

**IN THE ENVIRONMENT COURT  
AT WELLINGTON**

**I TE KŌTI TAIAO O AOTEAROA  
KI TE WHANGANUI-A-TARA**

**Decision No. [2023] NZEnvC 260**

IN THE MATTER of an appeal under s 120 of the Resource  
Management Act 1991

BETWEEN SUMMERSET VILLAGES  
(WAIKANAE) LIMITED  
  
(ENV-2022-WLG-000035)

Appellant/ Applicant

AND WELLINGTON REGIONAL COUNCIL  
  
Respondent

Court: Judge L J Semple sitting alone under s 279 of the Act

Hearing: In chambers at Wellington

Last case event: Memorandum received 5 October 2023

Date of Decision: 1 December 2023  
(On the papers)

Date of Issue: 1 December 2023

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**CONSENT ORDER**

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A: Under s 279(1)(b) of the Resource Management Act 1991, the Environment  
Court, by consent, orders that:

- (1) the resource consent to take and use groundwater from bore  
BP32/0175 for irrigation and dust suppression at 28 Park Avenue,



SUMMERSET VILLAGES (WAIKANAE) LTD v WELLINGTON REGIONAL  
COUNCIL

Waikanae is amended in the manner set out in **Appendix A**, which forms part of this order;

- (2) the appeal is otherwise dismissed;
- (3) under s 285 of the Resource Management Act 1991, there is no order as to costs.

## **REASONS**

### **Introduction**

[1] Summerset Villages (Waikanae) Ltd appealed the decision made by Wellington Regional Council to grant a resource consent to take and use groundwater from bore BP32/0175 for irrigation and dust suppression at 28 Park Avenue, Waikanae. Specifically, the appeal relates to the duration of the consent granted.

[2] The Court has read the notice of appeal and the memoranda of the parties dated 28 August 2023 and 5 October 2023.

### **Other relevant matters**

[3] Ātiawa ki Whakarongotai Charitable Trust gave notice of an intention to become a party to the appeal under s 274 of the Act and has signed the consent memorandum setting out the relief sought.

### **Orders**

[4] The Court is making this order under s 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the consent memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the

relevant requirements and objectives of the Act including, in particular,  
Part 2.



L J Semple

Environment Judge



## APPENDIX A – AMENDED CONDITIONS

Additions are shown as [blue underlined](#):

### Duration of consent

This consent shall expire on 27 September 2038.

### **General conditions**

1. The location and operation of the take shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 23 August 2021 and further information received on:
  - 26 August 2021 confirming proposed rate of take;
  - 22 June 2022 (Test Pumping Report)
  - 4 July 2022 (Cumulative Assessment, Headworks example, Summary Table of cumulative effects); and
  - 20 July 2022 (Draft conditions of consent and response to submitters).

Where there may be contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies. In addition, 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. The Consent Holder shall surrender consent WGN220317 [38340] prior to taking water under this consent.

*Note: This is to ensure both consents are not operated at the same time resulting in a double allocation of water.*

### **Rate and point of take**

3. The rate at which water is taken from bore BP32/0175 at or about approximate map reference NZTM: 1771864.5473882, shall not exceed 21,000m<sup>3</sup>/year, at 140m<sup>3</sup>/day at a maximum pumping rate of 4.7 litres/second.

*Note: This equates to approximately 8.5 hours/day and 150 days/year based on the maximum pumping rate.*

### **Water measuring device/system**

4. The consent holder shall install and maintain a water meter (water measuring device) that measures all water authorised under this consent and meets the following requirements:
- Sealed and tamper proof
  - Installed within 20 metres of the point of take unless an exception is granted by the Manager, Environmental Regulation, Wellington Regional Council, under section 10 of the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010
  - Measures cumulative water abstraction in m<sup>3</sup>
  - Can measure the volume of water taken to within +/- 5% of the actual volume taken
  - Resistant to corrosion and fogging
  - Capable of being fitted with an electronic datalogger, has a suitable output signal and has suitable data transfer ports
  - Be installed in accordance with industry best practice based on the Water Measurement Accreditation Programme, unless approval is obtained by the Manager, Environmental Regulation, Wellington Regional Council
  - Be installed and maintained by a suitably qualified person

The above requirements shall all be to the satisfaction of the Manager, Environmental Regulation. The water meter shall be installed prior to the commencement of take.

5. The consent holder shall install and maintain a datalogger and telemetry unit on the water measuring device that is compatible with Wellington Regional Council's Water Use Data Management System prior to the commencement of take, unless a later installation date is agreed in writing by Manager, Environmental Regulation, Wellington Regional Council. The data logger and telemetry unit shall record date and time stamped cumulative meter readings at least every 15 minutes, and transfer any meter readings within 24 hours (unless otherwise agreed in writing by Manager, Environmental Regulation, Wellington Regional Council).

In the event that written agreement has been obtained to defer the installation of a datalogger and telemetry unit or the transfer of meter readings in a timeframe outside of 24hours, the consent holder shall maintain and submit records of water use, in the manner and for the timeframe as specified in any written agreement.

### **Accuracy and verification of the water measuring device/system**

6. In the event that there are reasonable grounds established which show that the water measuring device/system may be inaccurate, the consent holder shall verify the accuracy of the water measuring device/system as directed by the Manager, Environmental Regulation, Wellington Regional Council. Verification of the water measuring device/system is to determine if the actual volume of water taken is within +/- 5%.

Any verification of the water measuring device/system under this condition must be performed by a suitably qualified person, that is to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Within one month of any verification being undertaken on the water measuring device/system, the consent holder shall submit to the Manager, Environmental Regulation, Wellington Regional Council, a copy of the verification certificate/and or evidence documenting the calibration as completed by the person who undertook the verification.

*Note: Reasonable grounds includes (but is not limited to) the water measuring device/system not been installed to industry best practice based on the Water Measurement Accreditation Programme.*

### Restrictions

7. Irrigation of landscaped garden areas shall only take place between the hours of 9:00pm and 5:30am.
- 8a. In the event that GWRC notifies the consent holder that any of the L2 trigger levels in Table 1 are exceeded, the consent holder shall reduce the daily take by 75% until such time that the L2 trigger levels are no longer being exceeded.
- 8b. In the event that GWRC notifies the consent holder that any of the L3 trigger levels in Table 1 are exceeded, the consent holder shall cease water takes under this consent until such time that the

L3 trigger levels are no longer being exceeded, at which time, the water take may continue in accordance with condition 8a.

**Note 1:** *The purpose of this condition is to manage the potential effects of saline intrusion and potential effects of a decline in groundwater levels, as a result of taking groundwater from bore BP32/0175 for the purposes stated in this consent.*

**Note 2:** *The purpose of this condition is to protect the built environment, and prioritise water for public use in accordance with Te Mana o Te Wai.*

**Note 3:** *For the purposes of this condition, Greater Wellington Regional Council will be responsible for notifying the consent holder when the applicable trigger levels under Condition 8 have been exceeded.*

**Table 1. Identified monitoring bores and trigger levels**

Well ID	Triggers	L1-Alert	L2-Action	L3-Cease
Sentinel #2 Deep	Water level	-896	-2,698	-4,048
	Saline intrusion	1,532	1,915	2,234
Sentinel #2 Intermediate	Water level	-1,757	-3,557	-4,907
	Saline intrusion	1,699	2,124	2,475
Sentinel #5 Intermediate	Water level	-393	-1,443	-2,231
	Saline intrusion	3,642	4,553	5,311
Sentinel #5 Deep	Water level	19	-1,031	-1,819
	Saline intrusion	5,818	5,518	7,218

Waikanae Park	Deepgroundwater level	4,611	2511	936
KCDC W1	Shallow groundwater	4,350	4,150	3,950

### **Irrigation/Reticulation system and bore/well monitoring**

9. Once a pump has been installed on the bore, no water shall be abstracted until such time as the headworks have been inspected and certified by Greater Wellington Regional Council Environmental Scientist to ensure the bore is secure/sanitary in accordance with the drilling standard *NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock* and condition 10 below.
10. The bore head connections shall be designed and maintained so that water is not run to waste and contamination of the aquifer and backflow are prevented. This includes installing headworks on top of the bore to meet Taumata Arowai Draft Drinking Water Quality Assurance Rules (20 December 2021) condition 10.8.2.

*Note: The bore should have a backflow prevention device installed to prevent potential contamination of the water supply aquifer.*

11. If so requested 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 and saline intrusion.
12. The consent holder shall submit a Bore Monitoring Programme to the Manager for certification, within one month of the borehead being installed. The Bore Monitoring Programme shall include:
  - Frequency of borehead checks for damage/defects;
  - Who shall undertake inspections. Where records of inspections will be kept.

The consent holder shall ensure that monitoring of the borehead is undertaken in accordance with the certified Bore Monitoring Programme.

*Note: It is recommended that a suitably qualified person checks the bore on at least an annual basis, with more regular monthly visual checks also being undertaken.*

### **Review condition**

13. The Wellington Regional Council may review any or all conditions of this consent 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 30 June each year for the duration of this consent, for the purpose of:
  - Reviewing seasonal groundwater/surface water allocation requirements; and/or
  - 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
  - Enabling consistency with the relevant Regional Plan(s)

**Important notes relating to measuring and reporting of your water take:**

14. A suitably qualified person is an individual/company that is registered with the Water Measurement Accreditation Programme or can demonstrate an appropriate standard of installation or verification to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.
15. For water meter installation, where industry best practice guidelines differ from manufacturer's specifications, the more stringent standard applies, unless special circumstances apply to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council. Therefore verification of the water measuring device/system can only be achieved when the most stringent standard (either industry best practice or manufacturer's specifications) for installation has been achieved.
16. The annual take volume shall be assessed for the period 1 July to 30 June the following year.
17. To ensure the most efficient use of water, the consent holder shall target no pooling of water or surface water runoff and minimal infiltration to shallow groundwater.

*Note: this is in line with advice from Greater Wellington Regional Council Environmental science to mitigate the effects of using water within 100m of wetlands.*

**General notes:**

- a) This resource consent does not guarantee that quantity or quality of water will be maintained or available.
- b) Please contact the Wellington Regional Council, Environmental Regulation, if you plan to make any modifications to the bore, pump, or irrigation system. Any significant modifications may require you to apply for a change of consent conditions.
- c) A resource management charge, set in accordance with section 36(2) of the Resource Management Act 1991 shall be paid to the 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.
- d) The Wellington Regional Council shall be entitled to recover from the consent holder the costs of any review, calculated in accordance with and limited to the Council's scale of charges in force and applicable at that time pursuant to section 36 of the Resource Management Act 1991.
- e) In the event of undue interference with other bores/wells in the area and/or a long term sustained decline in groundwater levels becomes apparent through groundwater level monitoring undertaken in the aquifer where bore BP32/0175 is located, the consent holder may be requested to reduce or stop pumping as maybe directed by the Manager, Environmental Regulation, Wellington Regional Council. Undue



interference is defined as drawdown in neighbouring bores/wells that was not evaluated at the time the resource consent was processed.