



Wairarapa Water Use Project

Consenting Framework

Prepared by Incite
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1 Introduction

The Wairarapa Water Use Project (WWUP) is a proposed scheme to augment water availability for the Wairarapa Valley. The aim of the scheme is to collect and store water, and then distribute it for a variety of community and agricultural uses in an environmentally sustainable way. There have been a number of studies carried out to date that look at preliminary feasibility of options for storage with the focus being on a limited number of potential sites that could be dammed and used as water reservoirs.

As such planning for the project is at an early investigation phase. An options identification study by Tonkin and Taylor¹ (April 2013) investigated nine possible storage sites and it is understood that an additional three sites have since been identified to the north east of Masterton. The project is now proceeding to “options refinement” with additional work currently underway to gather more in depth information on which of the sites should be taken through to a more detailed study. It should be noted that the work done to date has had a primary focus on the storage component of the project although there is a strong linkage to reservoir location and potential irrigable areas including the ability to use existing infrastructure such as stockwater races. In order for water to be conveyed from a storage site to land for the purposes of irrigation or other beneficial uses it will also be important to consider the consenting issues there may be surrounding reticulation.

Consideration of the Policy framework that will apply to the end use of water in the Wairarapa Valley should also be made. Greater Wellington Regional Council (GW) is in the process of preparing a revised Regional Plan that will be influenced by the National Policy Statement for Freshwater Management and recent work from the Land and Water Forum. It is expected that this will have an impact upon water quality and water quantity standards relating to the end use of water.

1.1 Scope of Report

Incite has been requested by WWUP to develop a preliminary RMA consenting framework to progress the project. This will in particular:

- Briefly consider the project background;
- Assess the legislative and policy context;
- Identify the key regional matters that will require consent including the damming and diversion of water;
- Address the advantages and disadvantages of using a resource consent path; compared with a designation option for the district consents (including the ability to stage works using these processes);
- Consider the relevant sections of the Resource Management Act 1991 (RMA), the Regional Policy Statement, current Regional and District Plans
- Comment on the status of the current Regional Plan review particularly the provisions of the National Policy Statement for Freshwater Management on allocation matters and the potential for restrictions on end users;
- Consider the issue of requiring authority status;
- Discuss the benefits and disbenefits of the conventional two stage consent path against the national consenting process;
- Consider what actions are required to phase the consenting activities of the project from strategy formulation to eventual lodgement; and
- Consider indicative timeframes.

¹ Tonkin and Taylor Ltd. Wairarapa Water Use Project: Scheme Options Identification and Analysis April 2013

1.2 Key Inputs

Presently complimentary processes are being carried out concurrently, in particular the Tonkin and Taylor Options Refinement Report.

The Landowner Engagement and Property Acquisition Framework has been considered in detail in preparing this framework. It should be noted that consultation activities particularly with landowners are a critical component of project delivery from an RMA perspective. While we have not specifically covered that in this framework document it is important to acknowledge the strong interrelationship that there is between approvals and stakeholder engagement.

In addition a brief review of the statutory processes for the Ruataniwha and Central Plains Water processes has been carried out.

1.3 Critical Success Factors

The critical success factors for delivery of the successful statutory and consenting process are considered to be:

- Accurate identification, and management of key environmental considerations and outcomes sought by the project;
- A robust analysis of alternative sites routes and methods for achieving the objectives of the WWUP;
- Engagement from the relevant statutory authorities Greater Wellington Regional Council (GW), Masterton District Council (MDC), Carterton District Council (CDC), South Wairarapa District Council and if necessary the Environmental Protection Authority (EPA);
- Sound community engagement processes particularly with landowners that reflect best practice and are robust in terms of established consultation principles. In this case it should be noted that landowner engagement process will be detailed in the Land Owner Engagement and Property Acquisition Framework;
- Efficient delivery of technical documentation/reports and evidence sufficient for the process;
- Comprehensiveness of the consent applications to the consent authorities be it either GW and the Wairarapa Councils or if the national consenting process is preferred, the EPA;
- Successful delivery of project through a Board of Inquiry (BOI), direct referral to the Environment Court or two stage hearing process; and
- Statutory approvals secured for a construction start including consideration of potential staging.

2. The Project

Before considering the detail as to how the necessary authorisations will be gained it is useful to consider some of the project details. In simple terms each of the identified sites would create storage via damming and diversion of existing rivers and/or streams and/or groundwater to create a reservoir to provide capacity for water supply. Storage would then be reticulated to areas of the Wairarapa Valley to be used for irrigation or other beneficial uses. The suitability to use the existing water race network will need to be confirmed.

2.1 Project Purpose

The purpose of the Project is outlined in the previous reports but in broad terms the Wairarapa Water Use Project (WWUP) has been established to support planning for regionally integrated multi-purpose water use based on harvesting, storage and distribution of water in the Wairarapa Valley.

It is relevant to note that the existing groundwater and surface water supply for irrigation as well as town water supply are at or near capacity for core allocation. This is important from an RMA perspective as it defines the justification for the Project and the basis for the more detailed investigations. In this regard the April 2013 Tonkin and Taylor Report² states:

The current resource consents to take surface water account for nearly all of the available 'core allocation' from the rivers of the Wairarapa Valley; i.e. the existing run-of-river takes are approaching full allocation of the 'core allocation' in most zones identified in the operative Regional Freshwater Plan. Likewise, there is limited additional groundwater available, especially now that recent investigations have confirmed that there is strong interconnection between surface and groundwater in the Wairarapa. Therefore, GWRC has determined that to reliably meet increased water demand in a sustainable manner, water will have to be supplied from storage.

It is also important to recognise that the 12 storage sites currently identified have been chosen from a much longer list of over 200 sites.

2.2 Multi Criteria Analysis

This consenting framework does not consider the merits of any one site nor the social, cultural or environmental issues that may apply. However the April 2013 Tonkin and Taylor report³ fully outlines a multi-criteria analysis process that covers the following elements considered at that stage for the purposes of option refinement and comparison. For completeness the elements considered are:

1. *Scheme number and name;*
2. *Description of general location and the river/stream/valley in which it is located;*
3. *The source of water for each scheme (either from the stream's own catchment, or harvested from an additional source), and the volume available from those sources during a 1 in 10 dry year;*
4. *Approximate reservoir capacity (volume);*
5. *The geotechnical risk associated with each storage site⁴;*
6. *Whether the indicative irrigable area for each scheme is currently under stress in terms of water availability (i.e. whether investigations have indicated that the area is fully or potentially over-allocated ("under pressure"), and further groundwater takes or surface water takes from*

² Executive summary s2.1 p2

³ Executive summary s4 p6

⁴ Based on a site walkover.

core allocation are unlikely; i.e. there are limited alternatives for future take other than the proposed schemes);

