

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Monday, 18 December 2006
(deferred from 24 November 2006)
TIME: 1.05 pm
VENUE: Tasman Council Chambers, 189 Queen Street, Richmond
PRESENT: Crs E M O'Regan (Chair), S J Borlase, R G Kempthorne

IN ATTENDANCE: Consents Manager (J Hodson), Consent Planner (N Tyson), Resource Scientist (J Thomas), Minute Secretary (V M Gribble)

1. APPLICATION RM060861 - A N and M D BAIGENT, RIVER TERRACE ROAD, BRIGHTWATER – SECTION 357 OBJECTION

Council has received an objection to a request for further information relating to application RM060861. The objection is from Graeme Malone of Solutions Law Office acting for A N and M D Baigent.

The application RM060861 relates to excavation of an additional 70,000 cubic metres of gravel and soil on the applicant's property to create a new reservoir volume of 134,000 cubic metre, for retrospective consent for the deepening of the intake well and for corresponding changes to the water permits.

Mr Malone submitted that the information being requested from Baigents was not required from other applicants. It is not necessary or fair to require a hydrologist's report. The appropriate way is to proceed and deal with those issues as conditions of consent.

Cr O'Regan asked what depth it is to go to.

Mr Malone said it will be 22.81 metres.

Mr Baigent said the change point as it is now is 22.56 sloping back towards the pump station. The proposition to increase the area of dams 260 and 233. They are both already compacted along one side. Compacted material is only on the northern bank, and goes down into hard material. They are not proposing to do anything with what has been compacted, other than take out of the dam footprint.

Cr Kempthorne said clearly the pond now is significantly deeper than what it was in 2000. There's been a request for information for peizometers to be installed and monitored to check what is happening. Why do not you agree to put them in and monitor so there is then a basis to move on with deepening or whatever else you want to do?

Mr Baigent said it goes back to his perception of the agreement. If he gets volume for winter water they can have all the summer water. Technically we have been given agreement for that, got halfway down the track, then all the other issues have been raised.

Cr Kempthorne said there is the possibility of it being linked to groundwater. The only way to determine that is by peizometers.

Mr Malone said Baigents are saying they do not want you giving away the catchment A infill while we do this. Any potential problem can be dealt with by way of conditions. Mr Thomas has said it is solely the depth.

Cr Kempthorne said if the review went through in a similar way to now and flow share was changed and you put peizometers in and there's a one or two year review put on this current review after the peizometer review and it becomes clear you have lost something you shouldn't have, it could come back and be changed.

Mr Baigent asked where he has affected them if he has not taken water at a trigger point.

Mr Malone said what the Committee is proposing is for Mr Baigent to give catchment A away; to put peizometers in and not do any deepening and see what happens.

Mr Tyson said the information request is not to move material it is to study what is there at the moment to determine what is happening now.

Mr Baigent asked why the Committee would take the summer priority for this to go on.

Cr Kempthorne said we would not necessarily do it, but if we did and put an annual review and if you have lost something you should not have we can review it and move forward.

Mr Baigent was concerned that instantly he loses summer water when he needs it most.

Cr Borlase suggested putting a condition that it does not come into effect for 12 months until it has been tested by peizometers.

Mr Tyson said we will get useful information, and there may be the need for a peizometer by Seifriends. It will provide new information that is needed.

Cr O'Regan said the question for this application is how much information has to be supplied. Peizometers have come in for large discussion. In relation to other requests, some of that has become available today.

Mr Malone advised that Mr Baigent had no problem with putting a water meter in. He wants to give as much information as possible.

Cr O'Regan noted Mr Baigent had no problem with supplying further information along those lines.

Mr Baigent said as long as it is consistent he was happy to put in a water meter.

Mr Tyson said the reason for needing the information was that there is still uncertainty about the relative depth to get to Seifrieds. Seifrieds should do that and pay for it.

Cr Borlase said peizometer information is important but we're also talking about consistency, and he had always understood that Seifrieds have only cleaned out their dam, not deepened.

Mr Malone said if you look at the photographs, we are saying you'll be able to tell if it has been deepened.

