

**REPORT ON CHANGES TO LAND USE RESOURCE CONSENT APPLICATION
AND CONSENT CONDITIONS**

**Considered under Delegated Authority
Section 34 of the Resource Management Act 1991**

Prepared for:	Hamish Barrell - Planning Manager
Prepared by:	Marian Weaver – Resource Management Consultant
Consent Number:	201.2018.1097/2
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Applicant:	Kurow Duntroon Irrigation Company
Activity:	Changes to application details and conditions of consent for the installation of a pipeline to convey water for irrigation purposes and associated pump sheds and above ground structures in areas zoned Rural General (RG), Rural Scenic (RS) and Rural Residential (RR).
Activity Status:	Discretionary (s127 Resource Management Act (RMA))
Site Address:	Kurow-Duntroon Road, 567 Otematata-Kurow Road, 6 Settlement Road and Special School Road
Legal Description:	Lot: 1 DP: 384199; Lot: 6 DP: 369280; Sec: 1 SO: 23947; Sec: 100A Set: OTEKAIEKE; Sec: 101A Set: OTEKAIEKE; Sec: 2 SO: 23947; Sec: 23A Set: Otekaieke; Sec: 3 SO: 476897; Sec: 32 SO: 21002; Sec: 34 Blk: X SO: 21001; Sec: 9 Blk: VIII SD: Kurow Sec: 1-2 SO 23618, Sec: 32 Blk: X SD: Kurow, Lot 6 DP 369280, Sec: 9 Blk III SD: Kurow, Sec: 23A Set: Otekaieke OT14B/198, Sec: 76A Set: Otekaieke OT17A/124
District Plan & Zoning:	Operative Waitaki District Plan – Rural General (RG), Rural Scenic (RS) and Rural Residential (RR) Maps 13, 16, 17 & 44
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1. INTRODUCTION

This report has been prepared under the Resource Management Act 1991 (RMA), to make a recommendation on the proposed changes to consent granted in 2018 for installation of a pipeline to convey water for irrigation purposes in Rural General, Rural Scenic and Rural Residential zones, located along Kurow-Duntroon Road. This application has been processed on a non-notified basis, pursuant to the notification provisions contained in ss 95-95G of the RMA. This report also forms the decision and reasons for that decision as is required by s 113(4) of the RMA.

2. SITE DESCRIPTION

This application has been bought by Kurow Duntroon Irrigation Company (KDIC), an irrigation company which supplies water for irrigation and stock use over extensive areas of the Upper Waitaki Valley. KDIC holds existing consents with Environment Canterbury to use water for irrigation.

The subject site is located predominantly along Kurow-Dunroon Road; the area has some additional planning overlays, namely High-Class Soils and areas identified as being prone to flooding. No other planning notations or overlays are applicable to the areas affected by the conveyance of the pipework and locations of the pump sheds.

The existing irrigation scheme consists of approximately 35 kilometres of pipe delivering water via a gravity feed system and manually operated gates to locations east of Kurow at Lake Waitaki, to west of the Maerewhenua River. Generally, the area is home to predominantly rural farming activities, the landscape can be described as an agricultural landscape. The Maerewhenua River is located to the west of the area and the rural settlements of Kurow to the north and Dunroon to the south. The Alps to Ocean (A2O) cycle way traverses much of the area following the State Highway for the majority of this portion of the track.

The remaining landscape primarily consists of undulating farmland with amenity shelterbelt plantings. An aerial photograph of the Kurow and Dunroon area with the pumphouse locations is shown below:



Figure 1 – Kurow- Duntroon area with pumphouse locations (source, application for changes Feb 2019)