- 7. The approximate number of hectares that could be serviced by each scheme, the general location of the indicative irrigable area, and the flow requirement to service it;*
- 8. Current landownership; i.e. whether private or public land;*
- 9. What existing public infrastructure could potentially be affected by each scheme, focusing on public roads;*
- 10. A description of the general environment and land use in the storage site area, including identifying any significant environmental values, based largely on information from GWRC's GIS database and the site walk-over inspections;*
- 11. Expected significance of the affected storage site area and affected river/stream to Maori, based on information from "Arch Site" and the Draft Cultural Values report for Wairarapa (prepared by Ohau Plants Ltd);*
- 12. Key social issues, focussing particularly on the number of dwellings within the storage area, as well as community facilities, or severance of road connections (where not replaced), based on the site walkover;*
- 13. Assessment of the 'riskiness' associated with each scheme (e.g. whether that risk may be geotechnical, social, community, constructability etc), on a comparative basis;*
- 14. Assessment of the 'opportunities' associated with each scheme (e.g. potential for optimisation of scheme size or dam location, synergies with wastewater re-use, staged development etc), on a comparative basis;*
- 15. Assessment of the relative financial favourability of each scheme (on a comparative basis), based on \$/m³ of water.*

Therefore in terms of option identification it is considered that a robust process has been carried out in accordance with best practice and appropriate to the stage of the investigations to consider which options or sites should be taken forward for further more detailed examination. From a Resource Management Act perspective this is important as there is a necessity to consider alternative sites, routes or methods particularly if the designation tool is to be utilised.

3. Other Recent Schemes

The WWUP has some similarities to two recent water harvesting and irrigation schemes. The consenting aspects of these are briefly explained below.

3.1 Ruataniwha Water Storage Scheme (RWSS)

The Hawke's Bay Regional Investment Company (HBRIC) lodged applications for resource consents and a notice of requirement for its Ruataniwha Water Storage Scheme (RWSS) with the Environmental Protection Authority (EPA) on 6 May 2013. Concurrently, Hawke's Bay Regional Council requested that the Minister for the Environment and Minister of Conservation call in the Tukituki Plan Change 6. Together the Ruataniwha Water Storage Scheme and Tukituki Plan Change 6 are parts of the Tukituki Catchment Proposal.

The following is the project description from the EPA website where the applications have been notified with submissions closing on 2 August 2013.

The RWSS application includes one notice of requirement and 17 resource consent applications relating to the construction, operation and maintenance of a 90 million cubic metre storage reservoir and associated intakes, headrace canals, pipelines and outfalls creating a water distribution network. The 83 metre high dam will be located on the upper Makaroro River in Central Hawke's Bay where it will harvest winter and other high flows to fill the storage reservoir. The reservoir will supply water to irrigate approximately 25,000 hectares of land, primarily in the Ruataniwha Plains area of Central Hawke's Bay District.

The Minister for the Environment approved Hawkes Bay Regional Investment Trust as a Requiring Authority under the provisions of s167 of the Act.

The reservoir will release an environmental base flow to the Makaroro River. This is anticipated to support the Tukituki River system when natural flows have been under stress (i.e. low) and to assist the management of periphyton growth caused by low flows and nutrient enrichment that currently diminishes the ecological diversity and recreational amenity in the lower river. Routine flushing flows are proposed to simulate the effects of a heavy rainfall event. Flushing flows will mobilise riverbed sediment, remove attached periphyton build up and contribute to managing the public health risks associated with cyanobacterial growth in the Makaroro, Waipawa and Lower Tukituki Rivers.

The RWSS includes a small (6.5MW) renewable energy hydro-electric power station to be constructed adjacent to the dam (capable of supplying electricity equivalent to 2200 average households)⁵.

Plan Change 6

Plan Change 6 sets out the environmental bottom lines for all activities in the Tukituki catchment – for taking water, discharging to water and land, and now the use of the land. It sets out new water quality and allocation limits for groundwater from rivers, and increases minimum river flows to achieve specific objectives around the mauri of the river, water quality, river flows, and slime and algae levels. It also enables community irrigation, and imposes rules to ensure stock are excluded from waterways.

Comparisons to WWUP

The main differences are that RWSS is a single storage scheme whereas WWUP potentially comprises several different storage sites. The RWSS also includes a small hydroelectric dam and this could be considered on a case by case and merits basis for WWUP. The most important factor in our

⁵ http://www.epa.govt.nz/Resource-management/Tukituki/ lodgement-notification/about_tukituki_proposal/Pages/default.aspx

view is that this was accompanied by a Plan Change to the Hawkes Bay Regional Plan defining a new water regime and includes some additional rules on stock management on the catchment to be irrigated whereas no specific rules exist currently in the Wellington Regional Freshwater Plan. Similar investigations of environmental bottom lines are being considered by GW as it reviews the Regional Plans that are expected to be formally notified by October 2014.

3.2 Central Plains Water

Central Plains Water, or, more fully, the Central Plains Water Enhancement Scheme, is a large-scale proposal for water diversion, damming, reticulation and irrigation in Canterbury. Central Plains Water Ltd was approved as a requiring authority by the Minister for the Environment. More specifically the scheme will comprise a water storage reservoir, a headrace canal and a network of irrigation channels capable of irrigating 60,000ha of land between the Waimakariri River, the Rakaia River, State Highway 1 and the Malvern foothills of the Southern Alps.

A headrace canal will channel water for 56km from intakes in the Waimakariri and Rakaia riverbeds. Water within the canal will be about 5m deep and 30m wide at the surface. Water will be able to flow in both directions however flow velocities will be kept slow walking pace.

In June 2010, resource consents for the scheme were approved in a revised form without the originally proposed storage dam. However the resource consents were appealed to the Environment Court and after hearings and negotiations the consent process was finalised in 2012.

Comparisons to WWUP

Central Plains Water does not include storage with most activities being canals to take water from the two rivers to a stockrace network. Water allocation and environmental bottom lines have been and still are continuing issues in Canterbury particularly the end receiving environment of water that has been used for irrigation purposes. There are similarities between Lake Ellesmere and Lake Wairarapa where both are very significant to Maori, both have a history of being degraded, both have national environmental significance and both are the final receiving environment before discharge to the sea.

It is also understood that there was considerable concern from various environmental groups about Central Plains Water becoming a requiring authority and it took a considerable amount of time before it was eventually granted requiring authority status. This is understood to be on the basis of concerns about a private company potentially using Public Works Act powers. The Governance structure will therefore be important in this regard although there have been a number of water distribution network utility operators approved as requiring authorities.

4. Legislative and Policy Context

This section considers the Resource Management Act 1991 and the relevant statutory RMA documents that apply to the WWUP.

4.1 Resource Management Act 1991

The Resource Management Act 1991 (RMA) is the principal statutory framework for consideration of the consent requirements prior to implementation of the WWUP. It provides the framework under which statutory development can occur.