Mr Tyson said essentially there are no changes and the information request is not requiring a resurvey.

Mr Malone said information has been provided by a specialist.

Mr Tyson said Mr Baigent said there should be monitoring by Seifried. Conditions of their consent allow you to request certain information.

Cr Kempthorne commented on the process of requesting Baigents consultant to do a project in which they need the co-operation of Mr Seifried and assuming he does not give it, does the condition in the Seifried consent allow it?

Mr Tyson said condition 2, second sentence. If the Committee made a recommendation staff can write and request information.

Mr Malone said he still says the easiest way of proceeding is to deal with the issues by way of conditions attached to consent. He cannot see how Council can otherwise deal with the matter in a way to satisfy all parties. If Council considers it is better to have some form of temporary conditions that may reverse, Council could at the same time grant the consent. The only potential adverse effect will arise out of deepening. The proposal is to deepen a little bit but get more storage by widening. Figures provided show that only 10,000 cubic metres is provided by deepening.

Mr Baigent said getting down to the same level as the dams are now, he may well find there is enough water. He would be happy not going below that level until such time as levels have been proved.

The Committee proceeded to hear the application, presentation of submissions and staff reports as detailed in the following report and decision.

The Committee reserved its decision and the meeting concluded at 2.00 pm.

RESOLUTION TO EXCLUDE THE PUBLIC

**Moved Crs O'Regan / Kempthorne
EP06/12/25**

THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

A N and M D Baigent

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for passing this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
A N and M D Baigent	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

**Moved Crs O'Regan / Kempthorne
EP06/12/26**

**THAT the open meeting be resumed and the business transacted during the time the public was excluded be adopted.
CARRIED**

**Moved Crs Kempthorne / Borlase
EP06/12/27**

**Pursuant to Section 357D of the Act, the Committee DISMISSES the objection regarding the request for further information as detailed in the following report and decision.
CARRIED**

Report and Decision of the Tasman District Council through its Hearings Committee

Meeting held in the Tasman Room, Richmond

on 18 December 2006, commencing at 9.00 am

A Hearings Committee ("the Committee") of the Tasman District Council was convened to hear the objection lodged by **A N and M D Baigent** relating to the request for further information request dated 31 October 2006. The objection, made in accordance with Section 357 of the Resource Management Act 1991 ("the Act"), was lodged with the Tasman District Council on 10 November 2006 and refers to the application, RM060861.

PRESENT:

Hearings Committee
Cr O'Regan, Chairperson
Cr Borlase
Cr Kempthorne

APPLICANT: A N and M D Baigent represented by Mr G Malone and Mr Aaron Baigent

CONSENT AUTHORITY: **Tasman District Council**
Mr N Tyson- Consent Planner, Water
Mr G Stevens- Resource Scientist, Natural Resources
Mr J Thomas- Resource Scientist, Natural Resources

IN ATTENDANCE: Ms J Hodson , Manager Consents- Assisting the Committee
Mr B Moore- Committee Secretary

1. THE FURTHER INFORMATION REQUEST:

The application involves the proposed excavation of 70,000 cubic metres of gravel and soil within the bed of an unnamed stream with the stated aim of creating additional water storage for summer irrigation. The new proposed volume of storage would be 134,000 cubic metres. Within the application is also included a request for retrospective consent to deepen the pump intake and for corresponding changes to the water permits.

The request for information is set out below.

"We require a report from a recognised groundwater consultant that:

- (a) describes and assesses the localised hydro-geological setting and the hydraulic connection between the ponds and the surrounding aquifers, with groundwater availability and groundwater flow being the main focus; and*
- (b) confirms the height of the various structures, water levels, etc are relative to a common mean sea level datum;*
- (c) assesses the interference effects and connection between the current (as-built) ponds on the Baigent and Seifried properties; and*
- (d) assesses the likely interference effects between the proposed deepened Baigent ponds under RM060861 and the downstream Seifried ponds, particularly Seifried's upper pond, and for the range of operating scenarios; and*
- (e) assesses the extent to which the ponds are "sealed"(ie, as a result of compaction of the dam base and the strip of land on the downstream side of the ponds); and*
- (f) assesses the interception/recharge rates and effect of the existing ponds and the existing and proposed ponds, on groundwater seepage and springs, and on water availability in the Reservoir Zone and the Appleby Gravel Unconfined Aquifer on (1) an annual basis and (2) on the summer months of November to April inclusive;*
- (g) recommend how any adverse effects may be avoided, remedied or mitigated.*