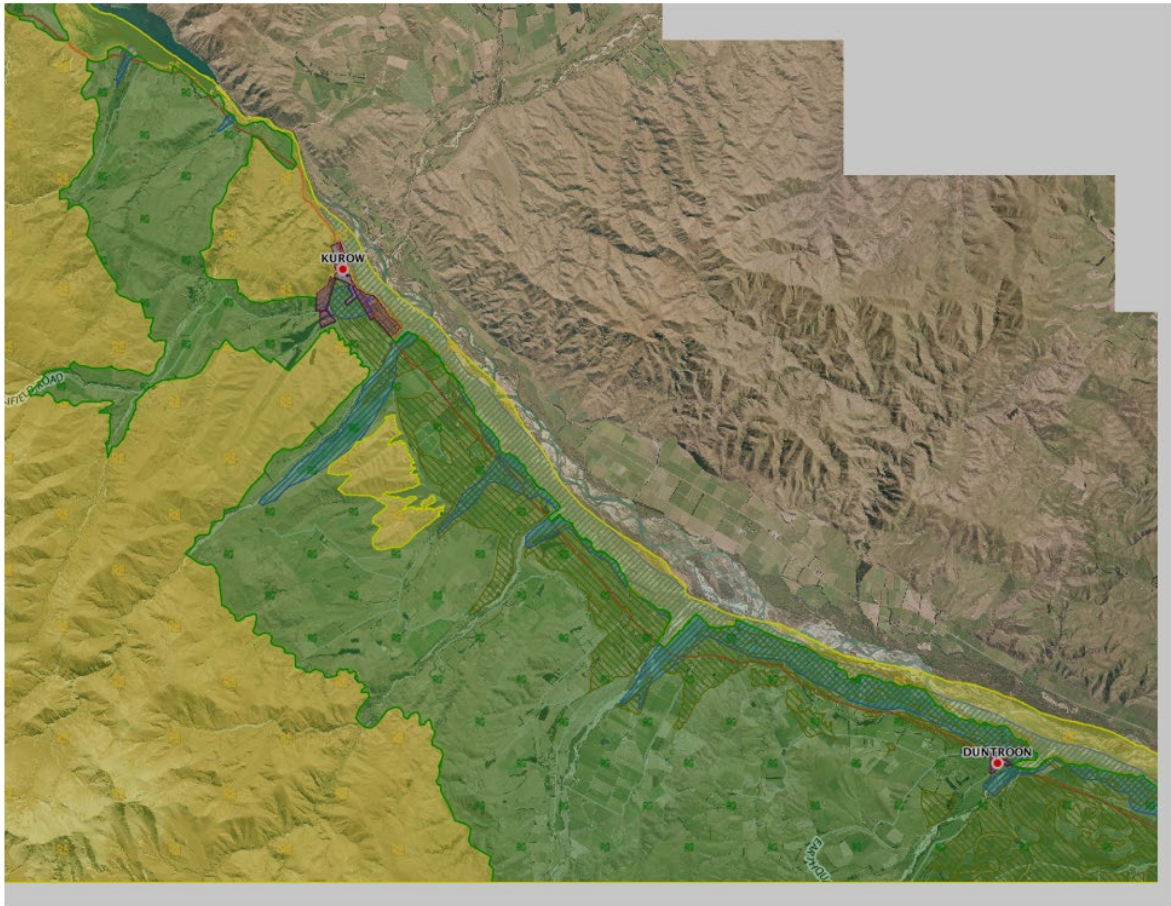


Figure 2: The subject site with the applicable Planning notations overlain. Source: Council's GIS system 'Smart Client'.

3. ACTIVITY DESCRIPTION

The applicant proposes the changes shown in the table below, to the existing consent for the irrigation scheme network. The application states that the changes are sought due to refinement of designs for the scheme, and practical considerations.

Original Application (page number in brackets)	Now Proposed
...the construction of seven pump sheds to house the irrigation pumps and electronics (2).	One less pump station for a total of 6, including the vacuum pump station. The originally proposed
	pump shed 3 on Otiake Road has been removed from the plans. A revised overview is supplied as Appendix B.
The pipe will comprise of DN762mm steel pipe with a cement mortar lining (6).	The size of the pipe may vary slightly from 762mm.

<p>The <u>areas of exposed above ground pipe works will be constructed of steel</u> and will be painted to blend with the surrounding environment if required (27). There are also other references within the application to the use of steel pipe.</p>	<p>At least some, and possibly all, of the pipe will likely be glass reinforced pipe (GRP) in place of steel pipe.</p>
<p>Noise from the pump shed facilities will be <u>buffered by the enclosure of the pumps within an insulated building</u> which will buffer any noise outside of the building (30).</p>	<p>For clarification, the insulation is the concrete slab that the sheds are constructed from.</p>
<p>The pipe will sit below the ridge of the road and will be partially visible from SH83. There will be limited visibility from the Waitaki River below due to the presence of existing willows <u>which will not be removed as part of the works</u> (8).</p>	<p>There will be the need to clear at least some limbs to successfully undertake the works at this site. The contractor has indicated that a 10 metres swath is required</p>
<p>Each of the pump sheds will be enclosed by a wooden post and rail fence to a height of 1.5 metres. Access to the pump sheds will be via <u>a 14' gate</u> (10).</p>	<p>The size of the gates used may be 12 feet (3.66m) or 14 feet (4.27 metres).</p>
<p>Setback distances have been maintained of greater than 20 metres from the State Highway and a <u>minimum of 10 metres from the road reserve boundary</u> of local roads (10, 29).</p>	<p>While the 20-metre setback from the State Highway will be maintained, the 10-metre setback from the road reserve boundary will not be met for pump stations 2, 3, 4 & 5.</p>
<p>Machinery will be secured at several designated areas along the alignment. <u>Following the completion of each days works machinery will be stored within the designated storage sites</u> (23).</p>	<p>The contractor has indicated that due to practicalities machinery will not necessarily be relocated to designated lock up sites at the end of each day.</p>