4.1.1 Part 2 Matters

Part 2 of the RMA sets out the statutes “sustainable management” purpose (s5), various matters of “national importance” which decision makers must recognise and provide for (s6), other matters which decision makers must give “particular regard to” (s7) and Treaty principles which decision makers are required to take into account (s8). Essentially Part 2 defines the central policy drivers of the RMA. All decisions on projects (whether by way of consent applications, notices of requirement or plan changes) must be scrutinised by reference to these Part 2 matters.

4.1.2 Section 8 Designations

“Designations” sought by a notice of requirement (NOR) are typically the preferred choice of RMA approval for network utilities such as roads, rail, high voltage electricity transmission and for the distribution of water for supply including irrigation. These activities can be carried out by a “requiring authority” which is a term utilised for an organisation with financial responsibility for the public work or utility activity involved. A requiring authority means:

- a. A Minister of the Crown; or
- b. A local authority; or
- c. A network utility operator approved as a requiring authority under s 167 of the Act.

Designations mean that the requiring authority who has the designation can develop it as stated in the NOR, and the need for district resource consent is not required. However, regional resource consent is still necessary for any regional issues that may be a part of the proposed works within or potentially beyond the designation. There is also a strong linkage between designations and land interest acquisition processes particularly the ability to utilise the provisions of the Public Works Act if that is considered necessary.

More specifically a designation is a provision in a district plan which provides notice to the community that a requiring authority intends to use land in the future for a particular work or project.

Once a site is designated for a particular purpose, the requiring authority is able to:

- proceed with the specific work on the site as if it was permitted by the district plan
- control activities that occur on the site, to prevent the landowner doing anything that would compromise the future work (this is the case even if the requiring authority does not own the site)
- apply to the Minister of Lands to compulsorily purchase or lease all or part of the land under the Public Works Act 1981
- enter private land to undertake investigations.

As a designation can restrict the use of the land, in the event that the requiring authority does not own the site, the landowner also has certain rights. Where land is subject to a designation the landowner may apply for an order obliging the requiring authority to purchase or lease all or part of the land. In

general terms, this is done where the owner is unable to sell the land at a market value, or the owner cannot reasonably use the land.

While a designation gives a requiring authority 'permission' under the district plan, the requiring authority must still address all the relevant matters under the regional plans – including discharges to air and water and land, and earthworks in some instances. This can include obtaining regional resource consents⁶.

Consultation with affected parties is also a key mechanism of the RMA designation processes and further consultation and communications with statutory agencies, directly affected parties, and other parties with an interest greater than the public generally will be an essential element of progressing the project, noting that this will be core component of Landowner Engagement and Property Acquisition Framework.

Comment on the use of designation process and requiring authority status in relation to the WWUP is discussed in section 6.

4.1.3 Regional Resource Consents

To implement the WWUP options identified numerous consents will be required from Greater Wellington Regional Council. These would be considered on their merits against the relevant provisions of the respective regional plan which in the current case will be the Regional Freshwater Plan (1997). S 104 of the Act sets the decision making criteria for considering applications for consent. S104 (1) states:-

When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—

(a) any actual and potential effects on the environment of allowing the activity; and

(b) any relevant provisions of—

(i) a national environmental standard:

(ii) other regulations:

(iii) a national policy statement:

(iv) a New Zealand coastal policy statement:

(v) a regional policy statement or proposed regional policy statement:

(vi) a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

In terms of s104 (1)(a) (actual or potential effects on the environment) the following have been identified by Tonkin and Taylor as potential environmental issues to be addressed.

Assuming demand, technical feasibility (i.e. water harvesting, storage and reticulation) and financial viability are positive, a wide-ranging and robust analysis of the potential environmental effects will be need to be made. Issues to address include:

- *catchment hydrology – rainfall, river flows, surface and groundwater resource and their interaction*
- *ability of existing river flows to be harvested, when and how effects on existing river systems and in-stream habitat.*
- *soil suitability under an irrigation regime*

⁶ <http://www.mfe.govt.nz/rma/central/designations/>

- *interaction with tangata whenua & cultural values*
- *land use change and intensification*
- *farm management practices using irrigation.*

With regard to the final point there are currently limited restrictions on intensification of rural land by the use of irrigation in principle although allocation limits have been established. However the Regional Freshwater Plan from 1997 is a dated RMA document and is under review by GW. It is also noted that there has been recent and continuing litigation in relation to the Horizons One Plan that seeks to manage some agricultural or horticultural practices to control farm runoff to rivers and streams. It is anticipated that the new regional plan will be in place by the time consent applications are lodged and it is expected that management of farming practices to avoid any further degradation of rivers and streams will be an issue being considered.

4.2 Historic Places Act/ Reserves Act

Apart from the RMA other legislation may apply. The most significant of these is the Historic Place Act 1993 while there may be an implication on statutory reserves gazetted under the Reserves Act 1997.

The purpose of Historic Places Act is to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand. The Historic Places Trust administers the functions of the Act and a list of historic places is produced by HPT. None of these identified places are in any of the sites identified for storage. In any event and regardless of any sites of cultural or historical significance being identified in the, general authorisation will need to be sought under the Historic Places Act for destruction or modification of any sites, in addition to consultation with iwi on cultural matters.

The Reserves Act has three main functions. These are:

- To provide for the preservation and management, for the benefit and enjoyment of the public, areas possessing some special feature or values such as recreational use, wildlife, landscape amenity or scenic value. For example, the reserve may have value for recreation, education, as wildlife habitat or as an interesting landscape.
- To ensure, as far as practicable, the preservation of representative natural ecosystems or landscapes and the survival of indigenous species of flora and fauna, both rare and commonplace.
- To ensure, as far as practicable, the preservation of access for the public to the coastline, islands, lakeshore and riverbanks and to encourage the protection and preservation of the natural character of these areas.

From the Tonkin and Taylor Report it appears that no statutory reserves are included in the identified sites. However if reticulation requires an alignment that crosses statutory reserve land this will be a relevant consideration to be followed by a specific consent under the Act from the Minister of Conservation.

4.3 National Policy Statement for Freshwater Management

The National Policy Statement (NPS) for Freshwater Management 2011⁷ came into effect on 1 July 2011 as part of the Fresh Start for Fresh Water package of reforms announced by the Government in May 2011. From 1 July 2011, decision-makers under the Resource Management Act (RMA) must have regard to the NPS in consenting decisions.

The RMA requires local authorities to amend regional policy statements, proposed regional policy statements, plans, proposed plans, and variations to give effect to any provision in an NPS that affects those documents. The Freshwater NPS aims to drive national consistency in local RMA planning and

⁷ <http://www.mfe.govt.nz/publications/rma/nps-freshwater-management-2011/docs/nps-freshwater-mgmt-2011.pdf>

decision-making while allowing for an appropriate level of regional flexibility. This will support improved freshwater management in New Zealand.

The NPS sets in place some important ingredients of a strengthened limits-based regime for water management and helps clarify the regulatory framework for the reform package as a whole.

