

Subject: Managed Aquifer Recharge Consents Processing Delegations

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Report to COUNCIL for decision

SUMMARY

The Makauri aquifer is an important source of water for the Poverty Bay flats, but static water levels are in decline. The Managed Aquifer Recharge (MAR) project is a pilot project to ascertain if the Makauri Aquifer water supply can be augmented by injecting water into the aquifer when it is available from other sources, to be retrieved later. There are environmental risks. It involves drilling a bore, taking water and discharging water to ground water. These activities require resource consent. The MAR project originated through the Freshwater Advisory Group but the applicant is Gisborne District Council.

Whilst the consent processing could be carried out by Council staff, the MAR project is cutting edge locally, technically complex and likely to attract considerable scrutiny. In the interest of clear separation of the applicant from resource consent processing it is considered preferable that processing should be carried out externally.

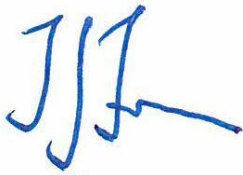
Bay of Plenty Regional Council (BOPRC) have confirmed that they have capacity and capability to process the applications on this Council's behalf. It is proposed BOPRC be tasked under the Resource Management Act 1991 (RMA) with making decisions on the completeness of applications (S88) necessity for further information (S92) and public notification (S95A and 95D). The public notification decision would be simplified by the applicant's intention to request public notification.

BOPRC's processing would include a S42A report and recommendations to a panel of commissioners. The S104 decisions on the consents would be made by the commissioners. Suitably qualified Independent Hearing Commissioners would be appointed by this Council.

RECOMMENDATIONS

That the Council

1. receives the report
2. delegates to BOPRC pursuant to section 34A(2) of the RMA, all functions, powers and duties of the Council under the RMA necessary to process the MAR consent application and to decide on the following only:
 - a. S88 Determination if application is complete
 - b. S92 (1) Request for further information if necessary
 - c. S92 (2) Commission a report in relation to an application
 - d. S95 A Determine whether to publicly notify a resource consent application
 - e. S95 D Determine whether an activity will have or is likely to have adverse effects on the environment that are more than minor.



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1. BACKGROUND

The Poverty Bay flats consist of versatile soils in a mild climatic area close to established infrastructure. They are very important for the wellbeing of the district, having an economic impact out of proportion to their area. Realising their horticultural potential is dependent on irrigation to counteract dry periods.

A substantial portion of present irrigation water demand is fulfilled by takes from ground water. Demand is increasing. The Makauri aquifer has the most capacity for supply and is the most used. Makauri aquifer static water levels are in decline.

The MAR project is to ascertain if Makauri aquifer water supply can be augmented by injecting water into the aquifer when it is available from other sources, to be retrieved during the irrigation season. The drilling of an injection bore into the Makauri aquifer is proposed, followed by the injection of 100,000m³ of water sourced from either the city Waingake supply or the Waipaoa River. Four resource consents are required.

2. DISCUSSION AND OPTIONS

The MAR project originated through the Freshwater Advisory Group which is made up of a wide range of community, iwi and environmental interests and is chaired by a Gisborne District councillor. The Freshwater Advisory Group very much operates collaboratively. It is apparent the MAR concept has good support.

MAR is relatively new to New Zealand. As is the nature of any trial, there is a risk that MAR will be shown to be less successful than anticipated for the Makauri aquifer, at least at the chosen well site.

There are also environmental risks associated with a pilot project. The injected water will be oxygen rich whereas the groundwater is oxygen depleted. Key potential adverse effects relate to hydrogeology of the aquifer and the potential for "clogging" of aquifer flow rates. Clogging could be:

- Chemical e.g. precipitation of minerals such as calcium carbonate
- Physical e.g. injection of suspended solids or deflocculation of clays
- Mechanical e.g. hydraulic loadings causing well casing failure
- Biological e.g. algae growth

These risks are addressed in the proposal and are considered to be manageable.

Although the MAR proposal has been developed collaboratively, Council is best placed to take the role of applicant and has done so. That Council is applying to itself for resource consents is not in itself sufficient reason for processing of the applications and associated decision-making to be performed externally. Council has the capacity and capability to process its own applications and routinely does so with expert advice as appropriate. However the MAR proposal, as well as being technically complex, is cutting edge locally although it has been demonstrated in other countries.

MAR involves artificially altering the Makauri aquifer that is regionally highly important, environmentally and economically. A large number of people and businesses rely on water from this aquifer. The proposal and conditions under which it will proceed are likely to attract considerable scrutiny. In keeping with collaborative development of the project, the application is to request public notification.

Against this background it is considered important that not only is consent processing independent of the application, but it is seen to be so. The best way to achieve this is to have both the processing and decisions made outside of council.

Bay of Plenty Regional Council has agreed to process the MAR project applications. Once the applications are submitted it is proposed they be passed to BOPRC to determine if they are complete (S88 RMA) and if further information is required (S92 RMA).

BOPRC would also be tasked with obtaining a technical peer review from a reviewer of their choice and proceeding with public notification as requested (S95A (2) (b) RMA). They would be required to prepare and distribute a report with recommendations to a hearing panel of commissioners (S42A RMA). The commissioners would be appointed by the Gisborne District Council.

The respective roles of Gisborne District Council and BOPRC are shown in Appendix 1.

For BOPRC to process the MAR project resource consent applications they need to be given the appropriate RMA delegations.

The RMA does not allow for sub-delegations; therefore delegations need to be made by Council. S34 A (2) allows a local authority to delegate to any person, who is not an employee or hearings commissioner, any functions, powers or duties under the Act - except approval of a proposed policy statement or plan - the power of delegations, the decision on an application for resource consent and the making of a recommendation on a requirement for a designation. None of these exceptions apply.

3. SIGNIFICANCE

This report does not contain any recommendations of significance as defined in Council's significance policy.

4. COMMUNITY OUTCOMES

Undertaking a pilot Managed Aquifer Recharge contributes to Prosperous Tairāwhiti as the Makauri Aquifer is a significant contributor to the economic viability of horticulture on the Poverty Bay Flats. The project also contributes to an Environmentally Sustainable Tairāwhiti, as the Makauri Aquifer is a source of springs across the flats. Resource consent processing by BOPRC will facilitate realisation of these community outcomes in a transparent manner.

5. STRATEGIC CHALLENGES

The MAR project is a pilot and contributes to the Natural Resource Use Strategic Challenge. Careful monitoring and assessment of this is likely to be part of any resource consent requirements, informing understanding of whether MAR is a viable option on a large scale in the future.

6. POLICY

There is no policy on delegating responsibility for resource consent processing but the RMA enables this as an option.

7. LEVELS OF SERVICE

Existing levels of service will be unaffected as the recommendations provide additional capacity to process the resource consent processing spike generated by the MAR project.

8. FINANCIAL

Resource consenting processing costs have been provided for under the MAR project in the Long Term Plan.

9. LEGAL

Legal advice was sought from the in-house legal team during preparation of this report.

10. CONSULTATION

No specific consultation was considered necessary for this delegation report.

11. APPENDICES

Appendix I: MAR Resource Consent Processing Roles.

MAR Resource Consent Processing Roles