<p>The <u>areas of exposed above ground pipe works will be constructed of steel</u> and will be painted to blend with the surrounding environment if required (27). There are also other references within the application to the use of steel pipe.</p>	<p>At least some, and possibly all, of the pipe will likely be glass reinforced pipe (GRP) in place of steel pipe.</p>
<p>Noise from the pump shed facilities will be <u>buffered by the enclosure of the pumps within an insulated building</u> which will buffer any noise outside of the building (30).</p>	<p>For clarification, the insulation is the concrete slab that the sheds are constructed from.</p>

In addition, the application states that condition 24 of the consent requires native plantings around pump sheds 1 & 5. Pump shed 5 becomes number 4. The request is to delete the requirement to plant native plants on the north-western and south-eastern boundaries of pump shed 4 because mature plants (conifers) already exist in those areas.

4. ACTIVITY STATUS

This application has been considered under the requirements of the Operative Waitaki District Plan (the Plan), and s127 of the RMA.

Under s127(3) this application must be considered as a discretionary activity.

In the Plan, "Utility" is defined to mean: d) water and irrigation races, drains, channels, pipes and necessary incidental structures and equipment.

If this was a new application the effects would only be subject to the rules contained within the Utilities section of the Plan, which restricts the matters to be considered. In this case the application is full discretionary and any effect of the changes proposed must be considered.

5. NOTIFICATION PROVISIONS

In arriving at a determination about the notification status of an application, Council must consider the following criteria set out in ss 95 – 95F of the Resource Management Act 1991 (RMA). Changes to the RMA in 2017 requires a step wise approach to considering whether an application is publicly notified or not.

Under s95A (2) 7(3) there are no mandatory matters that would require public notification;

s95A (4) to (6) do not apply (relating to precluding public notification).

Under S95A (7) (b) the effects are considered to be minor. The reasons for this assessment are set out in consideration of environmental effects under 5.2 of this report and the Plan assessment matters in section 6 of this report.

under 95A (9) there are no special circumstances to publicly notify.

Under s127(4) (b) there are no affected parties when applying the criteria for these under S95E (more than minor effects on someone), 95F (affected customary rights group) and 95G (affected customary marine title group).

The pumphouses that are subject to change in this application are to be located on land; the owners of which gave written approval to the original application. The application states that the most significant change, which are the setback distances for the pumphouses, was requested by the landowners.

It is recommended this application for a change to application details and conditions is processed non-notified.

5.1 Assessment of Effects

To determine whether the proposed changes will have or will be likely to have adverse effects on the environment that are more than minor, an assessment of environmental effects must be carried out in accordance with Section 95D of the Act.

The effects of the original application were considered overall to be minor or less than minor. The changes sought are considered in this context.

- a. **Reduction of pumphouses from 7 to 6.** This reduction lessens the overall impact of the irrigation scheme, as there will be one less pumphouse that is visible to passers-by.
- b. **Change in size of pipes.** The original consent provides for pipes that are 762mm in diameter. The change sought is to have pipes that vary from 662mm to 862 in diameter. This change will have little effect on the overall impact of the scheme.
- c. **Trimming of Willow Trees Adjacent to Waitaki River.** This is for an above ground section of pipe near the Waitaki River. The application stated that existing willows would not be removed, thus providing screening of the pipe. The KDIC has now determined that trimming willows to provide a 10 metre wide corridor for machinery access is required. As willows grow quickly the effect of this vegetation removal will be temporary and minor.
- d. **Size of Gates into Pumphouses.** The consent provides for pumphouses to be enclosed by 1.5m high fences, with a 4.27m (14 feet) gate. The change sought is for some gates to be smaller, down to 3.66m (12 feet). This change in gate size will have no noticeable effects.
- e. **Set Back Distances of Pumphouses.** The consent provides for a 10 metre setback from local road boundaries, and 20 metres from road reserve on SH83. The change sought will maintain the 20-metre setback on SH83 but for pumphouses 2, 3, 4 and 5 the setback from the property boundaries which adjoin local roads will be reduced. The following information about setback distances was provided in response to a S92 request for more information:

Pumphouse 2: Set back 4.48 metres. This pump house will be located at the end of a shelterbelt and the applicant advises will have no effect on driver visibility on the road.