Note 1: Both Baigent's and Seifried's excavated ponds have been considered to receive only minor, early summer recharge from groundwater and springs and the focus of the water sharing agreement has been on summer flow from the main stream draining Mt Heslington, which itself goes dry most summers. It is known that

the Baigent's excavations since 2000 have exposed and captured at least one additional spring.

Note 2: It is expected that groundwater piezometers will need to be installed adjacent to the Baigent ponds and between the Baigent and Seifried ponds in order to provide the requested information."

2. THE OBJECTION TO THE FURTHER INFORMATION REQUEST

The letter of objection is dated 8 November 2006. In summary, the reasons for the objection are:

- a) The Council has not required a hydrologist report from Seifried or Appletons (other parties to the "Mt Heslington 2000 water sharing agreement")
- b) Data on heights and levels will be provided but object to the information having to be provided by a groundwater engineer.
- c) The Council did not require Seifried to provide a report on interference effects and therefore must consider that no such effect is present. If this is not true then similar information should be sought from Seifried.
- d) Same comment regarding the sealing of the ponds on Seifried land.
- e) No report was required from Seifried nor Appletons in respect of assessing interception recharge rates. It is inappropriate to ask Baigents to provide a report on effects on the acquifers when others have not been required to do so.
- f) It is considered the information sought is unnecessary because if indeed it is found that the Seifried pond lost water to Baigent's then they would commit to pumping it back

3. PROCEDURAL MATTERS

No procedural matters were raised.

4. EVIDENCE HEARD

The Committee heard evidence from the applicant/objector and the Council's reporting officer. The following is a summary of the evidence heard at the hearing.

4.1 Applicant's Evidence

Mr Malone and Mr Baigent provided comments to the Committee. They stated that there is a need for consistency in Council's processes. They questioned why there should be a requirement to provide expensive reports when other parties have not been required to supply similar reports e.g. when Seifried deepened their pond. In terms of the height of structures, all the information can be provided. They acknowledged that the ponds were not sealed. They accepted that piezometer monitoring would be a reasonable condition of consent and that if any adverse effect was discovered then the consent could be reviewed. They noted that at the time that Seifried cleaned out his pond it probably resulted in the pond becoming unsealed.

They expressed concern that if it was agreed to put in the piezometers and do the research, that the Council might take away the access to Catchment A water in the meantime which would be unfair.

4.2 Council's Reporting Officer's Report and Evidence

Various Council technical staff (Joseph Thomas, Neil Tyson and Glenn Stevens) provided comments on the background of the water systems, and the reasons for the information request.

They explained the reason for needing information was to know whether the new Baigent deepened hole is linked or not to the groundwater flow which could effect other parties. They explained that over time, the ponds collect debris and become relatively impermeable and this may happen with the new pond. Where there are large water table fluctuations there are significant pressure changes which make it impossible to seal ponds.

5. DECISION

Pursuant to Section 357D of the Act, the Committee **DISMISSES** the objection regarding the request for further information.

6. REASONS FOR THE DECISION

The Committee considered that the information requested was reasonable and necessary to ensure the effects of the proposed excavation was able to be fully assessed. Potential effects on groundwater systems are relevant and need to be carefully assessed and understood by Council and the potentially affected parties.

The Committee understood that some of the information (levels etc) was available and simply needed to be checked by a person qualified and experience in groundwater systems and that this data would be used as part of the overall assessment report anyway.

The Committee considered that the scale of the excavation was relevant in terms of the issue of consistency that has been raised by the objector.

Issued this 1st day of February 2007

Councillor O'Regan
Chair of Hearings Committee

Date Confirmed:

Chair: