounds, stockpiles, depressions or surplus materials.

### **Rehabilitation Post Construction**

34. Any exposed soils within the construction site area shall be prepared and sown with grass seed as soon as practicable following completion of the construction works.

### **Planting of Vegetation Adjacent to the Seawall**

35. The consent holder shall plant the site adjacent to the seawall with appropriate locally sourced native plants. The plants are to be spaced such that they form continuous cover within a reasonable period of time. Effective plant establishment is to be achieved within 24 months following completion of the seawall.

### **Maintenance of Planted Vegetation Adjacent to the Seawall**

36. The consent holder shall maintain the plantings adjacent to the seawall to ensure continuity of vegetative cover for the term of this consent. Any substantial damage to the planted vegetation caused by storm events or other causes shall be repaired by the consent holder as soon as practicable.

## **Monitoring**

Notes: Monitoring is to include the following actions:

- regular visual inspection of the protection works and adjacent foreshore to identify any deterioration or movement of the seawall structure, together with observation of any local effects on this coastal environment;
- surveying and recording shore profiles;
- interpretation of survey results by a specialist coastal engineer, and to identify on site any local occurrences of scouring or unexpected change recorded by the survey programme;
- to establish a process to address any adverse effects identified by the monitoring programme. In particular, to determine the point at which remedial actions shall be implemented in consultation with Wellington Regional Council and the Department of Conservation.

### **Shore Profile Monitoring**

37. The consent holder shall undertake shore profile surveys along the length of the rock rip rap seawall. The profiles shall be taken at approximately 25m intervals and shall include BM3, BM4 and BM5 depicted on Drawing B/4-2 attached. The profile surveys shall include the seawall structure, berm and extend across shore to mean low water springs. The levels shall be referenced to a common datum and be recorded on an electronic spreadsheet to enable changes in shoreline profile at the survey locations to be determined. The survey data is to be plotted as cross sections at an appropriate scale and a brief report is to be prepared documenting the shore environment, including the mass balance and a visual appraisal (including photographs) of the physical characteristics at the time of the survey. The monitoring programme is intended to identify and record any changes in this coastal environment arising as a consequence of the constructed seawall and related coastal protection activities.
38. The consent holder shall monitor the impact of seawall construction on the beach and dunes within 50m north and south of the wall. Monitoring will occur at the same frequency as dune-beach profiling as detailed in (39), and shall entail multiple (and not less than 50) spot elevations, reduced to a common datum, between the berm and the approximate low tide line, sufficient to allow the generation of a 0.5m contour map. Surveys should identify the toe of the foredune, edge of the vegetation line and the last high water level as indicated by strandline debris.
39. The frequency of surveying the shore profiles shall be as follows:
- At least one month prior to construction commencing
  - In the months of April and October for a five year period following the commencement of construction of the seawall;
  - For the following five years of the term of consent, annually in the month of April;
  - thereafter, once every two years, for the duration of this consent, in the month of April.
40. The survey data and results are to be submitted to the Manager, Planning & Resources, Wellington Regional Council, Wairarapa Division within one month of completion of the survey or on request.

### **Shore Profile Survey Results**

41. The consent holder shall retain a cumulative record of the shore profile and survey data, and a copy shall be made available upon request to the Manager, Planning & Resources, Wellington Regional Council, Wairarapa Division. The survey data and information shall include but not necessarily be limited to the following:
- a record of the shore profile and beach survey level data, reduced to the LINZ datum (Wellington Vertical Datum, 1953);
  - tabulation and evaluation of any difference in shore profiles and beach levels compared to all previous surveys completed in relation to this consent;
  - a plot of cross-sections of the shore profiles surveyed, to an appropriate scale;
  - two contour maps of the north and south margins of the seawall, as detailed above;
  - colour photographs to record any changes in shore at each of the cross-sections surveyed, and also to record any visually observable changes at the beach survey locations.

### **Routine Monitoring**

42. Routine inspections of the structure and the foreshore at either end of the structure shall be undertaken quarterly by the consent holder in the months of January, April, July and October, for the duration of this consent.

### **Monitoring Post Storm Events**

43. The consent holder shall make inspections of the protection works after major known storm events (including storms known to have caused coastal erosion elsewhere in the East Coast of the North Island, between Cape Palliser and East Cape) identifying and undertaking any maintenance required to the structure. Geotextile and/or other man-made material that has been uncovered, eroded and/or disturbed from the structure shall be either removed or replaced as soon as is practicable.
44. Prior to undertaking any physical works involving changes or corrective actions to the seawall, and to remedy erosion at the ends of the structure a letter shall be sent to the Manager, Planning & Resources, Wellington Regional Council, Wairarapa Division advising of any proposed changes or corrective actions proposed to be carried out regarding the structure.

### **Inanga Monitoring**

45. The consent holder shall, in consultation with the Department of Conservation, develop a monitoring programme to determine the impact of the training wall on inanga movement across the beach at Castlepoint Stream. The programme shall be to the satisfaction of the Manager, Planning and Resources and shall be submitted one month prior to construction of the training wall.

### **Record of Public Complaints**

46. The consent holder shall maintain a record of any complaints relating to coastal erosion and/or adverse environmental effects within the site and the coastal environment adjacent to the seawall, and shall be forwarded to the Manager, Planning & Resources, Wellington Regional Council, Wairarapa Division appended to the biennial monitoring report, and otherwise on request, and shall include:
  - the location where the adverse effect was detected by the complainant;
  - the date and time when the adverse effect was detected;
  - a description of the adverse effect(s) that led to the complaint;
  - a description of the weather and sea conditions at the time the adverse effect was detected by the complainant;
  - the most likely cause of the adverse effect detected; and
  - any corrective action undertaken by the consent holder to avoid, remedy or mitigate the adverse effect detected by the complainant.

### **Maintaining a Record of all Monitoring Undertaken**

47. The consent holder shall maintain a written record of all monitoring undertaken in respect of this consent. The written record is to include details of the date, time and person carrying out the monitoring activity, a description of the monitoring activity, and any follow-up actions required in response to observations arising from the monitoring. A copy of the monitoring record shall be available for inspection by the Manager, Planning & Resources, Wellington Regional Council, Wairarapa Division upon request.

### **Comprehensive Monitoring Reports**

48. The consent holder shall submit a comprehensive biennial monitoring report corresponding with the anniversary of the date the consent was granted, to the Manager, Planning & Resources, Wellington Regional Council, Wairarapa Division. The monitoring report shall be compiled by an independent, suitably qualified and experienced specialist in coastal processes. It will evaluate the results of the overall monitoring programme for this consent, and to determine compliance with the relevant conditions of consent that relate to environmental parameters, including the effectiveness of the seawall to combat erosion, the engineering integrity of the seawall and the impact of the seawall on the coast to the north and south. In the event that the biennial monitoring report indicates non-compliance with the environmental parameters such that adverse effects are either occurring or likely to occur, then the contingency plan condition(s) shall be invoked.

Note: By this means, a formal process of evaluation of environmental effects arising from the completed structures will be implemented. Other conditions of consent will address any adverse environmental effects that may occur at times outside of the formal reporting process.

### **Contingency Plan**

Notes: A contingency plan will need to translate adverse environmental effects arising from the physical works and completed structures into appropriate actions to remedy or mitigate such effects, and if possible, to avoid any recurrence.

49. The consent holder shall retain a small quantity of rock armour material (30 tonnes), stored at an appropriate location near Castlepoint to provide for emergency repairs to the seawall.
50. The consent holder may excavate up to 100m<sup>3</sup> of sand from the dune build-up in the basin area to be used to restore local frontal dune damage, but not for the surrounding dunes.
51. If the ongoing monitoring, the comprehensive monitoring report, or investigation of public complaints confirm that adverse environmental effects arising from the seawall are occurring, then the consent holder may be required to undertake appropriate remedial works required by the Manager, Planning & Resources, Wellington Regional Council, Wairarapa Division.

### **Maintenance**

#### **Structural Repairs**

52. In the event of damage to the structure, any of the construction materials so dislodged should either be used to repair the damage, or alternatively be removed from the CMA.
53. All protection works shall be maintained to the satisfaction of the Manager, Planning & Resources, Wellington Regional Council, Wairarapa Division. Any maintenance of the structure required shall be carried out by the consent holder, as soon as practicable.

Note: Maintenance shall be within the scope of the information and design specifications set out in the resource consent application. The structure should not be enlarged as a result of maintenance, unless within the scope of a permitted activity rule.

54. The consent holder shall maintain all structures installed in relation to this consent in a safe and usable condition, to provide public access to Castlepoint Beach, and shall repair any damage from storm events as soon as practicable, for the term of this consent.

### **Removal**

#### **Removal of Structure**

55. Should there be a complete structure failure and/or the consent holder decides to no longer maintain the structure, any artificial material shall be promptly removed from the coastal marine area and disposed of in an appropriate manner.

# Non-notified resource consent application report and decision

## Summary of decision

**Activity:** Install a tsunami monitoring system on a rock ledge on the Castlepoint headland.

**File Reference:** WAR080332

**Date Granted:** 8 August 2008

**Commencement date:** 8 August 2008

**Applicant:** Land Information New Zealand

**Decision made under:** Section 104D, 108 of the Resource Management Act 1991 (RMA)

**Consent Granted:** **Non-complying activity**  
26730: Coastal Permit [occupy the Coastal Marine Area (CMA) with a structure];  
26731: Coastal Permit (install a structure in the CMA);  
26732: Coastal Permit (disturbance of the CMA)

**Location:** Off Jetty Road, Castlepoint

**Map Reference:** At or about map reference NZMS 260: U26: 2762223 – 6029122

**Legal Description:** Crown Land (foreshore)

**Duration of Consent:** 35 years

**Subject to conditions:** Attachment 1

Decision recommended by:	G Kneebone	Resource Advisor, Environmental Regulation	
Decision peer reviewed by:	S Thawley	Team Leader, Environmental Regulation	
Decision approved by:	Al Cross	Manager, Environmental Regulation	

# Reasons for decision: resource consent WAR080332

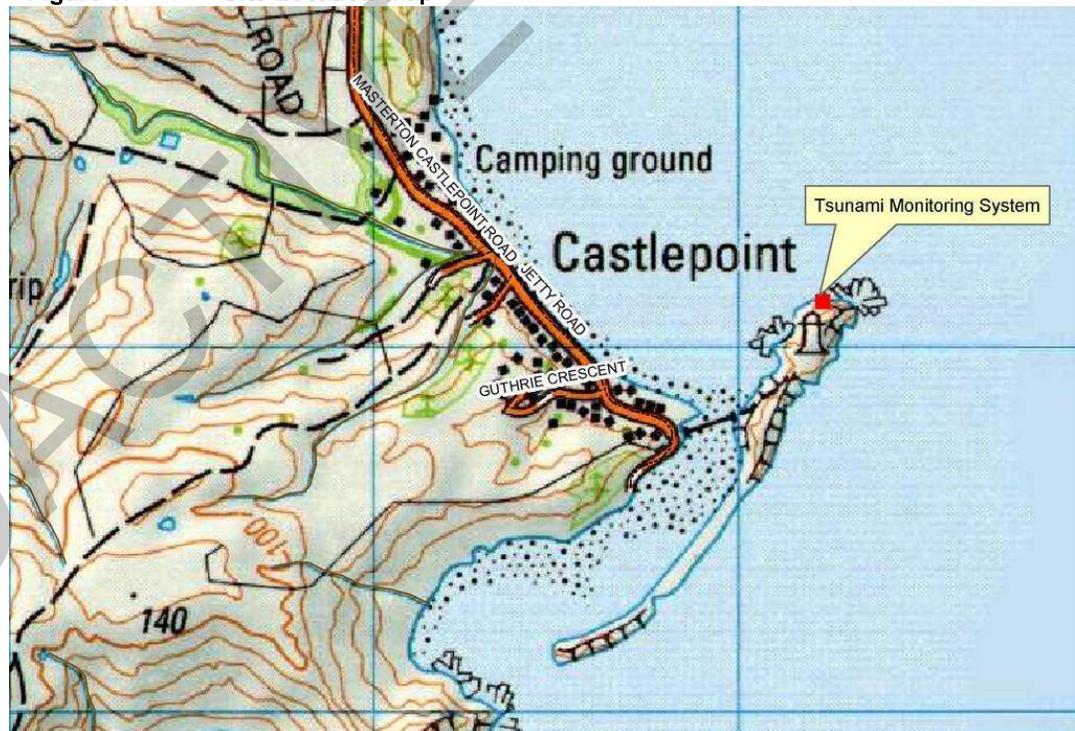
## 1. Background and proposal

Land Information New Zealand (LINZ) has applied for consent to install a tsunami monitoring system on and beneath a rock ledge on the headland at Castlepoint (see figures 1 and 2). The work is to install an instrumented monitoring station, and an on-shore telemetry system to transmit data to a central operations centre. This site is one of a total of 19 sites to be located around New Zealand and its offshore islands.

Work is expected to be carried out soon after the resource consent has been issued, and is estimated may take two days to complete.

Following the 2004 Indian Ocean tsunami event, a tsunami monitoring system was funded by a Cabinet directive, via LINZ. The aim is to upgrade and improve New Zealand's response to tsunami hazards from local, regional and trans-Pacific sources.

Figure 1: Site Location Map



**Figure 2: Site Plan**



The site for the underwater pressure sensors, being below the MHWS, is owned by the Crown, and administered by the Department of Conservation.