Specifically the NPS has two important Policies that must be given effect through changes to Regional Plans. These are:

Policy A1

By every regional council making or changing regional plans to the extent needed to ensure the plans:

- a. *establish freshwater objectives and set freshwater quality limits for all bodies of fresh water in their regions to give effect to the objectives in this national policy statement, having regard to at least the following:*
 - i. *the reasonably foreseeable impacts of climate change*
 - ii. *the connection between water bodies*
- b. *establish methods (including rules) to avoid over-allocation.*

Policy A2

Where water bodies do not meet the freshwater objectives made pursuant to Policy A1, every regional council is to specify targets and implement methods (either or both regulatory and non-regulatory) to assist the improvement of water quality in the water bodies, to meet those targets, and within a defined timeframe.

The primary implication for the WWUP is the end use of the water and GW must in its review of the Regional Plans must set freshwater objectives and set freshwater quality limits and establish methods to avoid over allocation. This has been done by a change to the Regional Freshwater Plan that allocates extraction limits for some waterways but it is expected that this may be taken further. While the project is primarily around storage and reticulation the effects of the end use of water must also be specifically considered.

4.4 Regional Policy Statement (RPS)

The Regional Policy Statement is described as “*an integral document in helping the Wellington Regional Council and the region’s city and district councils support the achievement of this region’s community outcomes*”. It is at the top level of the statutory plans in the region as both District and Regional Plans need to give effect to the RPS.

The RPS outlines Objectives and Policies which are designed to achieve 10 Community Outcomes. However in terms of the Management of the Freshwater resource the RPS outlines at 3.4 the following which is relevant to water resources in the Wairarapa.

Accommodating people’s needs for water is becoming more and more difficult because some water resources in the region are already fully allocated and others are close to full allocation. Non-consumptive uses of water can often be undertaken with negligible effects on water bodies. In the Wairarapa, the amount of water taken for farm pasture irrigation has more than doubled over the last 10 years and increasing populations in the region’s urban areas means demand for water supply from rivers, lakes and groundwater is expected to increase. The pressure on water resources is also likely to increase as a result of climate change. Some predicted effects are that the central and eastern Wairarapa will become drier, and droughts will occur more frequently and persist for longer periods.

Groundwater levels in some Wairarapa aquifers are declining year by year. Lowered groundwater levels can affect the flow of springs and rivers and streams, and water levels in wetlands, which can eventually dry up. If continued abstractions keep the groundwater level low, the dependent ecosystems can be permanently affected.

Prolonged low flows in rivers mean there is less habitat available for aquatic life and the adverse effects of contamination are worse because of reduced dilution. Low flows in summer mean water temperatures and algal growths increase, especially if there is no riparian vegetation. Because people's need to take water is greatest at times of low rainfall, abstractions generally lower river flows when aquatic life is already stressed.

Existing users often have invested in infrastructure in reliance upon consents for the take and/or use of water.

In addition to identifying the issue and as is stated in the April 2013 Tonkin and Taylor Report⁸ the Regional Policy Statement requires regional plans to promote efficient use of water and promote 'water harvesting'; i.e. taking and storing water when the availability is high and using it when there is a soil moisture deficit. Through the current Regional Plan review process, GWRC is looking at appropriate ways in which to allocate water and set minimum flows to protect in stream ecosystems, while also managing land use impacts in an environmentally and economically sustainable way.

This statement is also backed up by a specific policy⁹ as follows.

Policy 20: Using water efficiently – regional plans

Regional plans shall include policies, rules and/or methods that:

(a) promote the efficient allocation and use of water; and

(b) promote water harvesting.

Explanation

Using water efficiently and water harvesting when it is in abundant supply will make more water available when there is a shortage. Efficient allocation and use includes minimising water wastage during the abstraction, distribution and final use of the water. This includes all allocations and uses of water.

Water harvesting means taking and storing water from water bodies when the availability is high and using it when there is a water shortage.

Therefore there is policy support for water harvesting that needs to be evaluated against the environmental effects of water use and management.

4.5 Wellington Regional Freshwater Plan (RFP)

The Regional Freshwater Plan applies to all types of activities that use freshwater or that are in the beds of rivers and lakes. Activities covered by the plan include:

- discharges to fresh water
- the taking, using, damming, or diverting of fresh water
- building and modifying structures in river and lake beds
- disturbing river and lake beds
- introducing plants to river and lake beds

⁸ Executive Summary p2

⁹ RPS Policy 20 p102.

- depositing substances on river and lake beds
- reclaiming or draining river and lake beds
- development on the flood plain
- flood mitigation¹⁰

The RFP is a critical document in that it states objectives, policies, rules and other methods for managing the regions freshwater resource. In the context of the WWUP the most important provisions relate to the damming and diversion of freshwater that includes surface bodies (lakes, rivers and streams) as well as groundwater. An outline of likely consent provisions and rules is included in the following section.

As stated GW is in the process of preparing a combined Regional Plan which will replace four of the current five Plans (excluding the Regional Coastal Plan). However it is likely that all of the anticipated activities required to be implemented through the WWUP will still require assessment through a resource consent process.

4.6 Wairarapa Combined District Plan

The Combined Wairarapa District Plan is a single District Plan operative in 2012 covering the Masterton, Carterton and South Wairarapa District Council areas. District Plans set out the objectives, policies, rules and other methods adopted by District Councils to promote the sustainable management of the natural and physical resources of their territories.

As the identified storage sites are all located in the rural area which is very permissive it is likely, based on the information to hand currently, that no specific consents would be required under the District Plan. The exception is potentially one site at Mangaterere which may impinge slightly on a Significant Natural Area.

The District Plan does however control and manage some land use activities that will need to be taken into account. While the District Plan is relatively permissive factors such as land use change, subdivision and development will need to be assessed particularly in relation to intensified use of irrigable land for development.

¹⁰ <http://www.gw.govt.nz/Regional-Freshwater-Plan/>

5. Anticipated Authorisations Required

This consent framework is a reasonably high level overview of the regional and district plan rules which will need to be addressed in any resource consent applications for the WWUP infrastructure. It has been assumed that the WWUP will require tailraces, river intakes, pump stations and reticulation, as well as storage. As such damming and diversion of surface water and groundwater, water permits, allocation, extraction of groundwater, designations and easements have been considered during the analysis of the relevant plans.

It should be stressed that this is the current situation and will change prior to the lodgement of any applications. This is in respect to the review of the Regional Plans currently underway and the requirement for GW to further implement the National Policy Statement for Freshwater Management. This is expected to set further allocation limits and potentially other controls on land use that potentially affect the end quantity and quality of the freshwater resource.

If necessary it may be required that a complimentary Plan Change process is required to be lodged at the same time to manage the end use of water as Hawkes Bay Regional Council has done associated with the Ruataniwha scheme. However until the Regional Plan Review is notified it has to be assumed that no Plan Change is required.

5.1 Wellington Regional Freshwater Plan

The Freshwater Plan covers the areas of taking, use, damming and diversion of freshwater, and the use of beds of rivers and lakes. Discharge of water has not been considered.

5.1.1 Taking, Use, Damming and Diversion

The taking, use damming or diversion of water as a general guide is a **Discretionary Activity**, although some minor abstractions and diversions are permitted, and damming, diverting or taking water from some specified waterbodies are non-complying activities. These exceptions to the Discretionary Activity status are identified in the table below.

Rule	Activity Covered	Permitted Thresholds/Non-Complying Levels
7	Minor Abstractions Taking and use of ground and surface water	Permitted for the take of up to 20,000l/day at a rate of 2.5l/sec from any freshwater body.
9	Minor diversion of water from an intermittently flowing stream	Permitted if the diversion of less than 1.5 m ³ /sec of fresh water from any intermittently flowing river or stream
9B	Diversion of Groundwater	Permitted if no effect on water supply, flooding of land on any neighbouring property, water levels in any other waterbodies are not lowered.
17 and 18	Damming water in rivers with a high degree of natural character (rule 17) and diverting water from wetland with a high degree of natural character	Non-Complying Activity waterbodies in Wairarapa with a high degree of natural character include: Waiohine; all rivers in the Tararua Forest Park; Lake Wairarapa; Tauherenikau Delta, Ruamahanga Floodway Wetland. (It is noted that none of the identified sites are within these areas).
19A	The taking of water from the Makoura Stream, Otukura Stream, Papawai Stream, Parkvale Stream, Booths Creek, Stonestead (Dock) Creek, Tauweru River (upstream from Kourarau Stream), Makahakaha Stream and	Non-complying activity if it would result in the amount of water allocated by resource consents to exceed a capped allocation limits of the following in litres per second. Makoura Stream 40, Otukura 60, Papawai

	their tributaries.	Stream 200, Parkvale Stream 160, Stonestead (Dock) Creek 210, Tauweru River 50, Booths Creek 100, Makahakaha Stream 50.
19B	Taking water from identified groundwater areas	Non-Complying Activity – the taking of water from the Parkvale, Martinborough Eastern Terraces and Kahutara groundwater areas that would result in the amount of water allocated by resource consents is a non-complying activity.

5.1.2 Use of the Beds of Rivers and Lakes and Development on the Flood Plain

There are a number of different uses of beds or rivers and lakes which may be required as part of the WWUP. These uses, and their relevant activity status are described in the following table.

Rule	Activity Covered	Activity Status
26	Small dams	Permitted subject to a number of conditions including if dam impounds no more than 10,000m ³ of water, has a catchment area of no more than 20ha,
28 & 45/46	Laying pipes, ducts, and cables across intermittently flowing streams	Permitted subject to a max external diameter of 400mm and the stream course is not altered. If permitted conditions not complied with, then becomes a Controlled Activity under Rules 45/46
29	Staff Gauges	Permitted subject to an area of less than 10m ² of the river bed is disturbed.
30	Fences	Permitted subject to the fence not reducing the ability of the river to convey flood flows, nor alter its course.
31	Small Bridges	Permitted up to 6m in length
33	Removal or Demolition of Structures	Permitted so long as less than 10m ³ of bed material is disturbed.
40	Removal of Vegetation	Permitted pertaining to certain conditions
41	Planting	Permitted subject to species being planted not being excluded by the rule
48	Placement of impermeable erosion protection structures	Controlled
48A	Uses of land within the Waiohine River Floodway, the Lower Ruamahanga River Floodway	Restricted Discretionary
49	All remaining uses of beds of rivers	Any use of a river bed which is not specifically provided for in Rules 22 to 48; or cannot meet the requirements of Rules 22 to 48 is a Discretionary Activity .
50	Reclamation	All reclamation of a bed is a Non-Complying Activity

5.2 Wellington Regional Soil Plan

Earthworks require consideration under the Wellington Regional Soil Plan. The earthworks provisions of this plan relate only to erosion prone land, or the removal of vegetation. Erosion prone land is defined as any land within Area 1 (east of the Ruamahanga River) with a slope greater than 23 degrees; and any land within Area 2 (west of the Ruamahanga River) with a slope greater than 28 degrees. There are four rules in the Soil Plan. These are as follows:

Rule	Activity Covered	Activity Status
1	Roading and Tracking	Any roading or tracking activity that is: (1) located in Area 1 and, during any 12 month period, will result in a road or track having a continuous length of new upslope batter extending for greater than 200 metres, with a height of greater than 1.5 metres measured vertically; or (2) located in Area 2 and, during any 12 month period, will result in a road or track having a continuous length of new upslope batter extending for greater than 200 metres, with a height of greater than 2 metres measured vertically; Is a Restricted Discretionary Activity.
2	Disturbance of more than 1,000m ³ of soil on erosion prone land	Restricted Discretionary Activity
3	Vegetation disturbance on erosion prone land	Permitted Activity , subject to meeting conditions
4	Vegetation disturbance on erosion prone land	Restricted Discretionary Activity if conditions of Rule 3 are not met.

5.3 Combined Wairarapa District Plan

Under Rule 21.1.26 of the CWDP all new water supply, wastewater and stormwater systems are permitted activities in any zone, so long as they are provided in accordance with NZS 4404:2004 "Land Development and Subdivision Engineering". If this standard cannot be complied with, the water supply activity becomes a Restricted Discretionary Activity under Rule 21.4.17, with Councils discretion restricted to potable water supply, water storage and treatment; wastewater collection, treatment and disposal; stormwater collection, treatment and disposal; and financial contributions.

5.4 Consenting Options

At this point there are three consent packaging options.

1. Resource consents only. As it appears only minor consents under the Wairarapa Combined Plan, if any, will be required the proposal could possibly be authorised by resource consents only. The advantage is that this is a more simple process focusing entirely on matters to be considered under the relevant plans as well as related environmental effects. The disadvantage is that there is no link to property acquisition. Therefore even though consents could be granted without access to the land they could not be implemented.
2. Designation plus Regional Resource consents. This is the usually implemented option due to the RMA linkages to property acquisition, the fact that the requiring authority is the decision maker during a two stage process and the ability for the requiring authority to set its own objectives. This is important as s171(1)(c) (whether the work or project is reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought) is a matter that a decision maker must have particular regard to. Regional consents will still be required as per option 1.
3. Designation plus resource consents plus a plan change. This is similar to option 2 but with the addition of a plan change to the Regional Plans as has been put forward with Ruataniwha for catchment management. A Plan Change may provide more policy certainty but it is considered to be premature due to the status of the Regional Plan review. Once that is notified (expected later in 2014), the position of plan policy will be able to be addressed and if necessary the WWUP will be able to influence the plan process through submissions.