Pumphouse 3: The applicant advises there is no road reserve boundary to measure to. However, the pump shed will be 4.2m from the fence and 9.3m from the sealed surface of Grants Road. The shed is in an open area, some 60m from the intersection of Grants Road and State Highway 80 and will have no effect on driver visibility.

Pumphouse 4: 6.9m to the pump shed which will sit at the end of an established shelterbelt and will make no difference to driver visibility at this site.

Pump shed 5: Setback 5.3m. As for pump sheds 2 and 4 the location is adjacent to existing, mature shelterbelt planting and will make no difference to driver visibility.

- f. **Storage of Construction Machinery.** The consent provides for construction machinery to be stored at night and non-working time at designated storage sites along the length of the scheme. The change sought, for practical contractor's reasons is to leave some machinery on site at times. The extent of this change was not explained and further information was sought. The applicant advises that the storage areas will be used where and when they are convenient, and when the machinery is easily moved. For e.g. diggers and other vehicles with tracks, they will remain on site at the location of where work finishes each day. No machinery will be stored on road reserve during construction.
- g. **Above Ground Pipe Material.** The consent provides for above ground steel pipes, whereas the change sought is to have glass reinforced pipe. (GRP). The application states that GRP is a "recessive tan colour" which will blend in well with the surrounding environment. The photo below is an example of what GRP looks like:



Figure 3 GRP in situ (source, application for changes to consent).

The assumption is that over time the surface of exposed pipes will become mottled with the effect of weather, vegetation and insects.

- h. **Noise.** The consent provides for the pumphouses to be insulated buildings. This application clarifies that the insulation is the concrete slabs that the pumphouses will be constructed of. The applicant had Marshall Day & Associates who are noise experts assess all of the pumphouses. A report from that consultancy was appended to this application. This assessment states that pumphouse 4 (was pumphouse 5) will not meet the rural zone noise standards as proposed in the consent. The breach relates to noise limits for night time, Sundays and public holidays. The report proposes modifications to the pumphouse including

the installation of louvres in the vent openings in the walls and roof of the pumphouse. In addition, noise absorbing material will be installed on the underside of the roof. These measures are considered sufficient by Marshall Day and Associates to bring the noise from the pumphouse within the Plan standards.

- i. **Native Plantings at Pump Shed 4.** The request to not do this planting in the areas around this pump shed site where mature plants already exist is reasonable, because the existing vegetation is mature conifers there is no need for further planting to screen the pump shed. There will be few effects with this change to the consent.

6. Statutory Assessment

Section 104 Consideration of Applications:

Applications for resource consent are considered under s104 of the Resource Management Act 1991 (the Act). Section 104 sets out the matters Council shall have regard to when considering an application for resource consent. Subject to Part II of the Act, which contains the Act's purpose and principles, Council must have regard to:

- Any actual and potential effects on the environment of allowing the activity; and
- Any relevant provisions of a national policy statement, a New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement, a plan or proposed plan; and
- Any other matters that the consent authority considers relevant and reasonably necessary to determine the application.

S127(3)(b) requires consideration only of the effects of the change to conditions proposed for an application under s127.

The only effects of the proposed change to conditions are minor as discussed in section 5.1 of this report. The changes sought reflect the practical implications of building the scheme, and the detail of what is required once work on the scheme is to commence.

There is no change to the proposed scheme that would impact on any of the Plan assessment matters that were considered in assessing the original consent. There are no other statutory matters that require consideration in determining this s127 application.

7. Conclusion:

For reasons outlined in the assessment under part 5.1 and 6 of this report, the variation to conditions is not considered to be contrary to any relevant provisions of the Operative Waitaki District Plan. There are no effects of sufficient magnitude that would affect any of the parties who gave their written approval to the consent.