A Druck pressure sensor gauge was considered to be the most suitable for this location. These sensors comprise a small piece of silica which expands or contracts in response to variations in pressure caused by changes in the height of the water column above the sensors. The corresponding volume changes create a current that can be measured and converted to relative sea level. The water pressure sensors will be enclosed within the stainless steel casing.

A 70mm diameter stainless steel pipe will be fixed to the limestone cliff-face on a supporting A-frame structure for attaching the water pressure sensors. The stainless steel pipe will be off vertical (at approximately  $75^{\circ}$  of slope to the cliff face) to allow the water pressure sensors to be installed in deeper water without having to extend the A-frame protruding further from the cliff-face. A short segment of the stainless steel pipe, and the A-frame and associated cable ducting will be visible from the surface, but will be located in an area of restricted public access, and overall, will be of a small scale.

The associated cables from the water pressure sensors will run up the limestone cliff to a small termination box that will be located beneath the boardwalk over a distance of approximately 164m to the lighthouse, where the telemetry equipment will be housed. Data will be transmitted from the lighthouse to a central operations centre.

Note: The Department of Lands and Survey previously operated a tide gauge at this same location in the 1980's. Where possible, existing cable ducting running beneath the boardwalk associated with the previous sea level gauge will be reused.

### ***Site Selection / Alternative Options***

As outlined in the AEE report, the rock ledge is approximately 0.5m above sea level, and is ideally situated for the proposal, being sheltered from southerly storms and the continual southerly swell. The selected site has the right combination of sufficient water depth at low tide, and an adjacent facility for housing the ancillary monitoring and transmission equipment that is >10m above sea level. The steep slope of the northern reef and the small platform just above sea level enables a vertical mounting installation methodology to be adopted, which is the preferred method.

Several alternative sites were considered (including Cape Palliser, White Rock, Manurewa Point, and Stoney Bay), but none of these met all of the necessary criteria outlined above to establish the tsunami monitoring system. Castlepoint was the only location that offered all of the attributes necessary to construct and operate the system.

## **1.1 Resource consents required**

Under s.12(1) of the RMA, in the coastal marine area, no person may erect structures or disturb any foreshore or seabed unless expressly allowed by a rule in a regional coastal plan, or by resource consent.

Similarly, under s.12[(2)(a)] of the RMA, no person may occupy land of the Crown in the coastal marine area unless expressly allowed by a rule in a regional coastal plan, or by resource consent.

The above-mentioned statutory provisions are not permissive, and therefore require resource consent, unless expressly allowed by a rule in the Regional Coastal Plan. The proposed physical work/activity is not listed in the Regional Coastal Plan as a permitted activity, hence an application for resource consent has been made.

### **1.1.1 Rule(s)**

Coastal permit application WAR080332 seeks consent to:

- (a) occupy Crown land with a structure in the CMA as a 'controlled activity' under Rule 16 of the Wellington Regional Coastal Plan.
- (b) install a structure in the CMA, as a 'non-complying activity' under Rule 26 of the Wellington Regional Coastal Plan.

- (c) disturb the foreshore or seabed whilst installing the structure, as a ‘non-complying activity’ under Rule 43 of the Wellington Regional Coastal Plan.

Note: The site is located within an area scheduled in the Regional Coastal Plan (Planning Map 2M) as being an “Area of Significant Conservation Value”.

## **2. Consultation**

In accordance with Greater Wellington Regional Council’s (GW) agreement with tangata whenua regarding consultation on non-notified consents, Rangitaane O Wairarapa and Kahungunu ki Wairarapa were provided with a copy of the application. In this case, both iwi are considered to be potentially affected parties.

Following obtaining the written approval of Te Runanga o te Hika a Papauma (local hapu), and the revision of some parts of the application in response, the written approval of Kahungunu ki Wairarapa was provided on 22 July 2008.

Rangitaane O Wairarapa had no concerns relating to the proposed activity, and provided their written approval.

The Department of Conservation (DoC) provided written approval in a letter dated 17 October 2007.

Maritime New Zealand has also provided written approval to the application in a letter dated 3 December 2007.

The AEE report states that the Harbour Master at GWRC has confirmed that there are no navigational issues with the installation and operation of the tsunami monitoring gauge at the proposed site.

I did not consider there are any other potentially affected parties to this application.

## **3. Reasons for waiver of notification**

I consider that notification under Section 93(1)(b) of the Act is not required, as the effects of the proposed works in the foreshore/seabed on the environment will be minor, as outlined in section 4.2 of this report.

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

The following potentially affected parties have all provided their written approval:

- Department of Conservation;
- Rangitaane O Wairarapa;
- Kahungunu ki Wairarapa;
- Maritime New Zealand.

I consider there are no other potentially affected parties to this application as explained in section 2 of this report.

## **4. Environmental effects**

### **4.1 Existing environment**

Castlepoint is a popular place for coastal recreation activities. It is visited by a range of educational groups due to its attributes for study of geological, biological and marine sciences. It is an area of high significance for public awareness.

The Maritime New Zealand lighthouse is also a popular attraction in the Castlepoint area. The light shines from a 23 metre-high iron tower, and is 52 metres above sea level. Its white light flashes three times every 30 seconds, and can be seen for 26 nautical miles (48km).

The site is located on a cliffed, rocky coastline located on the north-western margin of the Castlepoint headland. The headland comprises a limestone promontory that will provide an element of protection for the instrument, from southerly swells and storms.

More specifically, the rock ledge selected is an inter-tidal rock shelf that meets the main site selection criteria – foundation stability, protection and water depth.

There is no flora or fauna of significance within the vicinity of the tsunami monitoring site.

### **4.2 Actual and potential effects**

This assessment follows the evaluation provided in the AEE report.

#### ***Visual Impact / Amenity***

The supporting frame will be visible as it is fixed over the rock ledge surface. However, the sensor tube conduit will extend from the A-frame to an under-water mount some 4m below seal level, parallel to the descending rock face.

The twin arms of the A-frame will protrude about 3m across the rock ledge, and will be attached to the rock surface in four places. The apex of the A-frame is to be cross-braced with two gussets, and a mounting support for the sensor tube conduit fitted to this structure. The completed structure will therefore be clearly visible on the rock ledge, but the site occupies an area restricted to public access. That being the case, it will not unduly compromise the significant landscape values that are evident at this location.

It could be perceived that any structure of the type proposed represents an intrusion in this area of significant conservation value. However, this needs to be considered in terms of the attributes of the site for the proposed activity, including:

- the existing lighthouse structure to accommodate the telemetry equipment and transmit data generated from the sensors;
- an existing boardwalk to the lighthouse, beneath which the terminal box and cables may be concealed completely from public view;
- the presence of a rock ledge in an isolated position, with adequate water depth to enable the instrument to be installed.

For the reasons outlined above, I am satisfied that the adverse visual effects of installing a structure in the coastal marine area will be appropriately mitigated. It also recognises the imperative for installing a tsunami monitoring system to improve public safety along this coastline.

### ***Construction Effects***

As outlined in the AEE report, it is expected that the disturbance works may temporarily affect water quality whilst drilling in several locations within the rock shelf to install the supporting A-frame and ancillary equipment. The extent of any increased suspended solids and raised turbidity levels is expected to be very minor, and any adverse environmental effect to be negligible. Drilling of rock effectively involves cutting a rock core using a diamond tipped cutting head. This is water-cooled, and will discharge a small localised sediment plume comprising rock fragments that have been ground-down by the cutting head.

Given the expected short duration of the work, I consider that the overall environmental effects will be no more than minor. To help mitigate adverse effects of sediment release, conditions are placed on consents of this type, requiring the applicant to:

- keep all works in the CMA to a practical minimum; and
- take all practical steps to minimise the release of sediment whilst working in the CMA.

### ***Hazards and Safety***

Public safety is not expected to be compromised either during installation or following construction of the system. The rock ledge is physically isolated from general public access (which is a controlled walkway network with barriers at appropriate localities). The monitoring device will be bolted to a small A-frame that will be affixed to the rock surface. I am satisfied with the plans and information provided in the AEE report in relation to hazards and safety considerations.

### ***Social and Cultural Effects***

The applicant's consultants engaged in discussions with the local Hapu, Te Runanga o Te Hika a Papauma ki Wairarapa, and confirmed that Castlepoint has real cultural significance to Hapu and is an icon for Hapu and the Wairarapa. Castlepoint has a Maori name called 'Matira Rangiwhakaoma' and the Hapu has a name for the rock edifice called 'Tokatumoana'.

The historic and cultural significance of the rock edifice to Hapu has its origins going back to Kupe and his chasing of the Octopus (Te Wheke). The cave beneath the lighthouse is said to be the hiding place of Te Wheke. For hundreds of years the Hapu have used the rock edifice as a look out, as a fishing spot, for launching of waka, for koura pot fishing, and pāua gathering. Its natural ability to give protection in adverse weather was one of the reasons why this area has such a long and important association with the Hapu. The Hapu have advised that specific kuia would fish from the rock ledge at the location of the water pressure sensors.

The area is Gazetted under the Ministry of Fisheries, and Te Runanga o Te Hika a Papauma ki Wairarapa have Kaitiaki status under these regulations. This gives recognised fisheries rights to tangata whenua via the Fisheries Deed of Settlement Act 1992.

The Hapu advise that future joint management of the Department of Conservation land at Castlepoint is being sought via the Waitangi Tribunal Claims process to redress past actions. Therefore the Hapu consider that it is very important that the Hapu's perspective is recognised in any decision making process going forward. While the Waitangi Tribunal Claims process is a separate process to the consenting process under the Resource Management Act, the Act does require under Part II, and in particular s.6(e) to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. Section 6(f) is to recognise and provide for protection of historic heritage from inappropriate ... use and development. Section 6(g) is to recognise and provide for protection of recognised customary activities. Additionally, s.8 of the RMA requires that in achieving the purpose of the Act, all persons exercising functions and powers under it shall take into account the principles of the Treaty of Waitangi.

The Runanga o Te Hika a Papauma ki Wairarapa have requested that Hapu representatives be present on site when the tsunami monitoring equipment is installed to ensure that social and cultural values are protected. This requirement has been agreed between the applicant and Hapu. This will be included as a condition of consent.

In summary, a meeting has been held between the applicant's consultants and Te Runanga o Te Hika a Papaumu ki Wairarapa which revealed that Castlepoint has major cultural significance to Hapu and is an icon for Hapu and the Wairarapa. The concerns of the Hapu have been recognised in sections 3.3 and 4.2.3 of the amended AEE report and support from the Hapu has been received in a report dated 9 June 2008, subject to certain matters being addressed. These concerns have been addressed and will be reflected in the conditions of consent.

## **5. Statutory Assessment**

### **5.1 Resource Management Act 1991**

Part II (Section 5) of the Resource Management Act 1991 (RMA) defines its purpose as the promotion of the sustainable management of natural and physical resources. Sections 6, 7 and 8 of Part II define the matters a consent authority shall consider when achieving this purpose.

Based on the information outlined in the application and AEE report, and as discussed in the assessment, the proposed tsunami monitoring system is considered to represent the most practical option based on social, economic and technical considerations. It is consistent with the purpose and principles of the RMA as set out in Part II of the Act, in particular, through providing advance warning of tsunamis, to enable the Castlepoint community to provide for their health and safety in accordance with s.5(2).

Section 104 of the RMA outlines the matters a consent authority must have regard to. These matters include any actual and potential effects on the environment of allowing the activity, relevant objectives, policies and rules of a Regional Plan, the Regional Policy Statement, and any other matter considered relevant and reasonably necessary to determine the application.

Under s.104D of the RMA, a consent authority may grant consent for a non-complying activity if it is satisfied that either –

- (a) the adverse effects of the activity on the environment will be minor; or
- (b) the application is for an activity that will not be contrary to the objectives and policies of (in this case) the Regional Coastal Plan.

The assessment in section 4.2 of this report concludes that the adverse effects of the activity on the environment will be minor.

Similarly, the assessment in section 5.2 of this report concludes that the proposal is consistent with the objectives and policies of the Regional Coastal Plan.

Given that both of the tests imposed by s.104D of the RMA can be met in relation to this non-complying activity, I am satisfied that the application meets the statutory assessment criteria, and can be recommended for approval, subject to appropriate conditions of consent.

## 5.2 Regional Policy Statement

The Regional Policy Statement for the Wellington Region (RPS) contains several objectives and policies aimed at maintaining the quality of the coastal environment. These objectives and policies are intended to provide for the reasonably foreseeable needs of current and future generations. The relevant chapter of the RPS is Chapter 7: The Coastal Environment. I consider that the proposed activity outlined in the application is consistent with the objectives and policies of this chapter.

