

Recommendation and decision on notification of resource consent application(s) under sections 95-95G of the Resource Management Act 1991 (RMA)

Summary

I recommend the application is processed on a notified basis. This is because:

- There is uncertainty regarding the potential adverse effects of the proposal and therefore it cannot be said with certainty adverse effects will not be more than minor.
- The Lumsden Aquifer is overallocated when assessed against the Regional Water Plan for Southland. The Proposed Southland Water and Land Plan (pSWLP) contains an updated allocation regime which reflects current knowledge of the aquifer. There remains a small volume of available allocation under the PSWLP.

The application

Particulars

Applicant:	Castlerock Farming Company Limited
Application reference:	APP-20181676
Site address or location:	72 Castlerock Road, Lumsden
New consent(s) for new activity(ies) (s88)	<input checked="" type="checkbox"/>
New consent(s) for existing activity(ies) (s88)	<input checked="" type="checkbox"/>
Change to conditions of existing consent(s) (s127)	<input type="checkbox"/>

The proposal

Water permit	
Relevant rule(s)	Rule23 (e) RWP Rule54 (d) pSWLP
Source of water (bore or watercourse)	Bore(s)
Groundwater zone/name of watercourse	Lumsden Aquifer
Aquifer type (for groundwater takes)	Confined
Rate of take (L/s)	50L/s
Freshwater storage onsite? How much?	No
Daily volume (m ³ /day)	4,320m ³
Consistent with 120 L/cow/day? (estimate of efficient use for shed and stock water use)	N/A – Irrigation and washdown
Yearly volume (m ³ /year)	113,754m ³ /year
Discretionary allocation (m ³ /year)	5,760,000 m ³ /year (pSWLP) 4,003,594m ³ /year
Amount currently allocated (m ³ /year and % of discretionary allocation)	5,672,046 m ³ /year 98.5% (pSWLP)

	5,672,046m ³ /year 142% (RWP)
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Land use consent (Bores)	
Relevant rule(s)	Rule 22(a) RWP Rule 53 pSWLP
Compliant with NZS4411:2001	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

The applicant is seeking resource consent to extract 113,754m³/year of water from the Lumsden Aquifer. The Lumsden Aquifer is considered overallocated when assessed against the Regional Water Plan for Southland (Operative Plan). Under the proposed Southland Water and Land Plan the Lumsden Aquifer is nearing full discretionary allocation. Therefore, the applicant has applied for resource consent to construct bores, undertake bore testing and the water take simultaneously.

The site is located at 72 Castlerock Road. The site is used for dairy farming and most of the surrounding land is used for pastoral farming. There is existing irrigation on site in the form of two centre pivots in the north-eastern part of the farm. This irrigation covers a total area of approximately 234 ha. The Applicant's existing resource consent for the purpose of irrigation allows for up to 400 ha of irrigated land. The applicant plans to install additional irrigation, but not more than 400 ha total in line with existing resource consent parameters.

Note: The volume applied for as been amended from that originally applied for as a result of identification of other takes not accounted for in existing allocation records for the Lumsden Aquifer and a calculation error.

Water permit

The purpose of the abstraction is to supplement Castlerock Farming Company's existing surface water take (AUTH-301933) from the Oreti River. The proposal would enable the continued take of water for irrigation when the existing surface water take is subject to minimum flow cut-offs. The existing surface water take is for a total of 1,260,000m³/year with 14,000m³/day being primary allocation. The application details that the Applicant is frequently unable to irrigate during the driest part of the season when irrigation is most needed as a result of the minimum flow cut-off. There is no freshwater storage on site.

Through the assessment of this resource consent application it has been identified (through assessment of bore logs) that one of the Applicant's existing water takes (AUTH-20171428-02) which was allocated to the Castlerock Groundwater Management Zone is actually drawing from the Lumsden Aquifer and therefore there is less remaining discretionary allocation under the pSWLP than originally applied for. The take in question is for 43,800m³/year for dairy shed washdown and stock drinking water. On the 12 of March 2019 the Applicant amended the application to include the existing water take under AUTH-20171428-02. The purpose of the application was also amended to be for irrigation, stock water and irrigation. The Applicant proposes to surrender AUTH-20171428-02 if this resource consent is granted.