6. Requiring Authority Status

Designations are a useful mechanism for both RMA purposes and in terms of property acquisition. They signal intent by a public body (such as a Minister of the Crown or Council) or a network utility operator to utilise land for the purposes of a public work. In the case of the WWUP, even though it appears few resource consents will be required under the combined Wairarapa District Council, it is considered that the designation mechanism should at least be considered.

Greater Wellington Regional Council is a requiring authority by virtue of it being a local authority under the Local Government Act 2002. However for the Regional Council as an entity to be requiring authority for WWUP, GW would need to take financial responsibility for the public work. If GW is unable or unwilling to take financial responsibility for the work then the alternative is for the body with financial responsibility to apply to the Minister for the Environment to be a requiring authority as a network utility operator. It is understood that ongoing consideration will be given to financial, ownership and governance operations for the WWUP and this will assist in clarifying the position particularly as it is assumed that a new entity will be created.

However s167 of the RMA outlines the process for applying for requiring authority status and this is the avenue taken by Hawkes Bay Regional Investments for the Ruataniwha Water Scheme in Hawkes Bay and by the Central Plains Water in Canterbury. The Ministry for the Environment outlines the application process whereby network utility operators must apply to the Minister for the Environment for approval to become a requiring authority for the purposes of a particular work or project.

The MfE website¹¹ outlines information that prospective applicants should include in their application for requiring authority status.

- 1. Information to show the applicant is a network utility operator. Section 166 of the RMA provides a guide as to what constitutes a network utility operator.*
- 2. Detailed information on the nature of the activity (project or network utility operation). This could include information on the proposed location showing territorial boundaries, and any other relevant planning information (such as whether you have any already obtained any resource consents or are in the process of applying for any).*
- 3. An explanation of why requiring authority status is needed. You may include information on why you cannot continue operating using the resource consent process.*
- 4. An undertaking that you will fulfil the responsibilities of a requiring authority. The undertaking needs to be supported with information about your policies and approaches regarding both environmental management and consultation. This could be in the form of details on environmental management systems for example, or internal protocols on public consultation or environmental management. Where possible, providing examples of how you have given regard to the interests of those affected (including iwi) and to the interests of the environment in the past, may help.*
- 5. Information to show you are able to undertake the financial responsibilities of a requiring authority. One of the financial responsibilities of a requiring authority is to be in a position to purchase an interest in land subject to a designation if ordered to do so by the Environment Court under section 185 of the RMA.*
- 6. A copy of your most recent annual report.*

The Ministry for the Environment processes all applications and makes a recommendation to the Minister. Recent applications for requiring authority status within the last two years have been taking a minimum of three months from lodging with the Ministry up to a maximum of 11 months. From a

¹¹ <http://www.mfe.govt.nz/rma/central/designations/>

discussion with the Ministry the reasons for the time include the adequacy of the application, the need to request further information and the Ministers own availability. Requiring Authority status in relation to Ruataniwha for example took seven months to approve from lodgement.

The website information also states that

Before approving a network utility operator as a requiring authority, the Minister for the Environment must be satisfied that:

- 1. the approval of the applicant as a requiring authority is appropriate for the purposes of carrying on the project, work or network utility operation; and*
- 2. the applicant is likely to satisfactorily carry out all the responsibilities (including financial responsibilities) of a requiring authority under this Act and will give proper regard to the interests of those affected and to the interests of the environment.*

In the case of WWUP there are significant advantages to authorising the district or land use consents via designation in conjunction with lodging what would be a significant series of regional resource consent applications. The project is major in that it potentially involves a large number of public and private interests and the ability to be able to link consents with Public Works acquisition is important. Additionally with the reticulation element of WWUP and the potential requirement to cross public private land, designations will appropriately signal that each component is an integral part of the entire Project.

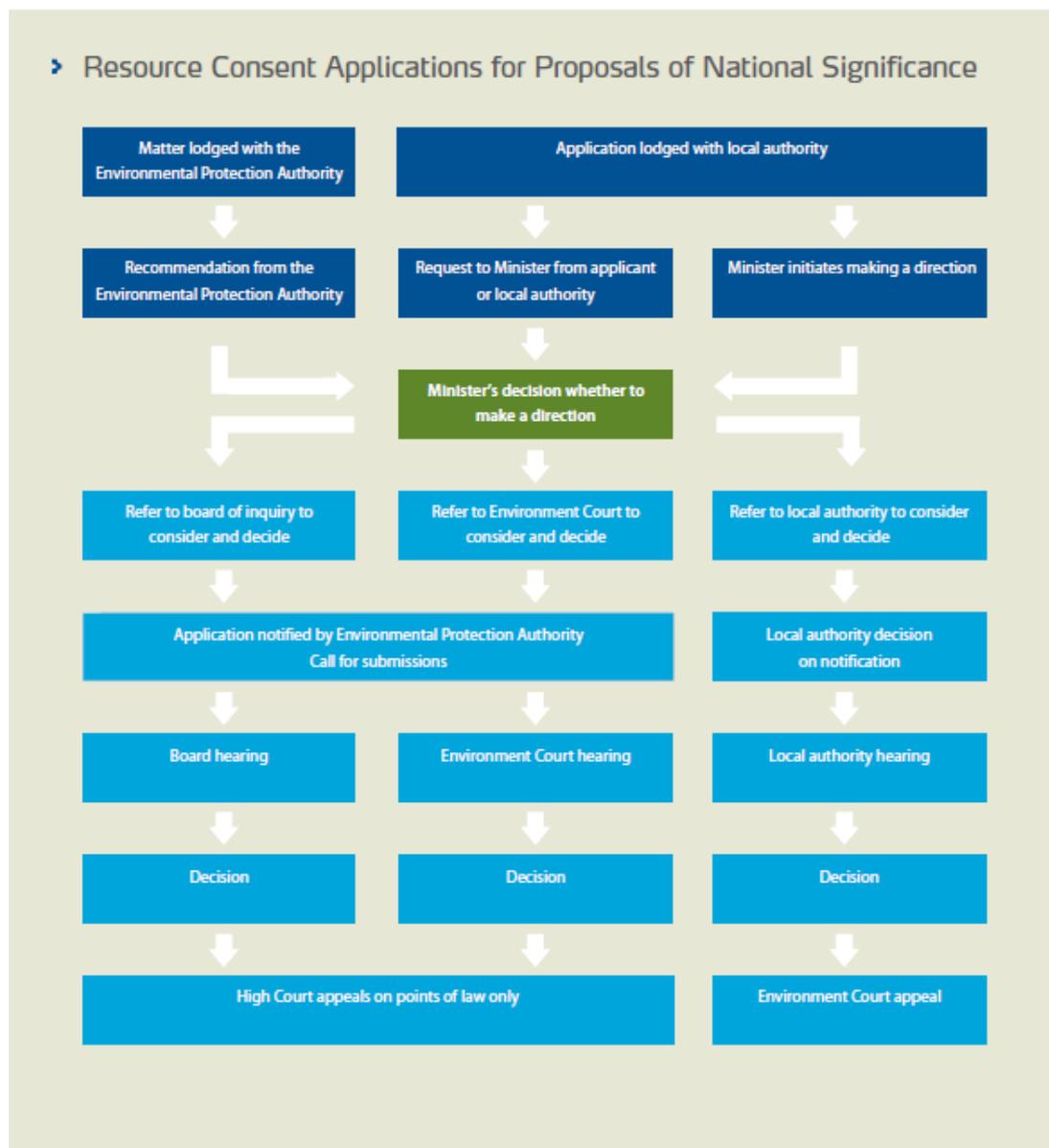
For a project of this scale, it is unlikely that negotiated settlement for all land will be able to be achieved. In addition access for investigations, such as geotechnical or hydrological aspects, can be secured through the PWA if a landowner is unwilling to voluntarily provide such access.