## 5.3 Regional plans

### 5.3.1 Policies and objectives

The Regional Coastal Plan contains a number of policies that relate to the proposed activity. The relevant policies to consider in assessing this application are tabulated below:

Policy 4.1.5	<p>The natural character of the coastal marine area is preserved and protected from inappropriate use and development.</p> <p><i>The natural character of this very sensitive location will not be compromised as most of the structure will not be visible as it will be below the water level. It is to be installed in a locality that is isolated and well away from public view. Most of the associated wiring will be concealed from view beneath the formed stairways etc and the communications will be housed within the lighthouse. The activity is necessary to provide advance warning of tsunamis, an important public safety consideration given the popularity of this area as a recreational destination.</i></p>
Policy 4.1.6	<p>Important ecosystems and other natural and physical resources in and adjacent to the coastal marine area are protected from inappropriate use and development.</p> <p><i>There will be no damage to any ecosystem as the device will be affixed to a rock surface. Refer also to the</i></p>

	<i>comments above in relation to Policy 4.1.5.</i>
Policy 4.2.10	<p>To protect sensitive, rare, or unusual:</p> <ul style="list-style-type: none"> <li>• habitats;</li> <li>• natural and physical resources;</li> <li>• ecosystems</li> </ul> <p>from the adverse effects of use and development. In particular, the value of the area protected by the Plan, either as an Area of Significant Conservation Value, or an Area of Important Conservation Value shall be protected.</p> <p><i>Considerable care was taken in this case to avoid compromising the values sought to be protected in this Policy, including evaluating alternative sites that are outside of areas of significant conservation value. However the alternative sites did not meet the criteria necessary for installing a tsunami monitoring system. I am satisfied that both through attention to design and careful site selection the significant attributes outlined in this Policy will be protected.</i></p>
Policy 4.2.20	<p>To recognise the importance of the coastal environment to recreation activities, and to avoid, where practicable, any adverse effects on these values; where avoidance is not practicable, to remedy, or mitigate the adverse effects.</p> <p><i>The structure will not undermine or prevent any of the recreation activities for which Castlepoint is renowned. In my view the tsunami warning device is very desirable in this exposed coastal environment for public safety purposes.</i></p>
Policy 4.2.25	<p>Where a resource consent is for an activity in or immediately adjacent to a site of significance to tangata whenua, to require the applicant to notify and consult directly with the tangata whenua group in order to ascertain:</p> <ul style="list-style-type: none"> <li>• whether the granting of the resource consent would have any adverse effects on the values that cause the site to be significant to the tangata whenua; and</li> <li>• how any actual or potential adverse effects which might result from the activity could, from the tangata whenua viewpoint, be avoided, remedied or mitigated.</li> </ul> <p><i>Consultation with tangata whenua has been undertaken, and their written approval has been obtained.</i></p>

Policy 6.2.1	<p>To consider the following as appropriate in the coastal marine area:</p> <ul style="list-style-type: none"> <li>• the use and development of structures in the coastal marine area for: <ul style="list-style-type: none"> <li>(1) activities which are functionally dependent upon a location in the coastal marine area; or</li> <li>(2) activities which support and service those which must locate in the coastal marine area, and which, because of a lack of suitable space or operational constraints, cannot be located outside of the coastal marine area;</li> </ul> </li> <li>• the use and development of structures for network utility operations.</li> </ul> <p><i>It is self evident that the tsunami monitoring system must be located in the CMA.</i></p>
Policy 6.2.2	<p>To not allow the use or development of structures in the coastal marine area where there will be adverse effects on:</p> <ul style="list-style-type: none"> <li>• any Area of Significant Conservation Value;</li> <li>• characteristics of special spiritual, historical or cultural significance to Maori identified in accordance with tikanga Maori;</li> <li>• significant places or areas of historic or cultural significance; or</li> <li>• significant ecosystems; or</li> </ul> <p>significant adverse effects on:</p> <ul style="list-style-type: none"> <li>• the risk from natural hazards;</li> <li>• navigation channels;</li> <li>• coastal processes, including waves, tidal currents and sediment transport;</li> <li>• amenity values;</li> <li>• existing lawful public access;</li> <li>• natural character;</li> <li>• views to and from the coastal marine area;</li> <li>• recreational uses; or</li> <li>• structures of architectural or historic merit</li> </ul> <p>unless such adverse effects can be satisfactorily mitigated, or remedied.</p> <p><i>Any adverse effects of installing the structure will be</i></p>

	<p><i>mitigated by ensuring that to the extent possible, it is concealed beneath the water, with other components either installed beneath the walkway network or housed within the lighthouse.</i></p>
<p>Policy 7.2.1</p>	<p>To allow activities involving damage or disturbance to any foreshore or seabed, where the adverse effects are short term, reversible, or minor; and to allow other activities where adverse effects can be satisfactorily avoided, remedied or mitigated. As a guide, the following (selected) criteria will need to be met for the activity to be deemed to have minor adverse effects:</p> <ul style="list-style-type: none"> <li>• the activity will not require exclusive use of the foreshore or seabed, and will not preclude public access to and along the foreshore past the site of disturbance ...</li> <li>• any adverse effects on plants and animals or their habitat will be short term, and the area will be naturally recolonised by a similar community type;</li> <li>• the activity will not result in any significant increase in water turbidity or elevated levels of contaminants;</li> <li>• the activity will not have any off-site adverse effects;</li> <li>• the activity will not adversely affect shoreline stability;</li> <li>• the activity will not have any permanent adverse effects on the amenity values of the foreshore or seabed;</li> <li>• the activity will not have any adverse effect on natural character;</li> <li>• the activity will not destroy or damage historic sites; and</li> <li>• the activity will not have any adverse effects on mahinga maataiti, waahi tapu or any other sites of significance to iwi.</li> </ul>

I am satisfied that the application is consistent with the policies of the Regional Coastal Plan as outlined above.

#### 5.4 Other Matters

The Wairarapa Coastal Strategy (WCS) identifies the issues specific to the Wairarapa coast and is an appropriate other matter to be considered under s.104(1)(c) of the Resource Management Act. Based on extensive consultation, it provides policy and direction for decision-makers, applicants and the wider community.

## *WCS Hazards Chapter*

The section on hazards is considered to be of most relevance to this application.

Regarding hazards, the policy of the WCS is:

### ***Policy 3***

*Encourage and support civil defence and emergency management programmes to increase response readiness and minimise the level of risk from natural hazards.*

### ***Policy 4***

*Investigate ways to minimise the level of risk to life and property, and the social, economic, environmental and cultural costs of applying risk reduction measure.*

### ***Policy 6***

*Encourage and support investigation of natural hazards ... on the Wairarapa Coast ...*

These policies appear to encourage the installation of instrumentation programmes such as the proposed tsunami monitoring system, and recognise the importance of risk reduction in relation to natural hazards. The application is considered to be consistent with the Wairarapa Coastal Strategy.

## **6. Main findings**

The proposed activity will have some short term but negligible construction effects whilst installing the system. The site occupies a relatively isolated location on a rock shelf in an area of restricted pedestrian access, and the proposed structure is small and unobtrusive. I believe effects on the significant natural character will be no more than minor. In the long term there will be positive effects from a national network of monitoring sites such as that proposed for Castlepoint in relation to tsunami hazard preparedness. Hence, in summary:

1. The proposed activity is consistent with the Purposes and Principles of the Resource Management Act 1991.
2. The proposed activity is consistent with the relevant objectives and policies of the Regional Coastal Plan.

3. The actual or potential adverse effects of the proposed activity on the environment will be no more than minor.
4. Conditions of the consent(s) will ensure that the adverse effects of the activity on the environment will be appropriately avoided, remedied or mitigated.
5. The proposal incorporates appropriate mitigation measures, to ensure the adverse effects are no more than minor.

### **6.1 Duration of consent**

A 35 year consent term is considered appropriate in this case as once the monitoring system is installed it is very unlikely that any adverse environmental effects will occur. I recommend the consent expire on 30 September 2043.

## **7. Monitoring**

Monitoring of the resource consent will be carried out during the construction phase and upon completion of the work. A charge for compliance monitoring will be made in accordance with the Resource Management Charging Policy, and set out in the decision letter.

The applicant will be required to contact the Regional Council 48 hours before work starts to enable a compliance inspection to be arranged.

<b>Application lodged:</b>	26-02-08	<b>Application officially received:</b>	26-02-08
<b>Application stopped:</b>	4-03-08	<b>Application started:</b>	23-07-08
<b>Applicant to be notified of decision by:</b>	12-08-08	<b>Applicant notified of decision on:</b>	8-08-08
<b>Time taken to process application:</b>	18 working days		

## **8. Attachment 1 WAR080332**

### ***Conditions of Consent***

#### **Site Location and Methodology**

1. All works shall be undertaken in accordance with the information set out in the resource consent application WAR080332 and associated plans and documents lodged with the Wellington Regional Council on 26 February 2008.
2. All works under this consent shall be completed to the satisfaction of the Manager, Environmental Regulation (Wellington Regional Council).
3. The consent holder shall ensure that the site is left in a tidy and safe condition following completion of the work.

#### **Notifying Regional Council: Commencement of Works**

4. The consent holder shall notify Environmental Regulation, Wellington Regional Council, at least 48 hours prior to the commencement of the work to arrange a compliance inspection.

#### **Copy of Consent to Operator**

5. The consent holder shall provide a copy of this consent and attachments to the operator undertaking any works. Furthermore, the consent holder shall ensure that the operator(s) are familiar with the nature and scope of this consent and its conditions.

#### **Public Safety**

6. Adequate provision shall be made to ensure that the activity does not compromise public safety.

#### **Release of suspended sediment, protection of fish life**

7. The consent holder shall keep all works in the coastal marine area to a practical minimum, and take all practical steps to minimise the release of suspended sediment and increased turbidity during any works in the coastal marine area, by:
  - completing all works in the minimum time practicable.

### **Cultural Sites, Artefacts and Human Remains**

8. In the event that an archaeological site is encountered during works for the proposed development, work shall cease immediately and the consent holder shall immediately notify Kahungunu ki Wairarapa, Rangitaane o Wairarapa, the New Zealand Historic Places Trust and, if appropriate, the New Zealand Police so that an archaeological assessment can be made and advice given accordingly.
9. In accordance with agreement reached in the consultation process, the consent holder shall arrange for representatives of Te Runanga o Te Hika a Papauma ki Wairarapa to be present on site when the tsunami monitoring equipment is being installed.

### **Environmental Disturbance**

10. The consent holder shall take all reasonable steps to ensure minimal disturbance to the surrounding environment occurs while any works are proceeding and will make every effort to complete all works as soon as is practicable, so that disturbance of the coastal marine area will be limited.

### **Handling of fuel and other hazardous substances**

11. No contaminants (including, but not limited to oil, petrol, diesel, hydraulic fluid) shall be released to water from equipment being used for the activity, and no refuelling of equipment shall take place within the coastal marine area.
12. In the event of a spill of fuel, hydraulic fluid, or other potential liquid contaminants, immediate steps shall be taken to remove or contain the spilled material. Secondly, the consent holder shall notify the Manager, Environmental Regulation, Wellington Regional Council.

### **Removal of equipment and materials**

13. Any excess material from the construction and implementation of the works shall be removed from the coastal marine area, and disposed of in an appropriate manner on completion of the works.

### **Maintenance**

14. The works shall remain the responsibility of the consent holder and shall be maintained so that the structural integrity of the tsunami monitoring system remains sound.

*Note: Maintenance shall be within the scope of the information and design specifications set out in the resource consent application. The works should not be enlarged as a result of maintenance, unless within the scope of a permitted activity rule.*

### **Review of conditions**

15. The Wellington Regional Council 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 three months of the date of commencement of this permit for either of the following purposes:
  - To deal with any adverse effects on the environment which may arise from the exercise of this (permit/consent), and which it is appropriate to deal with at a later stage.
  - To review the adequacy of any plan(s) prepared for this consent and/or monitoring requirement(s) so as to incorporate into the permit any modification to any plan(s) or monitoring requirement(s) which may become necessary to deal with any adverse effects on the environment arising from the exercise of this permit.
16. The Wellington Regional Council shall be entitled to recover from the consent holder the costs of the conduct of any review, calculated in accordance with and limited to that Council's scale of charge in force and applicable at that time pursuant to Section 36 of the Resource Management Act 1991.

### **Resource Management Charges**

17. A resource management charge, set in accordance with Section 36(2) of the Resource Management Act 1991 shall be paid to the Wellington Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of resource consents and for the execution of its functions under Section 35 (duty to gather information, monitor and keep records) of the Act.

# Non-notified resource consent application report and decision

## Summary of decision

**Activity:** Works in the bed of an unnamed watercourse at Castlepoint including diverting the watercourse around a recently constructed retaining wall.

**File Reference:** WAR100243

**Date Granted:** 4 November 2010

**Commencement date:** 4 November 2010

**Applicant:** D Cooksley

**Decision made under:** Sections 104B and 108 of the Resource Management Act (RMA)

**Consent Granted:** **30433: Discretionary activity**  
Water Permit (divert surface water)

**30434: Discretionary activity**  
Land Use Consent (works in the bed of a watercourse).

**Location:** Off Masterton - Castlepoint Road, Castlepoint

**Map Reference:** Unnamed watercourse, at or about map reference NZMS 260; U26: 2781179 – 6029488

**Legal Description:** Lot 1 DP 76138

**Duration of Consent:** 30433: 35 years  
30434: 2 years

**Subject to conditions:** Attachment 1

Decision recommended by:	G Kneebone	Resource Advisor, Environmental Regulation	
Decision peer reviewed by:	P Pickford	Senior Resource Advisor, Environmental Regulation	
Decision approved by:	S Thawley	Team Leader, Environmental Regulation	

# Reasons for decision: resource consent WAR100243 [30433 & 30434]

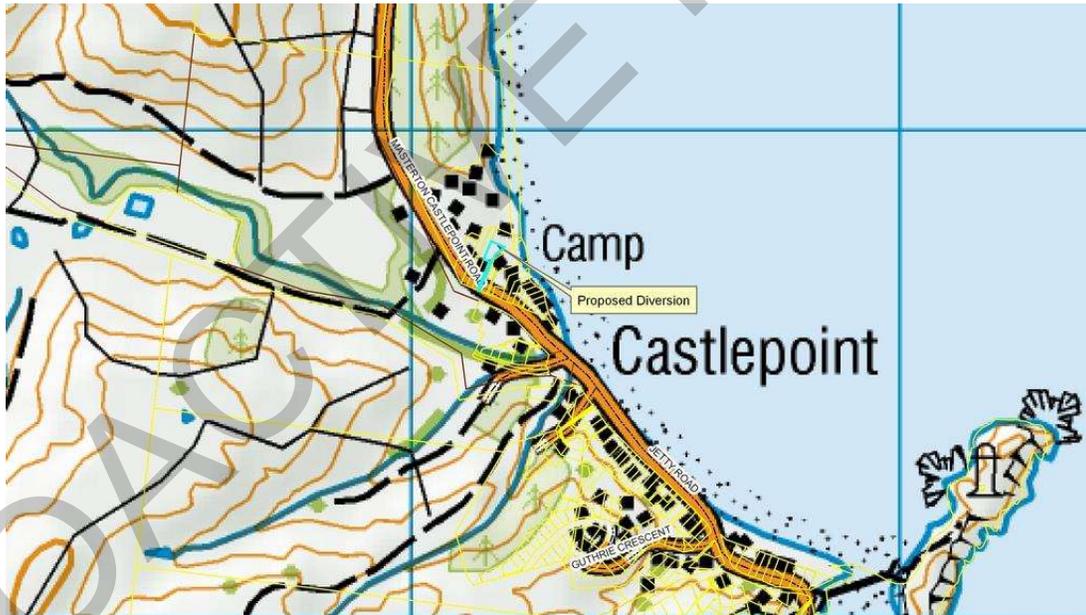
## 1. Background and proposal

D Cooksley has applied for retrospective consent to divert an un-named watercourse at Castlepoint and undertake associated physical works in the bed of the watercourse.