Construction of bores

The Applicant has applied for land use consent to construct up to 12 bores with up to 6 of them being for the take of water. The proposal seeks to secure the water required from one bore. However, has included more proposed location to enable flexibility in the event the location is unsuccessful or multiple smaller takes are required to mitigate adverse effects. The proposal also provides for the construction of test bores of piezometers. Any bores constructed will be in accordance with NZS4411:2001 Environmental Standard for Drilling of Rock and Soil to prevent the contamination of groundwater and leakage.

As mentioned above the Applicant has an existing bore located at:

- E44/0370: 1242502 mE, 4925081 mN

The Applicant supplied further information on the 12 of March 2019 which detailed the proposed production bores location:

- Bore 2: 1241566 mE, 4926393 mN
- Bore 3: 1241032 mE, 4926645 mN
- Bore 4: 1240999 mE, 4925789 mN
- Bore 5: 1239935 mE, 4927181 mN
- Bore 6: 1242995 mE, 4924073 mN
- Bore 7: 1243920 mE, 4925199 mN

The further information stated all bore locations are approximate. The application outlines the proposed production bores will be located within 50 metres of the proposed locations and any test bores or piezometers may be up to 200 metres from the proposed positions.

Bore testing

As mentioned above bore testing is yet to be undertaken for this proposal. Due to the Lumsden Aquifer nearing full discretionary allocation under the pSWLP the Applicant was concerned they could invest in infrastructure and then be unable to access water. Therefore, all resource consent applications have been lodged simultaneously.

Planning Framework

There are two regional plans of relevance to this application. The Regional Water Plan for Southland 2010 (Operative) and the proposed Southland Water and Land Plan 2018 (Legal Effect).

Proposal	Regional Water Plan for Southland (2010)	Proposed Water and Land Plan 2018
Water take	Rule 23(e) – Non-complying activity	Rule 54(d) – Discretionary activity
Construction of Bore	Rule 22(a) – Controlled activity	Rule 53 – Controlled activity
Pump test	Rule 23(e) – Non-complying	Rule 54(c) – Permitted activity

Overall, the application is a **non-complying** activity.

Public notification consideration

1. Is notification mandatory?

1.1 Has the applicant requested that the application be publicly notified? (s95(3)(a))	<input type="checkbox"/> Yes	Application must be publicly notified. Go to 10.2
	<input checked="" type="checkbox"/> No	Go to 1.2
1.2 Was further information, or commissioning of a report, requested under s92?	<input checked="" type="checkbox"/> Yes	Go to 1.3
	<input type="checkbox"/> No	Go to step 2.1
1.3 If yes, was the request refused, or did the applicant fail to respond or fail to provide the information by the deadline?	<input type="checkbox"/> Yes	Public notification is required by s95C. Go to 10.2
	<input checked="" type="checkbox"/> No	Go to step 2.1

2. Is notification precluded?

2.1	Is each activity subject to a rule or NES that precludes public notification?	<input type="checkbox"/> Yes	Rule(s): Go to 4.1
		<input checked="" type="checkbox"/> No	Go to step 2.2
2.2	Is each activity a controlled activity?	<input type="checkbox"/> Yes	Application must not be publically notified unless there are special circumstances. Go to 4.1
		<input checked="" type="checkbox"/> No	Go to 2.3
2.3	Is each activity a residential activity and a discretionary activity or a restricted discretionary activity?	<input type="checkbox"/> Yes	Application must not be publically notified unless there are special circumstances. Go to 4.1
		<input checked="" type="checkbox"/> No	Got to 3.1

3. Is notification required?

3.1	Are any of the activities subject to a rule or NES that requires notification?	<input type="checkbox"/> Yes	Application must be publicly notified. Go to 10.2
		<input checked="" type="checkbox"/> No	Go to 3.2
3.2	Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor? (see Note)	<input checked="" type="checkbox"/> Yes	Application must be publicly notified. Complete 3.3 and go to 10.2
		<input type="checkbox"/> No	Complete 3.3 and go to 4.1.