7. Consent Pathways

Assuming that an entity is established or GW would become the Requiring Authority it is appropriate to consider the benefits and disbenefits of the two stage consent process with applications being made to GW and the Wairarapa Councils as applicable and if those decisions are appealed then they would be considered by the Environment Court. Conversely it is important to carry out the same assessment of benefits and disbenefits of the Board of Inquiry process under the national consenting process through the EPA or consider direct referral to the Environment Court.

For the purposes of this framework it has been assumed that the project is of sufficient scale to be considered a proposal of national significance and that sites would be bundled together in one process. The three possible pathways for proposals of national significance are outlined in the attached figure reproduced from the Environmental Protection Authority website.¹²

Figure 1: EPA - Resource Consent Applications for Proposals of National Significance



¹² <http://www.epa.govt.nz/Publications/epa-02-applying-to-the-epa.pdf>

7.1 Two stage process

The two stage or conventional process means that all RMA applications for resource consent and/ or designations are lodged with the relevant local authority and GW at the same time and bundled together as they are interrelated and there is an expectation in the RMA that all matters are considered concurrently.

It must be assumed that due to the scale of the project that public notification will be required as the Project is unlikely to have adverse effects that are minor and the written consent of all parties potentially affected have been secured.

After a hearing and the decision is made any party including the applicant can appeal the decision to the Environment Court. Further appeals can only be made to the High Court on points of law.

7.2 Board of Inquiry

Applying to the EPA, instead of to the relevant council, is to obtain a more streamlined decision-making process. The Minister for the Environment can only direct a matter be referred to a board of inquiry or the Environment Court that is, or is part of, a proposal of national significance.

The Minister can consider any relevant factor when deciding whether the matter is, or is part of, a proposal of national significance, including whether the matter:

- a. **has aroused widespread public concern or interest regarding its actual or likely effect on the environment (including the global environment), or**
- b. **involves or is likely to involve significant use of natural and physical resources, or**
- c. affects or is likely to affect a structure, feature, place, or area of national significance, or
- d. affects or is likely to affect or is relevant to New Zealand's international obligations to the global environment, or
- e. **results or is likely to result in or contribute to significant or irreversible changes to the environment (including the global environment), or**
- f. involves or is likely to involve technology, processes, or methods that are new to New Zealand and that may affect its environment, or
- g. **is or is likely to be significant in terms of section 8, or**
- h. will assist the Crown in fulfilling its public health, welfare, security, or safety obligations or functions, or
- i. **affects or is likely to affect more than one region or district, or**
- j. **relates to a network utility operation that extends or is proposed to extend to more than one district or region**¹³.

In terms of what is known about the WWUP to date it is considered that the Project would meet those categories highlighted in bold above.

Once the Minister has determined that a proposal is one of national significance he or she will either refer it to a Board of Inquiry or to the Environment Court. A Board of Inquiry is usually constituted of a Judge of the Environment Court or a retired High Court Judge accompanied by a number of panellists. It is not a court per se but has powers of inquiry. The biggest differentiator between a Board of Inquiry and other methods is that there is a nine month period from calling for submissions to the release of the Boards decision.

¹³ <http://www.epa.govt.nz/Publications/epa-02-applying-to-the-epa.pdf>

7.3 Direct Referral

This option is available on application to the Minister that the hearing would be held before a fully constituted division of the Environment Court. The same decision-making criteria which applies to the board of inquiry will apply to the Environment Court and a decision by the Environment Court can also only be appealed on a point(s) of law.

Finally, the Environment Court will determine its own procedure and has all its usual powers in this respect, which includes no timeframe for a decision to be made.

7.4 Comparison of Consenting Pathways

Issue	Two Stage	Board of Inquiry	Direct Referral
Timeliness	If appealed to the Environment Court the process can take a significant period of time from lodgement to final Court decision. There are many historical examples of processes taking three years from the original notification of the application through to final Court decision.	Nine months from notification to the Boards decision	No timeframes specified but from notification to decision can take over a year depending on complexity.
Pre application	A conventional process of application preparation is carried out. However if there are appeals the applicant can concentrate on issues of contention.	Significant work is required pre application to ensure that all social, cultural and environmental considerations are appropriately addressed.	Significant work is required pre application to ensure that all social, cultural and environmental considerations are appropriately addressed.
Cost	While it will depend on the context and complexity of the application two stage processes are usually less expensive as the appeal stage can focus on issues of contention.	From knowledge of recent NZTA projects the upfront costs of Bol processes are very significant. This includes the preparation of matters such as draft Management Plans and a large degree of design detail which with a two stage process is often left to conditions of consent.	There have been very few direct referrals to the Environment Court. However it is assumed that the costs of the consenting process are similar to a Bol
Risk	Less risk than other processes as the applicant gets an opportunity to address any issues and negotiate between the Council decision and the commencement of Environment Court proceedings	Higher risk than two stage as the applicant only has one opportunity to address all matters. If declined the applicant needs to restart the process. However the King Salmon Board of Inquiry approved 4 of 9 sites. It is feasible that there could be partial approval of some storage sites.	Similar to Bol.

8. Consenting Process

To reach the successful lodging of the application, and progress through the consenting process, there are considered to be five main phases associated with the statutory process delivery for the WWUP, these are:

1. Strategy and Formulation (the stage the Project is in currently).
2. Environmental Investigation and Assessment.
3. Drafting of Technical Reporting and Assessment of Environmental Effects (AEE);
4. Technical reviews and completion of the AEE; and
5. Lodgement of Statutory Authorisation Applications.

This document provides a framework which will need to be transferred to a more comprehensive consenting plan as the establishment of a robust method for managing the project including the submission of a notice or notices of requirement for the required designation(s) and lodging the applications for resource consents with the either the EPA or Councils is important. The consenting framework is therefore intended to set the parameters for capturing the following information in one clear, central document to enable easy access and comprehension by all parties involved.

In particular the more fully populated consenting plan will define:

- The pre-lodgement programme and milestones;
- The confirmation of key stakeholders involved in the statutory process and their roles and responsibilities;
- The communication between the project's various groups and external parties involved in the process;
- The identification of project documentation required for the statutory process;
- The purpose, process and timeframes for the development and review of project documentation to meet the needs of the statutory process;
- The responsibilities of the various individuals within the project's work streams;
- Throughout the process a key objective is that the development and review of reports and documents will ultimately be of high quality and fit for purpose.

The consenting plan shall become an agreed and approved document to be used as a guideline for the consideration, management and control of the statutory components of the WWUP. It is anticipated that this document will be subject to review and updating on perhaps a bi-monthly basis.

The five phases are described below. Throughout the five phases, it should be noted that engagement with the EPA and/or Councils is critical to the success to the authorisations process.

8.1 Phase One - Strategy and Formulation

RMA Strategy Formulation - Determine the strategy to best obtain the statutory authorisations (designation(s) and resource consents) via the two stage, EPA/ Board of Inquiry, or direct referral process. This includes:

- Confirming the project team and roles;
- Confirming Requiring Authority status;
- Confirming preferred consent pathway;
- Formulating and more fully populating a Consenting Plan and seeking feedback;

- Depending on where the Regional Plan Review is at confirming whether a Plan Change would be required to facilitate the end use of the water;
- Ensuring the Consenting Plan is aligned with the Stakeholder Engagement Plan formulated for the project;
- Identifying and initially scoping the detailed consenting and designation requirements (including inputting more site specific detail as it comes to hand);
- Identifying all potential environmental effects and key consultants to assist through the process;
- Engaging legal assistance to advise on RMA legal matters including the s167 process;
- Undertaking further Issues and Opportunities workshop(s) with key stakeholders to further identify issues, opportunities, project risks, constraints and other matters relating to the project. This would build upon and be in conjunction with the Landowner Engagement and Property Acquisition Framework;
- Undertaking early engagement with MDC, CDC, SWDC, (individually or collectively) GW and the EPA to discuss expectations and outline the anticipated statutory process;
- Confirming and reviewing the process carried out to date so that options and alternatives are adequately considered;
- Formulating Process / Review Control Plan for appropriate verification and review of documents;
- Identification of other statutory approvals required for the project not covered by the RMA;
- Assessing timeframe requirements for approval process and implications for the two stage, BOI or direct referral process; and
- Formulating strategy for other approvals and acquisition processes to meet construction programme and to minimise potential issues at the statutory hearing phase.

8.2 Phase Two – Environmental Investigation and Assessment

Environmental Investigation and Assessment – Scope and undertake environmental assessment reporting and documentation to support the statutory authorisation applications and the statutory process. This includes:

- Confirming the environmental assessments required;
- Confirming environmental inputs into more detailed options analysis;
- Confirming the technical reporting structure;
- Confirming the scope of further environmental investigations and templates for reports;
- Liaising with the design team to identify opportunities for further detailed design work to inform environmental reporting requirements;
- Preparing templates and glossary/ index of reports;
- Preparing technical reports, review reports and respond to comments;
- Seeking confirmation of any proposed changes to the project scope and mitigation register.

8.3 Phase Three - Drafting of Technical Reporting and Assessment of Environmental Effects (AEE)

Drafting of Technical Reporting and AEE – Finalising the documentation process and preparing the draft AEE. This includes:

- Confirming the documentation process for each environmental discipline with the EPA and/or consent authorities;
- Commencement of GAP analysis after feedback from the EPA and/or Councils is received;
- Formulation of a draft AEE.
- Upon receipt of client comments this is the point in which the project will go through formal gap analyses to identify whether additional reporting or investigation may be required.

8.4 Phase Four - Technical reviews and completion of the AEE

Technical reviews and completion of the AEE – Finalising the documentation process and finalising the draft AEE.

- Working with the project design team to complete any further design to inform the final environmental and technical reporting;
- Completing the GAP analysis of the proposal in preparation of the statutory authorisations application being lodged;
- Final pre-lodgement meetings with the EPA and/or Councils and completing any further technical reviews;
- Finalise the technical reporting and inclusion into the AEE and statutory application;
- Preparation of a Construction Environmental Management Plan and associated Management Plans such as ecological, landscape, erosion and sediment control etc;
- Preparation of proposed conditions of consent; and
- Ensuring all statutory approvals (designations and resource consents) are included in the application.

8.5 Phase five - Lodgement of Statutory Authorisation Applications

Lodgement of Statutory Authorisations Application – Formal submission of the Statutory application and process through the Councils or through the EPA. This includes:

- Completion of the Assessment of Environmental Effects and statutory application to the required standard;
- Lodging the application with the EPA or Councils;
- Liaising with the EPA (if that process is being followed) with respect to lodgement and protocols required for recommendation to the Minister for the Environment; and
- Working with the EPA throughout the recommendation process, submission period and board of inquiry process.
- It is expected that the detailed process of evidence preparation, reviews, rebuttal evidence will be outlined once the gap analysis has been completed and the Assessment of Environmental Effects has been internally reviewed by the Project Team.

The hearing process and timeframes after lodgement of the applications is out of the control of the WWUP.

9. Timeframes

Some thought has gone into the timing of the process. It is however somewhat difficult to determine with any degree of accuracy particularly as there may be financial and management issues to be resolved and political decisions to be made, but the following gives an indication of possible consent process timings.

1. Decision to progress consideration of consenting framework options. Assume September 2013.
2. Consider option of an entity being established with financial responsibility for the work. If an application for requiring authority status is to be pursued this could take up to 12 months (MfE advice is that this process currently averages 7 months) but could run concurrently with 3 below.
3. Preparing adequate information to lodge consents including building in comprehensive consultation with key parties and those that have an interest greater than the public generally. Assume 12 – 24 months.
4. Lodge preliminary documents with councils or EPA, respond to any requests for further information, then proceed towards public notification. Assume an additional 3 to 5 months.

For a two stage process:

5. Call for submissions, respond to any issues raised in submissions, prepare evidence, and hold hearings. Assume 4 to 6 months to consent authority decisions or recommendations to WWUP as Requiring Authority and the decision made.
6. Assuming appeals received then it could easily be up to 12 months in order to mediate the appeals and if unsuccessful hold a hearing of the Environment Court.
7. Environment Court decision could be 6 months after that time.

For a BoI process

8. Statutory timeframe from notification to decision is 9 months.

For a direct referral process

9. No statutory timeframe from notification to decision. Assume 12 months.

An additional matter to consider is whether a Plan Change would be required which will become clearer once the Proposed Regional Plan is released and the water use schemes are further developed.

Therefore at best it is considered that it could be between 36 months and 53 months to get the necessary consents if first round decisions are appealed for a two stage process. A single Board of Inquiry or direct referral to the Environment Court may reduce the timeframes by 12 to 16 months.