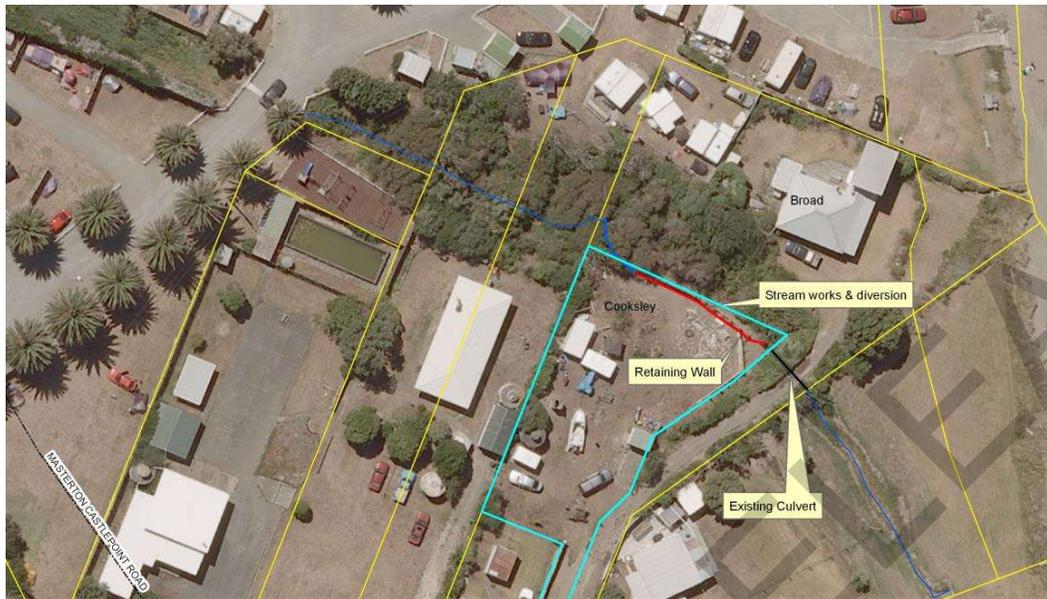
The application relates to work at a small residential site at Castlepoint which slopes down at the back to the watercourse. A timber retaining wall was constructed, and the area behind the retaining wall was infilled to form a building platform for the site. Photographs of the structure (as at the time the application was lodged with Greater Wellington) indicated the retaining wall extending right to the active channel of the watercourse.

Downstream of the applicant's property, the watercourse enters a culvert beneath the driveway for the adjacent residential lot. Downstream of the culvert it flows through two residential properties, flows through a further (undersized) culvert, then crosses the beach and discharges to the ocean.

Figure 1: Site Location Map



**Figure 2: Site Plan**



### **1.1 Original application**

In relation to the original application, the retaining wall was within the bed of the watercourse, the structure would have resulted in the displacement of additional flood water on the true left bank following heavy rainfall than occurred prior to the works being undertaken. This surcharge of flood flows would have resulted in the diversion of surface water on the adjacent property. Furthermore it was unclear from the plans presented, whether some additional works required to complete the project would be required to be undertaken on the adjacent property. The application was accordingly placed on hold for clarification of the extent of works and the written approval of abutting property owners (Lot 2 DP 76138 - JR and JA Broad).

### **1.2 Amended application**

On 28 July 2010, an amendment to the application was received from Kevin O'Connor & Associates Ltd, together with a revised plan. The amended proposal involved relocating the existing retaining wall back approximately 0.5m within the Cooksley property. This would involve the following:

- remove the northern end of the existing retaining wall;
- drive a series of posts and attach a timber lining along the inside to reconstruct the retaining wall in its new location; and
- backfill behind the wall to establish a building platform.

The active channel of the watercourse would then be relocated to the foot of the retaining wall, over a length of about 8m. These changes would enable the channel profile to be modified as set out in the drawing dated 2 October 2009.

The cross-sectional area of the completed channel would replicate that which is upstream of the site.

Mr M Hewison (Eastern Consulting Ltd) completed a comprehensive hydraulic analysis of the catchment, and designed a channel with capacity to convey flood flows. This resulted in a further amendment to the application as set out in plan E102299 dated 21 October 2010. This latter analysis and design is considered in more detail subsequently in this report in the assessment of environmental effects of the proposal.

The amended application confirmed that all of the work to be undertaken would occur solely within the applicants' property. Whilst there was some information contained in the amended application which showed that works may occur on the adjacent property, it was confirmed by Mr Hewison on 1 November 2010 that no works would be carried on the adjacent property.

### 1.3 Resource consents required

Section 14 of the RMA places restrictions relating to water. The activities undertaken by the applicant are not permitted as of right under this section of the Act or by the regional plans; therefore, resource consent is required.

Section 13 (1) of the RMA, states that placing a structure in/on a river bed, and excavating and disturbing a riverbed is not allowed unless permitted by a rule in a regional plan or a resource consent.

#### 1.3.1 Rule(s)

The Regional Freshwater Plan for the Wellington Region (RFP) is the relevant regional plan for which this application is assessed.

Rule 9 of the RFP provides for the diversion of water from an intermittently flowing stream as a *permitted activity* subject to the provisions of that rule. The activity cannot meet the provisions of this rule because the diversion will be located closer than 50m to a property boundary. Therefore, the application is considered a *discretionary activity* under Rule 16 of the RFP.

The remaining aspects of the proposal (works and structures in a streambed) do not meet permitted activity rules in the Regional Freshwater Plan (RFP). Accordingly an application for resource consent has been made under Rule 49 of the Plan (all remaining uses of riverbeds) for the work, which is a *discretionary activity*.

## 2. Consultation

### Iwi

In accordance with Greater Wellington Regional Council's (GW) agreement with tangata whenua regarding consultation on non-notified consents, Rangitane o Wairarapa and Kahungunu ki Wairarapa were provided with a copy of the application. Rangitane o Wairarapa had no specific concerns relating to the activity. Kahungunu ki Wairarapa did not respond.

### **3. Notification decision**

Section 95D provides the consent authority with a framework under which I have assessed this application. I consider the activity will have adverse effects that will be, or are likely to be no more than minor. Given this, I consider that public notification of this application is not required under s.95A(1).

However, under s.95B a consent authority is still required under to decide under s.95E and s.95F if there are any affected persons or affected order holders in relation to the proposed activities. These are discussed in the following sections.

### **4. Determination of affected persons and order holders**

Under s.95E(1) a consent authority must decide whether a person is affected by a proposed activity, and if the adverse effects on the person are minor or more than minor (but are not less than minor).

Under s.95E(2)(a) a consent authority may disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect and/or the person has given written approval to the activity under s.95E(3)(a).

I consider there are no affected persons to the amended application. The amended application confirms that the adjoining neighbour (JR and JA Broad) will not be adversely affected by the proposal. This is because all remaining works will be completed on the applicant's property alone, and that the revised retaining wall position will ensure that there is adequate flood flow capacity for the watercourse which will not result in additional floodwaters being diverted onto any adjacent land. Therefore, limited notification of this application was not required under s.95B. This will be discussed in more detail in the assessment of environmental effects in section 5 of this report.

Under s.95F a consent authority must decide if a person is an affected order holder in relation to the proposed activity. Currently there are no affected order holders under s.17A(2) in the Wellington Region.

## **5. Environmental effects**

### **5.1 Existing environment**

The site occupies the lower end of a hillslope that extends down to the beach, within the settlement of Castlepoint.

### **5.2 Actual and potential effects**

#### **Channel Characteristics**

The 181 hectare catchment has been evaluated in some detail in the amended application and AEE report prepared by Mr M Hewison. The channel has been highly modified, with the construction of retaining walls, culverts of various

sizes, and with very dense vegetation growth in other areas – all significantly affecting the flow regime.

The headwaters of the catchment comprise hilly terrain within Castlepoint Station. The watercourse then flows through a 1350mm diameter culvert beneath Castlepoint Road, through more farmland, before entering and flowing through the campground. This latter reach is a highly modified straight section of open channel, leading to a very steeply graded 1200mm diameter culvert pipe at the main access to the camp site. Immediately downstream of this culvert is a plunge pool. Water leaving this pool then flows through a number of residential properties where the channel has not been maintained, being infested by weed growth, shrubs and both standing and fallen trees. The resistance to flow is extreme, and completely modifies the flow regime.

Near the applicant's site, the typical profile adjacent to the stream comprises a well-incised but narrow channel for base flow, which then widens out to gently sloping berms extending up to the level of the surrounding terrain. The channel at the rear of the applicant's property resembles this profile except for clearance of the berm associated with recent building construction work.

Downstream of the site, the watercourse passes through an 1800mm diameter culvert (beneath the right-of-way access to the adjacent rear lots). Below this point, the channel has been well maintained and consists of a mown grass sward. It then exits to the beach and the sea via a 690mm diameter culvert. Most of the cover over this final culvert has recently been removed to provide a better flow capacity (during only moderate flood events).

In summary, over 80% of the catchment is located in moderately steep farmland on the western side of Castlepoint Road. Some water leaves the catchment in the vicinity of the main road culvert and likely higher up in the catchment. Flow exiting the catchment in this manner floods the road downstream from the applicant's property. The channel downstream from the road culvert has been highly modified and has extremely variable flow capacity.

### **Channel Capacity**

The watercourse is very small and flows intermittently. However, using the Rational Method, the  $Q_{100}$  is estimated to be in the range of 7.8 to 15.3 cumecs (based on a time of concentration of 1 hour and 0.5 hour respectively).

The principal control to flow within the channel is the culvert beneath the main access to the campground. This has been evaluated to convey approximately 3.0m<sup>3</sup>/second. Under high flow conditions water will be temporarily impounded behind the campground culvert. If the campground culvert was to be subsequently upgraded, then clearly additional flow downstream would result.

Based on the upstream constraints to flow, Mr Hewison designed a boulder-lined channel with a base width of up to 2.4m, side batter slopes of 1.5:1 and a depth of 0.6m. Given the existing gradient of the channel through the

applicant's property, the diverted channel will have a design flow rate of approximately 5.9m<sup>3</sup>/second.

The 1800mm diameter culvert beneath the right-of-way access to the Broad property can pass approximately 7.7m<sup>3</sup>/second.

The final constraint to flow is further downstream, just above the outlet to the beach. It is 690mm diameter and has very restricted capacity (approximately 0.85m<sup>3</sup>/second). Under high sea conditions, the outlet of this final culvert could experience a back-water curve, thereby restricting flow. Recent work removing cover from this culvert would facilitate overtopping more readily under high flow conditions.

I am satisfied that under the existing environment (prior to any of the recent construction work and with a severely restricted channel), during flood events water would have flowed on the berms, but with low velocity (<0.5m<sup>3</sup>/second).

As previously described, the constructed channel within the applicant's site will convey the predicted flood flow (~3.0m<sup>3</sup>/second) considering all of the factors that in combination represent the existing environment. Once the retaining wall is relocated and the channel constructed, the hydraulic analysis indicates that there will be less spill-over of flood flows onto the adjacent property than would have occurred prior to any construction work undertaken by the applicant.

Relocating the retaining wall back from the channel as indicated on plan E102299 (dated 21 October 2010) and constructing the boulder-lined channel will ensure that a flow capacity at least equivalent to that permitted by the current control (the campground culvert) will be achievable within the applicant's site. In conclusion, the amended proposal will improve the existing flow environment and reduce the frequency of flooding on the neighbouring property (JR and JA Broad).

### **Channel Diversion**

The application is to divert some of the flow of the watercourse around the retaining wall. The effect of the diversion and channel construction will be to reinstate a defined channel to enable a dwelling to be constructed on the site.

The applicant has confirmed that the channel capacity of the diverted watercourse will be comparable to the existing channel. Therefore, the hydraulic efficiency of the watercourse will not be compromised as a consequence of the diversion. The profile drawing accompanying the amended application sets out the channel form, with 1.5H : 1V batters slopes for the diverted watercourse. A condition of consent is recommended to retain the effective capacity of the active channel.

Diversion of the active channel as proposed is unlikely to increase flow velocity in the affected reach as the watercourse closely follows the contour across the hillslope at this location, and is highly modified. There is no appreciable change in stream length arising from the diversion, and no alteration to base grade.

A layer of boulders is to be placed over the filter fabric to form a continuous cover through the diverted reach of the channel. This will prevent potential scour of the streambed, and will be included as a condition of consent. The amended application includes using larger diameter boulders and this will avoid the potential for transport of these stones under high flows and for the culvert to be blocked.

A condition of consent is recommended to mitigate adverse effects of works within the streambed, including forming appropriate batter slopes to mitigate erosion when reconstructing banks as a result of works in the bed. A further condition of consent will require the installation of a geotextile filter fabric in the channel. The filter fabric is to be overlain by a layer of boulders to form a continuous cover through the site.

### **Effects on Fauna, Flora and Recreational Users**

To help mitigate adverse effects of sediment release, recommended conditions on the consent will require keeping all works in the active channel to a minimum and taking all practical steps to minimise the release of sediment during in-stream work. Sediment may also be released during future maintenance activities.

Any potential effects on instream habitat are likely to be of short duration and minor. Standard conditions of consent require that:

- fish passage be maintained at all times;
- any fish found stranded during the excavation of the bed be placed back into the active channel as soon as possible;
- no refuelling be carried out in the watercourse;
- keep works to a practical minimum.

## **6. Statutory framework**

### **6.1 Resource Management Act 1991**

Part II (Section 5) of the Resource Management Act 1991 (the Act) defines its purpose as the promotion of the sustainable management of natural and physical resources. Sections 6, 7 and 8 of Part II define the matters a consent authority shall consider when achieving this purpose.

Section 104(1)(b) of the Act outlines the matters a consent authority must have regard to. These matters include any actual and potential effects on the environment of allowing the activity, relevant National Environmental Standard(s), other regulations, relevant objectives, policies and rules of a Regional Plan, the Regional Policy Statement and Proposed Regional Policy Statement, and any other matter considered relevant and reasonably necessary to determine the application.

### **6.2 National Environmental Standard**

There are no National Environmental Standards that are relevant to this application.

### 6.3 Other Regulations

There are no other regulations that are relevant to this application.

### 6.4 Regional Policy Statement and Proposed Regional Policy Statement

The proposed RPS was notified on 21 March 2009. Decisions on submissions on the proposed RPS were approved by Council on 18 May 2010 and notified on 22 May 2010. The appeal period closed on 6 July 2010. Eight appeals have been received on the decision. The provisions in the proposed RPS must be considered pursuant to Section 104(1)(b)(v) of the Act. Section 4.2 of the proposed RPS contains the relevant regulatory policies to be given particular regard when assessing and deciding on resource consent applications. I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the policies in Section 4.2 of the proposed RPS.

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 reasonably foreseeable needs of current and future generations. The relevant chapters of the RPS are Chapter 5: Freshwater, and Chapter 11: Natural Hazards (flooding). I consider that the proposed activity outlined in the application is consistent with the objectives and policies of these chapters.

### 6.5 Regional plans

#### 6.5.1 Policies and objectives

The Regional Freshwater Plan has a number of objectives and policies that relate to the proposed activity. The relevant objectives and policies to consider in assessing this application are listed below:

• Policy 4.2.9	To have regard to certain characteristics of rivers when considering the protection of their natural character from the adverse effects of use and development.
• Policy 4.2.11	Avoid, remedy or mitigate adverse effects on aquatic habitats and freshwater ecosystems.
• Policy 4.2.18	Promote avoidance or mitigation of potential adverse effects associated with flooding.
• Policy 6.2.15	To allow the diversion of water in any river provided certain adverse effects are avoided, remedied or mitigated.
• Policy 7.2.1	To allow the diversion of water within river beds provided that any adverse effects are avoided, remedied or mitigated and that the significant adverse effects identified in Policy 7.2.2 are avoided.

<ul style="list-style-type: none"> <li>• Policy 7.2.2</li> </ul>	<p>To not allow the use of river beds for structures or activities that have significant adverse effects on:</p> <ul style="list-style-type: none"> <li>• the values held by tangata whenua; and/or</li> <li>• natural or amenity values; and/or</li> <li>• the flood hazard;</li> <li>• river bed or bank stability; and/or</li> <li>• water quality; and/or</li> <li>• water quantity and hydraulic processes (such as river flows and sediment transport); ...</li> </ul>
------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

I am satisfied that the activity is consistent with the policies outlined above, and that it is the best practicable option to enable development of the site.

## 7. Main findings

The activity will have some more short term effects when completing the physical works. The applicant will avoid and mitigate these effects as far as practicable through adopting appropriate construction methods as outlined in the application. Hence, in summary:

1. The activity is consistent with the Purposes and Principles of the Resource Management Act 1991
2. The activity is consistent with the relevant objectives and policies of the Regional Freshwater Plan.
3. The actual or potential adverse effects of the activity on the environment will be no more than minor.
4. Conditions of the consent(s) will ensure that the adverse effects of the activity on the environment will be appropriately avoided, remedied or mitigated.
5. The application incorporates appropriate mitigation measures, to ensure the adverse effects are no more than minor.

### 7.1 Duration of consent

A 35 year term is recommended for both consents as this is a permanent activity, and therefore this consent will expire on 30 September 2045.

## 8. Monitoring

Monitoring of the resource consent will be carried out during and post construction.

A charge for compliance monitoring will be made in accordance with the Resource Management Charging Policy, and set out in the decision letter.

---

<b>Application lodged:</b>	17-03-10	<b>Application officially received:</b>	17-03-10
<b>Application on hold (s.95E RMA)</b>	7-04-10	<b>Processing Resumed</b>	01-11-10
<b>Applicant to be notified of decision by:</b>	10-11-10	<b>Applicant notified of decision on:</b>	04-11-10
<b>Time taken to process application:</b>	16 working days		

---

## **9. Attachment 1 Conditions of Resource Consent WAR100243 [30433 & 30434]**

### **General conditions**

1. The location, design, implementation and operation of the activity shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 17 March 2010, and the amended application dated 26 October 2010 and confirmed on 1 November 2010.

For the avoidance of doubt, where information contained in the application is contrary to conditions of this consent, the conditions shall prevail.

*Note 1: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.*

2. The consent holder shall confine all construction activities and diversion of the watercourse to Lot 1 DP 76138, as indicated in drawing reference E102299.

### **Pre-construction conditions**

3. The Manager, Environmental Regulation, Wellington Regional Council, shall be given a minimum of two working days (48 hours) notice prior to the works recommencing.

*Note: Notifications can be emailed to notifications@gw.govt.nz. Please include the consent reference WAR100243 and the name and phone number of a contact person responsible for the proposed works.*

4. The consent holder shall provide a copy of this consent and any documents and plans referred to in this consent to each operator or contractor the undertaking works authorised by this consent, prior to the works commencing.

*Note: It is recommended that the contractors be verbally briefed on the requirements of the conditions of this consent prior to works commencing.*

5. The consent holder shall ensure that a copy of this consent and all documents and plans referred to in this consent, are kept on site at all times and presented to any Wellington Regional Council officer on request.

### **Construction conditions – avoiding, minimising, and remedy potential environmental effects**

6. The consent holder shall ensure that:
  - a) all machinery is thoroughly cleaned of unwanted vegetation (e.g. weeds), seeds or contaminants prior to entering the site;

- b) all machinery is regularly maintained in such a manner so as to minimise the potential for leakage of contaminants; and
- c) no machinery is cleaned or stored within five metres of the watercourse.
7. The consent holder shall keep all works in the active channel to a practical minimum, and take all practical steps to minimise the release of suspended sediment during any works in the active channel during the construction, implementation and maintenance of the works, including:
- a) completing all works in the minimum time practicable;
- b) minimising the area of disturbance at all times;
- c) minimising time spent by any machinery working in the wetted active channel.
8. The consent holder shall ensure that continuous fish passage at the work site is maintained at all times during the physical works and ensure that any fish that are stranded during construction are immediately placed back in the active flowing channel, and for the term of this consent.
9. The consent holder shall implement the following procedures if archaeological artefacts or koiwi remains are discovered:
- a) work is to cease immediately;
- b) the consent holder shall contact the Manager, Environmental Regulation, Wellington Regional Council, District Planner, Masterton District Council, Rangitane o Wairarapa, Kahungunu ki Wairarapa, and the New Zealand Historic Places Trust immediately;
- c) representatives of Rangitane o Wairarapa and/or Kahungunu ki Wairarapa Iwi Authority and the New Zealand Historic Places Trust are to be given sufficient time to carry out an investigation of the site to determine any cultural issues and an appropriate course of action. At the discretion of the Manager, Environmental Regulation, Wellington Regional Council, this action may include a permanent or temporary cessation of work on the site; and
- d) works shall not recommence until all necessary approvals have been obtained from the New Zealand Historic Places Trust.

The consent holder shall provide appropriate information to contractors and operational staff regarding the nature of koiwi remains and archaeological artefacts so that if they are uncovered they will be recognised as such.

10. No contaminants (including, but not limited to oil, petrol, diesel, hydraulic fluid) shall be released to water from equipment being used for the activity, and no refuelling of equipment shall take place on any area of streambed.

11. In the event of a spill of fuel, hydraulic fluid, or other potential liquid contaminants, immediate steps shall be taken to remove or contain the spilled material. Secondly, the consent holder shall immediately notify the Manager, Environmental Regulation, Wellington Regional Council.

#### **Construction conditions - standards**

12. The consent holder shall ensure that the effective capacity of the active channel is not reduced as a consequence of the physical works.
13. The new realignment shall be appropriately graded to minimise the flow velocity in the diverted watercourse.
14. The consent holder shall install a geotextile filter fabric in the diverted reach of the channel, as set out in the profile drawing appended to the application. A layer of boulders shall be placed over the filter fabric to form a continuous cover through the diverted reach of the channel, but of sufficient diameter to avoid being transported under high flows in the watercourse and blocking up the culvert downstream of the diversion.
15. The consent holder shall ensure that an appropriate stream bank batter slope is constructed to mitigate against erosion whilst undertaking works arising from this consent.
16. The consent holder shall prepare exposed soils (other than paved surfaces) where the physical works have been carried out, and revegetate these surfaces with appropriate species such that they form continuous cover.
17. All works affecting the watercourse including tidy up on completion of the works shall be completed to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

#### **Monitoring and maintenance**

18. Any erosion of the stream bank or bed that is attributable to the works carried out as part of this consent shall be repaired by the consent holder as soon as practicable.
19. Any maintenance carried out after initial works are completed shall only be for the purpose of maintaining the constructed channel at the site specified in this consent.

#### **Review of Conditions**

20. The Wellington Regional Council 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 three months of the date of commencement of this permit for either of the following purposes:

- Dealing with any adverse effects on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later stage; and/or
- To review the adequacy of any plans and/or alter any monitoring requirements prepared for this consent so as to incorporate into the consent any modification which may become necessary to clarify or deal with any adverse effect on the environment of arising from this activity; and/or
- To enable consistency with the Regional Freshwater Plan and/or with National Environmental Standards.

**Notes**

- a) A resource management charge, set in accordance with Section 36(2) of the Resource Management Act 1991 shall be paid to the Wellington Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of resource consents and for the execution of its functions under Section 35 (duty to gather information, monitor and keep records) of the Act.
- b) The Wellington Regional Council shall be entitled to recover from the consent holder the costs of the conduct of any review, calculated in accordance with and limited to that Council's scale of charge in force and applicable at that time pursuant to Section 36 of the Resource Management Act 1991.

# Resource Consent

## RESOURCE MANAGEMENT ACT 1991

**Consent No. WAR180144**

**Category: Land use – bore**

Pursuant to sections 104B 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:

<b>Name</b>	Masterton District Council
<b>Address</b>	Attn: Kevin Godfrey, PO Box 444, Masterton 5840
<b>Duration of consent</b>	Granted in perpetuity from 22 December 2017
<b>Purpose for which right is granted</b>	To construct and maintain a bore (BP36/0004) for domestic purposes
<b>Location</b>	Jetty Rd, Castlepoint at or about map reference NZTM 1871270.5467575
<b>Legal description of land</b>	MDC Road Reserve
<b>Conditions</b>	1-12 as attached

For and on behalf of  
WELLINGTON REGIONAL COUNCIL



.....

Team Leader, Environmental Regulation

Date: 22 December 2017

# 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 as 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 change or cancel any consent conditions, please contact the Greater Wellington Regional Council (GWRC) prior to making the changes. You may need a formal change to your resource consent conditions.

You may transfer your coastal, discharge, or water permit to any other person. If you sell your operation please contact GWRC and we will arrange the transfer for you (at no cost) once you've completed a 'Transfer of Permit' form including the signatures of the old and new owners.

If your resource consent application contained inaccurate or misleading information, GWRC may 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 is 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 processing and monitoring of your consent under section 36 of the Resource Management Act 1991. Charges may be reviewed every year. If you would like a copy of our current Resource Management Charging Policy please ask us.

You have the right to object to the decision on your consent and/or any additional charges (over and above fixed charges) under section 357A and 357B of the Resource Management Act 1991. Such an objection should be made in writing, setting out the reasons, and be received by us within 15 working days of any decision on your consent and/or additional charges being notified to you.

You are required to allow GWRC 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 your resource consent.

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 awaiting hearing or awaiting settlement by the Crown.

# Conditions to Resource Consent WAR180144 [35155]

## General conditions

1. The location, design, implementation and operation of the bore shall be in general accordance with the resource consent application and its associated plans and documents lodged with the Wellington Regional Council on 8 December 2017.

Where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

*Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.*

2. This resource consent will lapse two years from the date of granting if no bore construction works have taken place in this period.
3. Any bore constructed under this consent shall not exceed a maximum depth of 10m below existing ground level.
4. The consent holder may construct up to one bore under this consent.

## Pre-construction conditions

5. Prior to the bore being constructed, the consent holder shall provide to the driller who will undertake the works a copy of this consent and a Well Drillers' Bore Log form for completion.

*Note: The Well Drillers' Bore Log Form was sent to you with a copy of this consent. If you require another copy, it can be downloaded from our website at <http://www.gw.govt.nz/Forms/>*

## Construction conditions

6. The bore shall be constructed and maintained in accordance with the New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001). This includes but is not limited to the following clauses and standards:
  - i. The observation plug, installed in accordance with clause 2.5.5.7, shall have diameter of at least 19mm
  - ii. Appropriate fittings shall be installed at the headworks, in accordance with clause 2.5.5.8, to ensure that the backflow of any potentially contaminated water is prevented
  - iii. The bore/well shall be appropriately developed for its end use by ensuring that well loss is minimised
  - iv. The saturated thickness of any aquifer that is not confined should be fully penetrated
  - v. An appropriate size bore/well diameter shall be selected

*Note: **Free flowing artesian bores**, bores/wells with **surface/suction lift pump systems**, and bores/wells that only **partially penetrate the saturated thickness of any unconfined aquifer**, may not be adequate to access the groundwater resource in the future. Please note that if your bore/well is not appropriately constructed and developed (as outlined above), you may not be considered an affected party if there is any further development of the groundwater resource in the future.*

7. The bore/well must not be screened in more than one aquifer.



8. If koiwi, taonga, waahi tapu or other archaeological material is discovered in any area during the works, work shall immediately cease and the consent holder shall notify Greater Wellington Regional Council, Kahungunu ki Wairarapa, Rangitane O Wairarapa, and Heritage New Zealand as soon as possible but within 24 hours. If human remains are found, the New Zealand Police shall also be contacted. The consent holder shall allow the above parties to inspect the site and in consultation with them, identify what needs to occur before work can resume.

No works may resume on site until the consent holder has received written notification that consultation with the parties identified above has been undertaken to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

*Note 1: Notification should be emailed to;*

- Greater Wellington Regional Council, [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz)
- Heritage New Zealand, [information@heritage.org.nz](mailto:information@heritage.org.nz)
- Rangitane O Wairarapa, [horipo@rangitane.iwi.nz](mailto:horipo@rangitane.iwi.nz) or [mike@rangitane.iwi.nz](mailto:mike@rangitane.iwi.nz)
- Kahungunu ki Wairarapa, [ra@kahungunuwairarapa.iwi.nz](mailto:ra@kahungunuwairarapa.iwi.nz)

*Heritage New Zealand should be contacted by phone on 04 472 4341.*

*Note 2: Evidence of archaeological material may include burnt stones, charcoal, rubbish heaps, shell, bone, old building foundations, artefacts and human burials.*

#### **Post construction conditions**

9. Within one month after drilling, the consent holder shall submit to the Manager, Environmental Regulation, Wellington Regional Council, a copy of the Well Drillers' Bore Log form as completed by the driller who constructed the bore. The form shall be completed to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

*Note 1: Completed Well drillers' Bore Log forms should be scanned and sent to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz). Please include the consent reference (WAR180144) and the name and phone number of a contact person responsible for the Well Drillers' Bore Log form.*

*Note 2: If the bore log form is not submitted in accordance with consent condition 9, the Wellington Regional Council may investigate to determine if a breach of this consent or the Resource Management Act 1991 has occurred and may undertake enforcement.*

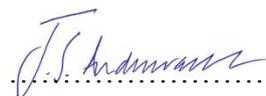
10. If so requested in writing by the Manager, Environmental Regulation, Wellington Regional Council, the consent holder shall make their bore/well available for the monitoring of water levels and water quality.

*Note: The Wellington Regional Council may need to install automatic recorder equipment at times. All cables should be secured against the rising main to ensure the water level can be measured without hindrance.*

11. The consent holder shall forward the results of any water quality and level analyses of the bore/well waters (carried out at the time of the well's construction or post construction) to the Manager, Environmental Regulation, Wellington Regional Council, within one month of samples being analysed.

*Note: The results of any water quality analyses and/or monitoring should be sent to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz). Please include the consent reference (WAR180144) and the name and phone number of a contact person responsible for the results.*

12. In the event of the bore/well being decommissioned or abandoned (ie, bore surplus to requirement), the bore/well must be backfilled in accordance with clause 2.7 of the New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001). The material used to backfill the bore/well shall consist of non-toxic material and be restricted to natural materials such as bentonite, clay, clean gravels and sand.



# Continued Conditions to Resource Consent WAR180144 [35155]

## Standard notes, comments, and recommendations

- a) A resource management charge, set in accordance with section 36(2) of the Resource Management Act 1991 shall be paid to the Wellington Regional Council for the carrying out of its functions in relation to the administration, monitoring, and supervision of resource consents and for the carrying out of its functions under section 35 (duty to gather information, monitor, and keep records) of the Act.
- b) Copies of the Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001) can be obtained from Standards New Zealand ([www.standards.co.nz](http://www.standards.co.nz)). Note in particular that these standards specify that the bore/well headworks shall be constructed and maintained to prevent leakage of groundwater to waste, and to prevent foreign material, surface water, spillage or other leakage entering the bore/well.
- c) If you want to alter your bore/well (e.g., deepening or re-screening a bore) please consult with Environmental Regulation, Wellington Regional Council. Following consultation, you may be required to lodge an application for either a new consent or a variation to your existing consent.
- d) This land use consent is for the construction of a bore/well. Water is only permitted to be taken under the following circumstances:
- Any permitted use under section 14 of the Resource Management Act 1991 (water for reasonable domestic, stock, or fire-fighting purposes is permitted)
  - Any permitted use under Rule R136 of the proposed Natural Resources Plan. Rule R136 permits the taking of water at the rates identified in the table below, subject to 5 additional conditions.

Total take and use per property shall not exceed the following:

Property size	Rate	Volume per day
Greater than 20ha	2.5l/s	20m <sup>3</sup>
Less than 20ha	2.5l/s	10m <sup>3</sup>

To ensure that water is being taken in accordance with the permitted activity rule (outlined above), the Manager, Environmental Regulation, Wellington Regional Council, may request the consent holder to record the pump rate, days and hours of water abstraction and provide a copy of these records to Wellington Regional Council.

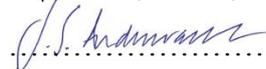
- e) The Wellington Regional Council advises you that as this land-use consent is for bore/well construction, there is no guarantee on:
- A water permit being granted if sought, or
  - The required amount of water being available
- f) A water permit application will need to be submitted to the Wellington Regional Council for any water use not prescribed in (d) above. Wellington Regional Council recommends that no capital expenditure on equipment be made until a water permit is granted. Note that if a water permit is granted, it is likely that you will need to install a water meter at the bore/well headworks and a plug in the rising main.



## Special notes, comments, and recommendations<sup>1</sup>

- g) Wellington Regional Council recommends that regular bacteriological and chemical analysis be undertaken on the bore water. If necessary, the bore water should be treated to conform with the Drinking Water Standards for New Zealand 2005. It is recommended that adequate signage is posted at wash areas to advise public that the water is not for drinking purposes.
- h) The bore may be subject to contamination due to the shallow and unconfined nature of the aquifer. There is potential for salt water intrusion due to the proximity of the beach.
- i) The bore should be sited as far as practical from all existing and proposed septic tanks and stock yards/races and other such installations.
- j) The bore should be fenced off to avoid public tampering or interfering with the bore/well head
- k) A resource consent (water permit) is required for the proposed use of the bore identified in your resource consent (land-use consent to construct a bore) application. Before a water permit application is received by the Wellington Regional Council the applicant will need to:
- Explicitly identify whether the bore is multi screened within one aquifer and provide a drawing showing the location, length of the well screens and also detailed bore logs within the aquifer. Please outline reasons for using multi screening.
  - Carry out a step-drawdown pumping test to determine an efficient pump rate. A step-drawdown tests should be undertaken by drillers after constructing and developing a bore to determine the best design rate for the bore with optimum well efficiency. All pump testing should be carried out in accordance with Schedule T of the proposed Natural Resource Plan.
  - Carry out an aquifer test at the design rate. The design pump rate should be equal or more than the proposed abstraction rate in the consent application. It is recommended that you familiarise yourself with the 'Aquifer Test Guidelines for the Greater Wellington Region' (July 2012) and consult with the Environmental Science Department, Wellington Regional Council, before you commence any pump testing programme. The aquifer test needs to be of sufficient duration to ascertain the aquifers hydraulic parameters. Information obtained by undertaking the test should be used as part of the assessment of effects on the environment to effectively determine stream depletion effects and aquifer recharge boundaries. The test should be a minimum of 24hrs in duration by may be required to be substantially longer depending to the site specific conditions.
  - Prepare an Assessment of Environmental Effects (AEE) report to accompany any water permit application. We recommend that a suitably qualified consultant is engaged to analyse the aquifer test and prepare the AEE. It is also recommended that you liaise with Environmental Science Department, Wellington Regional Council, to ensure that sufficient information is provided to allow a robust assessment of the environmental impact
- l) The design bore yield of 2-5 litres/second may be limited in this area.

<sup>1</sup> The special notes, comments and recommendations provided are from the best available knowledge and information the Wellington Regional Council has at the time the bore permit application is processed. Hence there may be variances or other matters not raised on the advice provided in the special notes, comments, and recommendations.





## Bore Permit Report: WAR180144 [35155]

**Applicant** Masterton District Council c/- Kevin Godfrey  
**Address** PO Box 444, Masterton 5810  
**Bore Location** Jetty Rd, MDC Road Reserve, Castlepoint  
**Grid Reference** NZTM: 1871270.5467575  
**Proposed Depth** 10m  
**Bore Diameter** 150mm

**Quantity of Water** 2-5 litres/second 3 hours/day  
**Permitted Take**  Yes  No  
**Groundwater Unit** Castlepoint  
**Purpose of Bore** Public Supply  
**Wells Number(s)** BP36/0004

### Written approvals

- |                                                                             | Yes                                 | No                                  |
|-----------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| • Is the landowner different from the applicant?                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| If yes, has the landowner provided written approval?                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Has written approval been obtained from any other adversely affected party? | NA                                  |                                     |
| • Iwi consultation on Te Wahi                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Concerns raised by iwi?                                                     |                                     |                                     |
| No concerns raised by either Iwi Group                                      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

### Activity assessment

Regional Freshwater Plan  
 Rule 15 – discretionary activity  
Proposed Natural Resources Plan  
 Rule 147 – controlled activity

### Assessment of Environmental Effects

As no concerns were raised regarding the application, standard consent conditions are recommended for this consent.

Provided the works are undertaken in accordance with the application and recommended resource consent conditions the adverse effects to the environment are likely to be no more than minor.

### Statutory assessment

- Consistent with Part II of the Resource Management Act 1991
- Consistent with objectives and policies of the Regional Policy Statement, Regional Freshwater Plan, and Proposed Natural Resources Plan

### Permit conditions

- Standard conditions (numbers 1-12)

## Notes/recommendations/comments to appear on permit

- Standard notes (a-f)
- Special notes/recommendations/comments (g-l) meets s108AA:
  - Recommend bacteriological and chemical analysis be undertaken regularly and signage is posted to advise public not to drink from the wash areas
  - Bore may be subject to contamination due to shallow unconfined nature of the aquifer, and there is potential for salt water intrusion
  - Bore should be as far as practical from septic tanks and other such installations

## Bore should be fenced off to avoid public tampering or interfering with the bore head Monitoring

- Monitoring as required

*RA Note Only: You will need to fill out a [Consent Monitoring Charges](#) form if compliance monitoring charges are likely to apply.*

## Decision

Bore permit WAR180144 [35155] granted under section 104B of Resource Management Act 1991 for an unlimited term.

Decision recommended by:	Dayna Calkin	Resource Advisor, Environmental Regulation	
Decision peer reviewed by:	Nicky Detheridge - Davis	Resource Advisor, Environmental Regulation	
Decision approved by:	Shaun Andrewartha	Team Leader, Environmental Regulation	

---

<b>Application lodged:</b>	08/12/17	<b>Application officially received:</b>	07/12/17
<b>Applicant to be notified of decision by:</b>	29/01/18	<b>Applicant notified of decision on:</b>	22/12/17
<b>Time taken to process application:</b>	8 working days		

---



# Resource Consent

RESOURCE MANAGEMENT ACT 1991

**Consent No. WAR180449 [35573]**

**Category: Land use – bore**

Pursuant to sections 104B 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:

<b>Name</b>	Masterton District Council
<b>Address</b>	Attention: Kevin Godfrey, PO Box 444, Masterton 5840
<b>Duration of consent</b>	Granted in perpetuity from 11 June 2018
<b>Purpose for which right is granted</b>	To construct and maintain a bore (BP36/0006) for domestic purposes
<b>Location</b>	Jetty Road, Castlepoint, Masterton At or about map reference NZTM 1871319.5467497
<b>Legal description of land</b>	Reserve land
<b>Conditions</b>	1 - 11 as attached

For and on behalf of  
WELLINGTON REGIONAL COUNCIL

Team Leader, Environmental Regulation

Date: 11 June 2018

# 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 as 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 change or cancel any consent conditions, please contact the Greater Wellington Regional Council (GWRC) prior to making the changes. You may need a formal change to your resource consent conditions.

You may transfer your coastal, discharge, or water permit to any other person. If you sell your operation please contact GWRC and we will arrange the transfer for you (at no cost) once you've completed a 'Transfer of Permit' form including the signatures of the old and new owners.

If your resource consent application contained inaccurate or misleading information, GWRC may 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 is 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 processing and monitoring of your consent under section 36 of the Resource Management Act 1991. Charges may be reviewed every year. If you would like a copy of our current Resource Management Charging Policy please ask us.

You have the right to object to the decision on your consent and/or any additional charges (over and above fixed charges) under section 357A and 357B of the Resource Management Act 1991. Such an objection should be made in writing, setting out the reasons, and be received by us within 15 working days of any decision on your consent and/or additional charges being notified to you.

You are required to allow GWRC 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 your resource consent.

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 awaiting hearing or awaiting settlement by the Crown.

# Conditions to Resource Consent WAR180449 [35573]

## General conditions

1. The location, design, implementation and operation of the bore/well shall be in general accordance with the resource consent application and its associated plans and documents lodged with the Wellington Regional Council on 18 May 2018.

Where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

*Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.*

2. This resource consent will lapse two years from the date of granting if no bore construction works have taken place in this period.
3. The consent holder may construct up to one bore under this consent.

## Pre-construction conditions

4. Prior to the bore being constructed, the consent holder shall provide to the driller who will undertake the works a copy of this consent and a Well Drillers' Bore Log form for completion.

*Note: The Well Drillers' Bore Log Form was sent to you with a copy of this consent. If you require another copy, it can be downloaded from our website at <http://www.gw.govt.nz/Forms/>*

## Construction conditions

5. The bore shall be constructed and maintained in accordance with the New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001). This includes but is not limited to the following clauses and standards:
  - i. The observation plug, installed in accordance with clause 2.5.5.7, shall have diameter of at least 19mm
  - ii. Appropriate fittings shall be installed at the headworks, in accordance with clause 2.5.5.8, to ensure that the backflow of any potentially contaminated water is prevented
  - iii. The bore/well shall be appropriately developed for its end use by ensuring that well loss is minimised
  - iv. The saturated thickness of any aquifer that is not confined should be fully penetrated
  - v. An appropriate size bore/well diameter shall be selected

*Note: **Free flowing artesian bores**, bores/wells with **surface/suction lift pump systems**, and bores/wells that only **partially penetrate the saturated thickness of any unconfined aquifer**, may not be adequate to access the groundwater resource in the future. Please note that if your bore/well is not appropriately constructed and developed (as outlined above), you may not be considered an affected party if there is any further development of the groundwater resource in the future.*

6. The bore must not be screened in more than one aquifer.



J.S. Anderson

7. If koiwi, taonga, waahi tapu or other archaeological material is discovered in any area during the works, work shall immediately cease and the consent holder shall notify Greater Wellington Regional Council, Rangitane o Wairarapa, Ngati Kahungunu ki Wairarapa and Heritage New Zealand as soon as possible but within twenty-four hours. If human remains are found, the New Zealand Police shall also be contacted. The consent holder shall allow the above parties to inspect the site and in consultation with them, identify what needs to occur before work can resume.

No works may resume on site until the consent holder has received written notification that consultation with the parties identified above has been undertaken to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

*Note 1: Notification should be emailed to:*

- Greater Wellington Regional Council, [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz)
- Heritage New Zealand, [information@heritage.org.nz](mailto:information@heritage.org.nz)
- Rangitane O Wairarapa, [horipo@rangitane.iwi.nz](mailto:horipo@rangitane.iwi.nz) or [mike@rangitane.iwi.nz](mailto:mike@rangitane.iwi.nz)
- Kahungunu ki Wairarapa, [ra@kahungunuwairarapa.iwi.nz](mailto:ra@kahungunuwairarapa.iwi.nz)

*Heritage New Zealand should be contacted by phone on 04 472 4341.*

*Note 2: Evidence of archaeological material may include burnt stones, charcoal, rubbish heaps, shell, bone, old building foundations, artefacts and human burials.*

#### **Post construction conditions**

8. Within one month after drilling, the consent holder shall submit to the Manager, Environmental Regulation, Wellington Regional Council, a copy of the Well Drillers' Bore Log form as completed by the driller who constructed the bore. The form shall be completed to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

*Note 1: Completed Well drillers' Bore Log forms should be scanned and sent to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz). Please include the consent reference (WAR180449) and the name and phone number of a contact person responsible for the Well Drillers' Bore Log form.*

*Note 2: If the bore log form is not submitted in accordance with consent condition 8, the Wellington Regional Council may investigate to determine if a breach of this consent or the Resource Management Act 1991 has occurred and may undertake enforcement.*

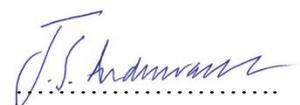
9. If so requested in writing by the Manager, Environmental Regulation, Wellington Regional Council, the consent holder shall make their bore available for the monitoring of water levels and water quality.

*Note: The Wellington Regional Council may need to install automatic recorder equipment at times. All cables should be secured against the rising main to ensure the water level can be measured without hindrance.*

10. The consent holder shall forward the results of any water quality and level analyses of the bore waters (carried out at the time of the bore's construction or post construction) to the Manager, Environmental Regulation, Wellington Regional Council, within one month of samples being analysed.

*Note: The results of any water quality analyses and/or monitoring should be sent to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz). Please include the consent reference (WAR180449) and the name and phone number of a contact person responsible for the results.*

11. In the event of the bore being decommissioned or abandoned (ie, bore surplus to requirement), the bore/well must be backfilled in accordance with clause 2.7 of the New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001). The material used to backfill the bore shall consist of non-toxic material and be restricted to natural materials such as bentonite, clay, clean gravels and sand.



# Continued Conditions to Resource Consent WAR180449 [35573]

## Standard notes, comments, and recommendations

- a) A resource management charge, set in accordance with section 36(2) of the Resource Management Act 1991 shall be paid to the Wellington Regional Council for the carrying out of its functions in relation to the administration, monitoring, and supervision of resource consents and for the carrying out of its functions under section 35 (duty to gather information, monitor, and keep records) of the Act.
- b) Copies of the Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001) can be obtained from Standards New Zealand ([www.standards.co.nz](http://www.standards.co.nz)). Note in particular that these standards specify that the bore/well headworks shall be constructed and maintained to prevent leakage of groundwater to waste, and to prevent foreign material, surface water, spillage or other leakage entering the bore/well.
- c) If you want to alter your bore (e.g., deepening or re-screening a bore) please consult with Environmental Regulation, Wellington Regional Council. Following consultation, you may be required to lodge an application for either a new consent or a variation to your existing consent.
- d) This land use consent is for the construction of a bore. Water is only permitted to be taken under the following circumstances:
- Any permitted use under section 14 of the Resource Management Act 1991 (water for reasonable domestic, stock, or fire-fighting purposes is permitted)
  - Any permitted use under Rule R136 of the proposed Natural Resources Plan. Rule R136 permits the taking of water at the rates identified in the table below, subject to 5 additional conditions.

Total take and use per property shall not exceed the following:

Property size	Rate	Volume per day
Greater than 20ha	2.5 l/s	20m <sup>3</sup>
Less than 20ha	2.5 l/s	10m <sup>3</sup>

To ensure that water is being taken in accordance with the permitted activity rule (outlined above), the Manager, Environmental Regulation, Wellington Regional Council, may request the consent holder to record the pump rate, days and hours of water abstraction and provide a copy of these records to Wellington Regional Council.

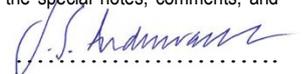
- e) The Wellington Regional Council advises you that as this land-use consent is for bore/well construction, there is no guarantee on:
- A water permit being granted if sought, or
  - The required amount of water being available
- f) A water permit application will need to be submitted to the Wellington Regional Council for any water use not prescribed in (d) above. Wellington Regional Council recommends that no capital expenditure on equipment be made until a water permit is granted. Note that if a water permit is granted, it is likely that you will need to install a water meter at the bore/well headworks and a plug in the rising main.



### **Special notes, comments, and recommendations<sup>1</sup>**

- g) Wellington Regional Council recommends that regular bacteriological and chemical analysis be undertaken on the bore water. If necessary, the bore water should be treated to conform with the Drinking Water Standards for New Zealand 2005. It is recommended that adequate signage is posted at wash areas to advise public that the water is not for drinking purposes.
- h) The bore may be subject to contamination due to the shallow and unconfined nature of the aquifer. There is potential for salt water intrusion due to the proximity of the beach.
- i) The bore should be sited as far as practical from all existing and proposed septic tanks and stock yards/races and other such installations.
- j) The bore should be fenced off to avoid public tampering or interfering with the bore head.
- k) A resource consent (water permit) is required for the proposed use of the bore identified in your resource consent (land-use consent to construct a bore) application. Before a water permit application is received by the Wellington Regional Council the applicant will need to:
- Explicitly identify whether the bore is multi screened within one aquifer and provide a drawing showing the location, length of the well screens and also detailed bore logs within the aquifer. Please outline reasons for using multi screening.
  - Carry out a step-drawdown pumping test to determine an efficient pump rate. A step-drawdown tests should be undertaken by drillers after constructing and developing a bore to determine the best design rate for the bore with optimum well efficiency. All pump testing should be carried out in accordance with Schedule T of the proposed Natural Resource Plan.
  - Carry out an aquifer test at the design rate. The design pump rate should be equal or more than the proposed abstraction rate in the consent application. It is recommended that you familiarise yourself with the 'Aquifer Test Guidelines for the Greater Wellington Region' (July 2012) and consult with the Environmental Science Department, Wellington Regional Council, before you commence any pump testing programme. The aquifer test needs to be of sufficient duration to ascertain the aquifers hydraulic parameters. Information obtained by undertaking the test should be used as part of the assessment of effects on the environment to effectively determine stream depletion effects and aquifer recharge boundaries. The test should be a minimum of 24hrs in duration by may be required to be substantially longer depending to the site specific conditions.
  - Prepare an Assessment of Environmental Effects (AEE) report to accompany any water permit application. We recommend that a suitably qualified consultant is engaged to analyse the aquifer test and prepare the AEE. It is also recommended that you liaise with Environmental Science Department, Wellington Regional Council, to ensure that sufficient information is provided to allow a robust assessment of the environmental impact
- l) The design bore yield of 2-5 litres/second may be limited in this area.

<sup>1</sup> The special notes, comments and recommendations provided are from the best available knowledge and information the Wellington Regional Council has at the time the bore permit application is processed. Hence there may be variances or other matters not raised on the advice provided in the special notes, comments, and recommendations.





## Bore Permit Report: WAR180449 [35573]

**Applicant** Masterton District Council  
**Address** PO Box 444, Masterton 5840  
**Bore Location** Jetty Road, Castlepoint, north of Castlepoint Rural Fire Depot  
**Grid Reference** NZTM: 1871319.5467497  
**Proposed Depth** 10m  
**Bore Diameter** 150mm  
**Quantity of Water** 2-5 litres/second 3 hours/day Not specified days/year  
**Permitted Take**  Yes  No  
**Groundwater Unit** Coastal  
**Purpose of Bore** Domestic – to provide water to the toilet block and for a foot wash  
**Wells Number(s)** BP36/0006

### Written approvals

- |                                                                             | Yes                                 | No                                  |
|-----------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| • Is the landowner different from the applicant?                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| If yes, has the landowner provided written approval?                        | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Has written approval been obtained from any other adversely affected party? | <input type="checkbox"/>            | <input type="checkbox"/>            |
| • Iwi consultation on Te Wahi                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Concerns raised by iwi?                                                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

### Activity assessment

Regional Freshwater Plan

Rule 15 – discretionary activity

Proposed Natural Resources Plan

Rule 147 – controlled activity

### Assessment of Environmental Effects

Provided the works are undertaken in accordance with the application and recommended resource consent conditions the adverse effects to the environment are likely to be no more than minor.

### Statutory assessment

- Consistent with Part II of the Resource Management Act 1991
- Consistent with objectives and policies of the Regional Policy Statement, Regional Freshwater Plan, and Proposed Natural Resources Plan

### Permit conditions

- Standard conditions (1-11)

### Notes/recommendations/comments to appear on permit

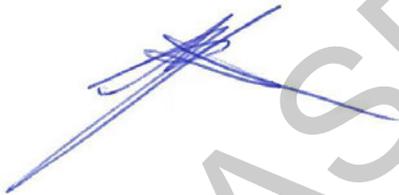
- Standard notes (a-f)
- Special notes/recommendations/comments (g-l):
  - Regular testing, and treatment if necessary, and adequate signage
  - Might be subject to contamination and salt intrusion due to unconfined aquifer
  - Sited away from septic tanks and other such installations
  - Fenced off to avoid tampering
  - Water take consent may be required for proposed rate of take
  - The design yield is limited in this area

## Monitoring

Monitoring as required

## Decision

Bore consent WAR180449 [35573] granted under section 104B of Resource Management Act 1991 for an unlimited term.

Decision recommended by:	Nicky Detheridge-Davies	Technical Support, Environmental Regulation	
Decision peer reviewed by:	Kristina Carrick	Resource Advisor, Environmental Regulation	
Decision approved by:	Shaun Andrewartha	Team Leader, Environmental Regulation	

---

<b>Application lodged:</b>	22/5/18	<b>Application officially received:</b>	29/5/18
<b>Applicant to be notified of decision by:</b>	27/6/18	<b>Applicant notified of decision on:</b>	11/6/18
<b>Time taken to process application:</b>	8 working days		

---

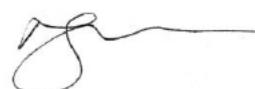


# Resource Consent

RESOURCE MANAGEMENT ACT 1991

## Summary of decision

Consent No.	WAR200297		
Consent ID(s)	[36834] Land use – bore construction		
Name	Peter Christopher and Judith Anne Mahoney		
Address	1A Guthrie Crescent, Castlepoint, Tinui 5889		
Duration of consent	Granted in perpetuity from: 15 May 2020		
	Lapses: 15 May 2022 (if consent not given effect to)		
Purpose for which consent(s) is granted	To construct and maintain a bore (BP36/0010) for domestic water supply purposes.		
Location	Balfour Crescent, Castlepoint, Tinui		
	At or about map reference NZTM 1871602. 5467017		
Bore details	Depth: 13 metres	Diameter 150 mm	
Legal description of land	Lot 1 DP 439838		
	VNZ 17970 204 01		
Conditions	See below		

Decision recommended by:	Matthew Diederich	Resource Advisor, Environmental Regulation	
Decision peer reviewed by:	Nicky Detheridge-Davies	Technical Support, Environmental Regulation	
Decision approved by:	Nicola Arnesen	Team Leader, Environmental Regulation	

## Processing timeframes:

---

Application lodged: 16/03/2020 Application officially received: 16/03/2020

Applicant to be notified of decision by: 15/05/2020 Applicant notified of decision on: 15/05/2020

Time taken to process application: 20 working days

---

## Consent conditions WAR200297 [36834]

### General conditions

1. The location, design, implementation and operation of the bore/well shall be in general accordance with the resource consent application and its associated plans and documents lodged with the Wellington Regional Council on 16 April 2020.

Where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

*Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.*

2. This resource consent will lapse two years from the date of granting if no bore construction works have taken place in this period.
3. Any bore constructed under this consent shall not exceed a maximum depth of 13m below existing ground level.
4. The consent holder may only construct one (1) bore on this consent.

### Pre-construction conditions

5. Prior to the bore being constructed, the consent holder shall provide to the driller who will undertake the works a copy of this consent and a Well Drillers' Bore Log form for completion.

*Note: The Well Drillers' Bore Log Form was sent to you with a copy of this consent. If you require another copy, it can be downloaded from our website at <http://www.gw.govt.nz/Forms/>.*

### Construction conditions

6. The bore shall be constructed and maintained in accordance with the New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001). This includes but is not limited to the following clauses and standards:
  - i. The observation plug, installed in accordance with clause 2.5.5.7, shall have diameter of at least 19mm
  - ii. Appropriate fittings shall be installed at the headworks, in accordance with clause 2.5.5.8, to ensure that the backflow of any potentially contaminated water is prevented
  - iii. The bore/well shall be appropriately developed for its end use by ensuring that well loss is minimised
  - iv. The saturated thickness of any aquifer that is not confined should be fully penetrated
  - v. An appropriate size bore/well diameter shall be selected

*Note: **Free flowing artesian bores, bores/wells with surface/suction lift pump systems, and bores/wells that only partially penetrate the saturated thickness of any unconfined aquifer, may not be adequate to access the groundwater resource in the future. Please note that if your bore/well is not appropriately constructed and developed (as outlined above), you may not be considered an affected party if there is any further development of the groundwater resource in the future.***

7. The bore must not be screened in more than one aquifer.

8. If koiwi, taonga, waahi tapu or other archaeological material is discovered in any area during the works, work shall immediately cease and the consent holder shall notify Greater Wellington Regional Council, Rangitane O Wairarapa, Kahungunu ki Wairarapa and Heritage New Zealand as soon as possible but within twenty-four hours. If human remains are found, the New Zealand Police shall also be contacted. The consent holder shall allow the above parties to inspect the site and in consultation with them, identify what needs to occur before work can resume.

No works may resume on site until the consent holder has received written notification that consultation with the parties identified above has been undertaken to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

*Note 1: Notification should be emailed to:*

- Greater Wellington Regional Council, [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz)
- Heritage New Zealand, [information@heritage.org.nz](mailto:information@heritage.org.nz)
- Rangitane O Wairarapa, [horipo@rangitane.iwi.nz](mailto:horipo@rangitane.iwi.nz) or [mike@rangitane.iwi.nz](mailto:mike@rangitane.iwi.nz)
- Kahungunu ki Wairarapa, [ra@kahungunuwairarapa.iwi.nz](mailto:ra@kahungunuwairarapa.iwi.nz)

*Heritage New Zealand should be contacted by phone on 04 472 4341.*

*Note 2: Evidence of archaeological material may include burnt stones, charcoal, rubbish heaps, shell, bone, old building foundations, artefacts and human burials.*

#### **Post construction conditions**

9. Within one month after drilling, the consent holder shall submit to the Manager, Environmental Regulation, Wellington Regional Council:
- A copy of the Well Drillers' Bore Log form as completed by the driller who constructed the bore. The form shall identify the wells number (BP36/0010) and be completed to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.
  - Photos of the completed bore(s) which demonstrate that the bore(s) has been constructed as outlined in the resource consent application and meets the NZ Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001). The photos must show the well head including the concrete apron, well cap, groundwater sampling point and backflow prevents.

*Note 1: Completed Well drillers' Bore Log forms should be scanned and sent to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz). Please include the consent reference (WAR200297) and the name and phone number of a contact person responsible for the Well Drillers' Bore Log form.*

*Note 2: If the bore log form is not submitted in accordance with consent condition 9, the Wellington Regional Council may investigate to determine if a breach of this consent or the Resource Management Act 1991 has occurred and may undertake enforcement.*

10. If so requested in writing by the Manager, Environmental Regulation, Wellington Regional Council, the consent holder shall make their bore available for the monitoring of water levels and water quality.

*Note: The Wellington Regional Council may need to install automatic recorder equipment at times. All cables should be secured against the rising main to ensure the water level can be measured without hindrance.*

11. The consent holder shall forward the results of any water quality and level analyses of the bore waters (carried out at the time of the well's construction or post construction) to the Manager, Environmental Regulation, Wellington Regional Council, within one month of samples being analysed.

*Note: The results of any water quality analyses and/or monitoring should be sent to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz). Please include the consent reference (WAR200297) and the name and phone number of a contact person responsible for the results.*

12. In the event of the bore being decommissioned or abandoned (ie, bore surplus to requirement), the bore must be backfilled in accordance with clause 2.7 of the New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001). The material used to backfill the bore shall consist of non-toxic material and be restricted to natural materials such as bentonite, clay, clean gravels and sand.

**Standard notes, comments, and recommendations**

- a) A resource management charge, set in accordance with section 36(2) of the Resource Management Act 1991 shall be paid to the Wellington Regional Council for the carrying out of its functions in relation to the administration, monitoring, and supervision of resource consents and for the carrying out of its functions under section 35 (duty to gather information, monitor, and keep records) of the Act.
- b) Copies of the Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001) can be obtained from Standards New Zealand ([www.standards.co.nz](http://www.standards.co.nz)). Note in particular that these standards specify that the bore headworks shall be constructed and maintained to prevent leakage of groundwater to waste, and to prevent foreign material, surface water, spillage or other leakage entering the bore.
- c) If you want to alter your bore (e.g., deepening or re-screening a bore) please consult with Environmental Regulation, Wellington Regional Council. Following consultation, you may be required to lodge an application for either a new consent or a variation to your existing consent.
- d) This land use consent is for the construction of a bore. Water is only permitted to be taken under the following circumstances:
- Any permitted use under section 14 of the Resource Management Act 1991 (water for reasonable domestic, stock, or fire-fighting purposes is permitted)
  - Any permitted use under Rule R136 of the proposed Natural Resources Plan. Rule R136 permits the taking of water at the rates identified in the table below, subject to 5 additional conditions.

Total take and use per property shall not exceed the following:

Property size	Rate	Volume per day
Greater than 20ha	2.5L/s	20m <sup>3</sup>
Less than 20ha	2.5L/s	10m <sup>3</sup>

To ensure that water is being taken in accordance with the permitted activity rule (outlined above), the Manager, Environmental Regulation, Wellington Regional Council, may request the consent holder to record the pump rate, days and hours of water abstraction and provide a copy of these records to Wellington Regional Council.

- e) The Wellington Regional Council advises you that as this land-use consent is for bore construction, there is no guarantee on:
- A water permit being granted if sought, or
  - The required amount of water being available
- f) A water permit application will need to be submitted to the Wellington Regional Council for any water use not prescribed in (d) above. Wellington Regional Council recommends that no capital expenditure on equipment be made until a water permit is granted. Note that if a water permit is granted, it is likely that you will need to install a water meter at the bore/well headworks and a plug in the rising main.

***Special notes, comments, and recommendations<sup>1</sup>***

- g) Wellington Regional Council recommends that regular bacteriological and chemical analysis be undertaken on the bore water. If necessary, the bore water should be treated to conform with the Drinking Water Standards for New Zealand 2005.
- h) The bore may be subject to contamination due to the shallow and unconfined nature of the aquifer.
- i) The bore should be sited as far as practical from all existing and proposed septic tanks, in this case up gradient of such installations.

---

<sup>1</sup> The special notes, comments and recommendations provided are from the best available knowledge and information the Wellington Regional Council has at the time the bore permit application is processed. Hence there may be variances or other matters not raised on the advice provided in the special notes, comments, and recommendations.

# Reasons for decision report

## 1. Reasons for resource consent

RMA section	Plan	Rule	Status
9	Operative Regional Freshwater Plan	15	Discretionary
	Proposed Natural Resources Plan	147	Controlled

### 1.1 Rule 147 PNRP controlled activity assessment

- The bore is not associated with hydrocarbon exploration or production
- The bore is constructed, operated and/or decommissioned in accordance with the *NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock*

### 1.2 Overall activity assessment

Overall, the activity must be assessed as a **discretionary** activity.

## 2. Consultation

Iwi authority	Comments
Rangitane O Wairarapa	No Concerns
Kahungunu ki Wairarapa	No comment provided, therefore it is assumed they have no concerns.

## 3. Notification decision

A decision was made to process the application on a non-notified basis. See [WAR200297-230360790-3](#) for further information.

## 4. Environmental effects

### 4.1 Existing environment

pNRP features	The proposal activity is located approximately 300m from the Casptlepoint Reef, a site identified in the following schedules: Schedule C: Rangiwakaoma coast in as having significant Mana Whenua values; Schedule E: Sites with significant historic heritage values; Schedule F2: Indigenous Bird Habitat; Schedule F4: Indigenous Biodiversity Coastal Schedule J: Significant geological features in the coastal marine area.
Groundwater zone	Coastal
Nearby surface water features	Ocean (Pacific)

## 4.2 Effects assessment

Effects considered	
<input checked="" type="checkbox"/>	Location of bore in relation to other existing bores
<i>Comment:</i>	There is adequate separation from existing bores to ensure adverse effects on the reliability of supply from properly constructed, efficient and fully functioning existing bores.
<input checked="" type="checkbox"/>	NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock
<i>Comment:</i>	The proposed activity meets this standard.
<input checked="" type="checkbox"/>	Contaminants and water waste
<i>Comment:</i>	Provided standard conditions are adhered to, contaminants entering the bore from the land surface and wastage of water will be prevented.
<input checked="" type="checkbox"/>	Community drinking water supply protection area
<i>Comment:</i>	The proposed activity is not within a protection area.
<input checked="" type="checkbox"/>	Contaminated land
<i>Comment:</i>	The proposed activity is not within, or adjacent to, a contaminated site.

## 4.3 Summary of effects

Given the assessment above, it is considered that the effects of the activity are, or will likely be, no more than minor when undertaken in accordance with the recommended consent conditions.

## 5. Statutory assessment and main findings

<input checked="" type="checkbox"/>	Consistent with Part 2 (purpose and principles) of the RMA 1991
<input checked="" type="checkbox"/>	Section 104(1)(a) – see section 4 of this report. The actual or potential adverse effects of the proposed activity on the environment will be or are likely to be no more than minor
<input checked="" type="checkbox"/>	Section 104(1)(b)(v) - I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the <b>Regional Policy Statement</b>
<input checked="" type="checkbox"/>	Section 104(1)(b)(vi) - I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the <b>Regional Freshwater Plan</b>
<input checked="" type="checkbox"/>	Section 104(1)(b)(vi) - I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the <b>Proposed Natural Resources Plan</b> , in particular Policy 130 (Bores)
<input checked="" type="checkbox"/>	Section 104(1)(c) - There are no <b>other matters</b> relevant to this application
<input checked="" type="checkbox"/>	Section 108-108AA - Standard <b>conditions</b> of consent for this activity type are recommended. All standard conditions of consent meet s108AA. Any additional conditions are outlined in Section 4 of this report also meet s108AA. Conditions of the consent(s) will ensure that the effects of the activity on the environment will be appropriately avoided, remedied or mitigated.

## 6. **Monitoring**

Under our Strategic Compliance monitoring programme this activity will not require a monitoring schedule, and no compliance monitoring charges are applicable. However in the event of actual or suspected non-compliance (including not supplying a bore log and photographic record) GWRC will initiate monitoring of the consent and compliance monitoring charges will apply.