Note: In forming this opinion (a) to (e) apply:

- (a) we must disregard any effects on persons who own or occupy the land on which the activity will occur or any land adjacent to that land (section 95D(a));
- (b) we may disregard an adverse effect of the activity if a rule or NES permits an activity with that effect (subject to Policy 36 of the pSWLP) (95D(b));
- (c) in the case of a restricted discretionary activity, we must disregard any adverse effects that do not relate to the matters over which the rule or NES restricts discretion (95D(c));
- (d) we must disregard trade competition and the effects of trade competition - 95D(d); and
- (e) we must disregard any effect on a person who has given written approval - 95D(e)

3.3 Reasons adverse effects on the environment are less than minor / minor / more than minor

The existing environment

The site is located at 72 Castlerock Road, Lumsden. Approximately 234 ha on the property is currently irrigated. The property is used as a dairy farm. The proposal is seeking to construct bores and take water from the Lumsden Aquifer.

The Property is located within the Oreti Freshwater Management Unit. The majority of the property falls within the Oxidising Physiographic Zone, there are also some areas of the property which fall within the Gleyed Physiographic Zone. The property is primarily located within the Castlerock Ground Water Management Zone. The eastern part of the property is located within the Oreti Ground Water Management Zone.

There are a number of surface waterbodies located on site including Murray Creek and the property is bordered in the east by the Oreti River.

Environment Southland does not have a record of any contaminated land on site. There a historic area located on the property it includes a stable building and former cookhouse (NZ7366 Heritage List Number). There are no other recorded sites of historical significance on site.

The proposal seeks to take water from the Lumsden Aquifer. The Lumsden Aquifer is described in the plan as a confined aquifer. Michael Killick (Technical Specialist-Soils and Groundwater Quantity) states the Lumsden Aquifer does not fit the theoretical description of a fully confined aquifer which neither recharges nor discharges naturally, but is a static, finite body of water. 'Confinement' with respect to the Lumsden Aquifer refers more to 'local confinement' for the purposes of resource allocation and assessment of effects.

There are a number of existing users which take water from the Lumsden Aquifer as such the aquifer is reaching full discretionary allocation under the pSWLP. The Lumsden Aquifer in the pSWLP has a discretionary allocation of 5,700,000m³ per year, currently 5,672,046m³ per year has been allocated. Under the RWP the Lumsden Aquifer is considered to be overallocated. There are 11 groundwater take consents taking water from the Lumsden Aquifer, from 15 wells. One of these takes is the Applicants and the volume authorised is proposed to be included within this proposal, with the existing consent being surrendered if granted. 18,000m³ per year is subject to another resource consent process. Therefore, there is 69,954m³ per year available as discretionary allocation under the pSWLP.

Adverse effects of the proposed activities on the environment

Water Permit (including pump testing)

Adverse effects on water quantity

Water takes have the potential to adversely affect neighbouring water takes as well as effects on surface water bodies where these are hydraulically connected to groundwater resources. The Applicant has applied for resource consent to take water in advance of undertaking hydraulic testing therefore there is a level of uncertainty regarding the potential adverse effects of the proposal.

To alleviate uncertainty regarding the adverse effects the Applicant has proposed resource consent conditions including:

- No water to be taken prior to aquifer testing being undertaken which confirms whether aquifer properties assumed in the application are consistent with the actual aquifer conditions.
- If aquifer conditions are significantly different (greater than +/-25%), or bore 7 is used for abstraction, updated calculations or other assessments will be provided:

- to confirm acceptability of interference effects and stream depletion effects are low or moderate; or
- proposed mitigation measures to ensure interference effects are acceptable and stream depletion effects are moderate or less.

The applicant has also proposed a number of bore locations to enable them to spread the take of water to manage the adverse effect of the proposal if required.

Interference effects

As mentioned above there are 11 groundwater take consents to take water from the Lumsden Aquifer. There are also Environment Southland Monitoring Wells and other domestic takes. This proposal alongside another application to abstract water from the Lumsden Aquifer if granted will result in the full allocation of the Aquifer under the pSWLP. Therefore, there is the potential for cumulative effects on existing users. The applicant has provided modelling based on knowledge of existing bores in the aquifer and has concluded the adverse effects resulting from the proposal will be less than minor and interference effects are considered 'acceptable' when assessed against Appendix L of the pSWLP.

The application has been reviewed by Michael Killick (Technical Specialist Soils and Groundwater Quantity). Mr Killick has raised concerns regarding the potential for bore interference effects resulting from the additional proposed take. Whilst, the take itself is at the smaller end of the scale the cumulative effect of all takes within the aquifer needs to be considered. Mr Killick states: *"It is therefore reasonable to conclude that according to a conservative assessment that there may be no remaining available drawdown in at least those bores identified by Hughes (2017) – E44/0012, E44/0256 and E44/0300..."*. Mr Killick anticipates the additional interference as a result of this application will likely be an insignificant amount when compared to the existing interreference already occurring in the Aquifer. Despite this one of those wells above is an Environment Southland monitoring well (E44/0300). This bore monitors the effects of abstraction and recovery in the Lumsden Aquifer. Further, information provided by the applicant has modelled drawdown on the monitoring well will likely be 3cm.

Mr Killick acknowledges there is a level of uncertainty regarding the drawdown effects on neighbouring bores as bore locations have not been finalised and aquifer testing has not been undertaken in advance of this application. Therefore, I consider it cannot be said with certainty the proposal will not have more than minor adverse effects.

Aquifer testing also has the potential to adversely affect existing takes. The proposal includes the taking of up to 4,320m³ per day to carry out aquifer testing. The testing will be short in duration however for the duration of the test the take has the potential to have the same adverse effects discussed above.

Stream depletion effects

Stream depletion is not typically a concern for takes from confined aquifers. However, as discussed above the Lumsden Aquifer is expected to be semi-confined near the proposed site. Takes of water from production wells have the potential to adversely affect the quantity of water in surface water bodies where there is hydraulic connectivity between the take and surface waterbodies.

The applicant has modelled stream hydraulic connectivity and considered it to be low, on the pSWLP classification system. Mr Killick has reviewed the application and disagrees regarding hydraulic connectivity. Mr Killick considers it is likely there will be at least moderate hydraulic connectivity for example with Murray Creek and with respect to proposed bore 7 there is the potential for this to be high to the Oreti River. The effects of moderate or high hydraulic connectivity and therefore stream depletion have not been assessed in the application. Mr Killack has advised sufficient allocation exists in Murray Creek and the Oreti River for the volume of water required if moderate connectivity is present.

As a result of Mr Killick's concerns the applicant has volunteered a condition specifically for proposed bore 7. The volunteered condition would require updated calculations or other assessments if proposed bore 7 is used to abstract water. The calculations shall confirm stream depletion effects will be low or moderate without specific management measures or proposed mitigation measures shall be implemented to ensure stream depletion effects are moderate or less. However, it should be noted the Applicant has used differing parameters in model to those preferred by Mr Killick. Whilst, this approach mitigates some concerns regarding stream depletion it can not be said with certainty adverse effects will not be more than minor.

Aquifer testing also has the potential to adversely affect surface waterbodies. The proposal includes the taking of up to 4,320m³ per day to carry out aquifer testing. The testing will be short in duration however for the duration of the test the take has the potential to have the same adverse effects discussed above.

Aquifer sustainability

As mentioned above there are 11 groundwater take consents to take water from the Lumsden Aquifer. There are also Environment Southland Monitoring Wells and other domestic takes. This proposal alongside another application to abstract water from the Lumsden Aquifer if granted will result in the full allocation of the Aquifer. Mr Killick states the current limit proposed in the pSWLP reflects current understanding of the sustainable capacity of the aquifer for resource allocation. However, as noted above under the RWP (Operative) the aquifer is considered to be overallocated.

In terms of efficient use of water, the applicant already has a surface water permit to abstract water from the Oreti River. However, this existing permit is subject to minimum flow cut-offs. There is no freshwater storage on site. Therefore, there are periods when the applicant is unable to irrigate. The applicant has used the Irricalc online database using the parameters of the proposed consent being 4,320m³/day of water and assuming PAW = 60mm (Morven Soils). The model determines this daily volume of water would be sufficient for the efficient irrigation of 75ha of pivot irrigated pasture.

Effects on water quality

The applicant has an existing consent to take surface water for the purpose of irrigation and an existing groundwater take for stock water and dairy shed wash down. The existing groundwater take will be surrendered if this application is granted. The applicant has confirmed via further information that all dairy shed washdown water will be discharged in accordance with existing discharge permit AUTH-20171428-01.

The applicant is seeking the additional water take to supplement their existing surface water take when they are unable to take water due to low flow cut-offs. The proposed irrigation activity is an existing activity under AUTH-301933. AUTH-301933 provides for up to 400ha of land to be irrigated. The applicant currently irrigates 234ha and has plans to increase this irrigation as provided for through the existing water permit.

The increase of irrigation can result in an intensification of activity and therefore increase adverse effects on water quality. However, the applicant has an existing water permit to irrigate up to 400ha of land at the site and this proposal is not seeking to increase the total area of land available for irrigation nor the total consented volume of water abstracted for irrigation per year.

Cultural effects

Water abstractions can have adverse effects on water quality and quantity, and on the mauri of the water source. Section 3.5.14 – Water quantity – Abstractions in Te Tangi a Tauira the iwi management plan for Southland provides direction on the management of water abstractions within the Southland Plains. The following policies are relevant, 1 through 14, 16 through 20 and 22. A summary of this direction is:

- adopt a precautionary principle with respect to the nature and extent of knowledge and understanding of the resource;
- management of the cumulative effect of water abstractions;
- require applications to be backed with sound, understandable and culturally significant information;
- encourage best practice and efficient water use;
- avoid excessive drawdown of aquifer levels as a result of ground water abstractions;
- requirements for consent conditions to manage adverse effects for example flow regimes.

The Lumsden Aquifer is considered to be overallocated in terms of the RWP and nearing full allocation under the pSWLP, as such the cumulative effect of all water abstractions from the aquifer on the mauri of the water source need to be considered. Further, as discussed above there is potential for high hydraulic connectivity to the Oreti River. The Oreti River is a Statutory Acknowledgement Area. As aquifer testing has not been undertaken prior to lodging this application there is a level of uncertainty regarding adverse effects. It is considered there is potential for minor cultural adverse effects.

Construction of bores

The application for a land use consent to construct up to 12 bores, this requires consideration of the following effects on the environment:

- Effects on ground and surface water; and
- Effects on historic heritage.

Effects on ground and surface water quality

Bores and wells provide a conduit between aquifers and the land surface. Therefore, contaminants can be transmitted through the bore/well structure directly to groundwater if they are not properly constructed, maintained and decommissioned. However, the adverse effects of the construction of bores and wells can be avoided by the adoption of appropriate design and construction standards. The applicant has advised that the proposed wells will be constructed in accordance with NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock.

Effects on ground and surface water quantity

The applicant is proposing multiple bore locations to enable them to spread the take of water and manage adverse effects on ground and surface water quantity. The adverse effects of the proposed take are discussed above.

Effects on historic heritage

There are no known archaeological sites within the vicinity of the proposed site. However, sites can be discovered during earthworks. There a historic area located on the property it includes a stable building and former cookhouse (NZ7366 Heritage List Number). The applicant has stated no bores will be constructed within 50 metres of any protected heritage structure or heritage item.

Adverse effects that have been disregarded

As per Section 95D(a) of the RMA, effects on persons who own or occupy land under or adjacent to the proposed location have not been considered. The activity is not a restricted discretionary activity and no rules or national environmental standards (NES) permit an activity with the same effect. No parties have provided written approval to the application.

Planning provisions (policies and objectives) relevant to adverse effects

There are two regional planning documents of relevance to this application. The Regional Water Plan for Southland (operative) and the proposed Southland Water and Land Plan (decision version under appeal). I have reviewed the following objectives and policies in both documents.

Regional Water Plan for Southland (RWP)

I have reviewed the Regional Water Plan for Southland in particular the following policies:

- Policy 1A – Take into account iwi management plans
- Policy B7 of the National Policy Statement for Freshwater Management 2014
- Policy 14 – Manage the taking, use, damming or diversion of surface water
- Policy 14A – Determining the term of a water permit
- Policy 21 – Reasonable use of water
- Policy 22 – Water measuring devices
- Policy 23 – Review of water permits
- Policy 25 – Adverse effects arising from point source and non-point source discharges
- Policy 26 – Adverse effects of bores and wells
- Policy 27 – Groundwater research and investigation
- Policy 28 – To manage groundwater abstraction
- Policy 29 – Stream depletion effects
- Policy 30 – Groundwater abstraction
- Policy 31 – Interference effects

Proposed Southland Water and Land Plan (pSWLP)

I have reviewed the proposed Southland Water and Land in particular the following policies:

- Policy 2 – Take into account iwi management plans
- Policy 6 – Gleyed, Bedrock/Hill Country and Lignite-Marine Terraces
- Policy 10 - Oxidising
- Policy B7 of the National Policy Statement for Freshwater Management 2014 (as amended in 2017)
- Policy 20 – Management of water resources
- Policy 21 – Allocation of water
- Policy 22 – Management of the effects of groundwater and surface water use
- Policy 23 – Stream depletion effects
- Policy 27 - Bore construction and management
- Policy 42 – Consideration of water permit applications

Conclusion: significance of adverse effects on the environment

The above policies have been used to inform and determine the level of adverse effects associated with the proposed activity, as the direction of the policies help establish what effects are acceptable and therefore whether the adverse effects of the proposed activities are less than minor, minor or more than minor. Policies of both the above planning documents provide relatively similar direction. The main difference being the allocation regime for confined aquifers. Under the RWP allocation is based on throughflow of the aquifer. As allocation within the aquifer already exceeds 75% of throughflow the proposal is a non-complying activity under the RWP. The framework established in the pSWLP reflects current understanding of the sustainable capacity of the aquifer for resource allocation as a result the primary allocation volume has been increased and the activity status is discretionary.

The proposed volume of take will, along with another current resource consent application, result in the full allocation of the Lumsden Aquifer under the pSWLP. Further, as mentioned above the Lumsden Aquifer is considered to be overallocated under the RWP. Policy direction (policy 28 RWP and policy 20(2)(a)) requires the avoidance of significant adverse effects on long term aquifer storage. Avoidance is a high test in terms on management of adverse effects. It is appreciated the new allocation regime in the pSWLP reflects current knowledge of the sustainable capacity of the aquifer available for resource allocation. It is also acknowledged the pSWLP is a significant way through the public process (at appeals stage). However, the aquifer is considered to be overallocated under the RWP which is the operative plan.

In terms of water quality, the pSWLP sets a clear direction that there is no reduction in the overall quality of freshwater. The irrigation of land has already been consented as a result of a surface water take from the Oreti River it is not anticipated this proposal will reduce water quality when compared to the existing consented environment.

There remains uncertainty regarding adverse effects on the reliability of supply for existing lawful groundwater users and the adverse effects on surface water flows and levels, particularly for the Oreti River and the Murray Creek. Policy 20(2)(b) of the pSWLP provides direction to avoid remedy or mitigate significant adverse effects on reliability of supply for existing users and surface water flows and levels. Policy 28 of the RWP provides similar direction. Policy 22 of the PSWLP seeks the management of groundwater abstractions by ensuring the interference effects are acceptable, in accordance with Appendix L.3. The applicant has volunteered conditions which are aimed at managing adverse effects on other users and surface water flows and levels. It is expected bore interference effects will likely be acceptable, with high to moderate hydraulic connectivity to surface waterbodies which likely can be managed through resource consent conditions. However, this cannot be said with certainty. Further, there is potential for the proposal to affect Environment Southland’s monitoring bore which provides data for when minimum water level cut-offs are to be implemented. As discussed above the planning documents provide clear direction regarding interference effects, reliability of supply and surface flows and levels. I acknowledge the applicant has provided resource consent conditions aimed at alleviating the uncertainty in regards to the proposal. However, with the policy direction in mind and the absence of pump testing data in the application, it cannot be said with certainty adverse effects will not be more than minor on existing users and potentially the Oreti River if as a result of pump testing high hydraulic connection is established.

4. Special circumstances and public notification

4.1 Do special circumstances exist in relation to the application that warrant the application being publicly notified?	<input type="checkbox"/> Yes	Application must be publicly notified. Explain reasons in 4.2 and go to 10.2
	<input type="checkbox"/> No	Explain reasons in 4.2. If each activity is a controlled

activity go to 10.1. Otherwise go to 5.1

4.2 Reasons why special circumstances do or do not exist

N/A

Affected Parties and Limited Notification

5. Protected Customary Rights Group or Customary Marine Title group

5.1 Is the activity in the coastal environment, within an area where it may adversely affect a protected customary rights group(s) or a customary marine title group(s) (see s95G)?	<input type="checkbox"/> Yes	Go to 5.2
	<input type="checkbox"/> No	Go to 6.1
5.2 May the activity have adverse effects on a protected customary right carried out in accordance with the requirements of Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011?	<input type="checkbox"/> Yes	The customary rights group(s) is an affected customary rights group(s). Application must be limited notified on them. Record in 5.3 and go to 6.1
	<input type="checkbox"/> No	Go to 6.1

5.3 Adversely affect a protected customary rights group(s) or a customary marine title group(s):

NA

6. Statutory Acknowledgement Areas

6.1 Is the activity on or adjacent to, or may it affect, a statutory acknowledgement area?	<input type="checkbox"/> Yes	Go to 6.2
	<input type="checkbox"/> No	Go to 7.1
6.2 Are the adverse effects on Te Rūnanga o Ngāi Tahu minor or more than minor?	<input type="checkbox"/> Yes	Include TRONT in 8.2 and go to 6.3
	<input type="checkbox"/> No	Go to 6.3

6.3 Reasons why adverse effects on Te Rūnanga o Ngāi Tahu are less than minor, minor or more than minor:

N/A

7. Is limited notification precluded?

7.1 Is each activity subject to a rule, NES or regulation that precludes limited notification?	<input type="checkbox"/> Yes	Go to 9.1
	<input type="checkbox"/> No	Go to 8.1

8. Are any people adversely affected?

8.1 Are the adverse effects on a person minor or more than minor (but not less than minor)?	<input type="checkbox"/> Yes	Go to 8.2
	<input type="checkbox"/> No	Go to 8.3

8.2 Person(s) considered to be adversely affected (complete and go to 8.3)

Person	Effect on person (see Note)	Reasons why effect is minor or more than minor	Has written approval been provided?
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Note: In forming this opinion (a) to (c) apply:

- (a) We may disregard an adverse effect of the activity on the person if a rule or an NES permits an activity with that effect; and
- (b) We must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
- (c) Must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.

8.3 Reasons why no other person is considered to be adversely affected

9. Special Circumstances – Limited Notification

9.1 Are there special circumstances that warrant limited notification of any other persons?	<input type="checkbox"/> Yes	Application must be limited notified to those persons and any other affected persons. Go to 9.2
	<input type="checkbox"/> No	Go to 10

9.2 Reasons special circumstances exist and persons to be notified

Recommendation and decision

10. Officer's recommendation

10.1 The application be processed non-notified	<input type="checkbox"/>
10.2 Public notification is required/recommended	<input checked="" type="checkbox"/>
10.3 The application be placed on hold while the applicant tries to obtain written approvals from the affected persons	<input type="checkbox"/>
10.4 Limited notification is required. Persons to be served notice are those listed in 8.2	<input type="checkbox"/>



Rebecca Robertson
Consents Officer

Date: 26 March 2019

Decision under Delegated Authority

11.1 I agree with the recommendation	<input type="checkbox"/>
11.2 The application will be processed non-notified	<input type="checkbox"/>
11.3 The application will be publicly notified	<input checked="" type="checkbox"/>

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- | | | |
|-------------|--|--------------------------|
| 11.4 | The application shall be placed on hold while the applicant tries to obtain written approvals from the affected persons | <input type="checkbox"/> |
| 11.5 | The application will be limited notified. The parties to be served notice are those listed in section 8.2 | <input type="checkbox"/> |
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This decision is made under delegated authority by:



Michael Durand
Consents Manager

Date: 27/3/19