8. RECOMMENDATION

That the Waitaki District Council grants a variation to the conditions of 201.2018.1097 on ~~Lot: 4 DP: 384199; Lot: 6 DP: 369280; Sec: 1 SO: 23947; Sec: 100A Set: OTEKAIEKE; Sec: 101A Set: OTEKAIEKE; Sec: 2 SO: 23947; Sec: 23A Set: Otekaieke; Sec: 3 SO: 476897; Sec: 32 SO: 21002; Sec: 34 Blk: X SO: 21001; Sec: 9 Blk: VIII SD: Kurow, Sec: 1-2 SO 23618, Sec: 32 Blk: X SD: Kurow, Lot 6 DP 369280, Sec: 9 Blk III SD: Kurow, Sec: 23A Set: Otekaieke OT14B/198, Sec: 76A Set: Otekaieke OT17A/124~~ as described in the s127 application received on 19 February 2019 and as set out in the following amended conditions: (deletions ~~struck out~~ and additions underlined)

General:

1. That the activity be carried out in general accordance with the application and plans lodged by Irricon Resource Solutions on behalf of the applicant, submitted with application 201.2018.1097 and received by Council on 17 May 2018, and as modified in the s127 application received on 19 February 2019 except where modified by conditions of consent.
2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. The consent holder is liable for costs associated with the monitoring of this resource consent under section 35 of the Resource Management Act 1991.
4. Pursuant to Section 128 of the Resource Management Act, the conditions of this consent may be reviewed by the Waitaki District Council for the purpose of dealing with any adverse effects on the environment which may arise from the exercise of the consent.

Documents:

5. That as-built drawings shall be provided to Council. The 'as-built' drawings must include the location of all pump sheds and location of associated pipelines. This information must be provided within eight weeks of the installation of all pipelines and upon completion of each pump shed.
6. The as-built drawings shall be completed and checked by a New Zealand Licensed Land Surveyor and shall be surveyed and plotted using the New Zealand map grid co-ordinate system. Data forwarded shall include both a scale paper and electronic copies. Where appropriate the pipe diameter, material type, position of valves invert and location of hydraulic structures shall be included.

Construction Mitigation:

7. Conditions 1 to 17 listed under 'Specific to Construction Works' detailed in the correspondence from Aukaha dated 19 April 2018 attached to the consent application, form part of conditions of this consent and must be complied with during the construction works phase.
8. That all construction activities shall be limited to between 0700 hours and 1800 hours daily. Work activities for assembling and commissioning of plant components within the projects enclosed buildings shall be limited to between 0630 hours and 2100 hours daily, except this does not apply to welding of pipes and associated componentry.
9. The consent holder shall stock pile soil from disturbed ground; all salvaged soil shall be used for progressive rehabilitation purposes.
10. All earthworks and land disturbance activities shall be finished in a manner which is consistent with existing landforms at the site.
11. All debris, waste and unused structures, materials, plant and machinery ancillary to the completion of the works shall be removed upon completion of the works. The sites shall be left in a tidy condition.

12. During periods of dry weather, adequate dust control measures must be in place to prevent dust nuisance to neighbouring properties.

Construction Noise:

13. Construction activities shall be undertaken in accordance with the provisions of NZS 6803P:1984 The Measurement and Assessment of Noise from Construction, Maintenance, and Demolition Work.

Access:

14. All access points to scheme infrastructure from State Highways and local authority roads shall be designed and constructed to meet relevant access standards and guidelines.
15. At all locations which the public are legally entitled to access, the consent holder shall ensure that at a minimum pedestrian access across or around the work sites shall be maintained during the construction period.
16. The consent holder must liaise with Council's Parks and Recreation Officers where the pipeline infrastructure crosses the Alps to Ocean cycleway, prior to works commencing.
17. If any damage is caused to the cycleway infrastructure whilst undertaking the activities authorised by this consent, an approved contractor shall rectify the damage at the consent holder's expense.

Traffic Management:

18. The consent holder shall ensure that a detailed traffic management plan has been approved by the relevant roading authority authorities (New Zealand Transport Authority and the Waitaki District Council), for all construction activities within a road reserve, prior to construction activities commencing.
19. That works within road reserves shall have authorisation from New Zealand Transport Agency or the Waitaki District Council prior to works commencing.

Existing Public and Private Infrastructure:

20. That the consent holder shall locate, identify and protect all buried public and private infrastructure, prior to works commencing in any location.
21. The consent holder shall locate and protect any public assets crossed.
22. The consent holder must liaise with Council's officers where pipes from the Kurow, Duntroon and Bushy Creek public water supplies are crossed, and with Corriedale Water Management Ltd where pipes from the Tokarahi water supply are crossed.

At all other times and any public holiday *40dB LAeq (15min)*

Daily 10pm to 7am the following day *75dB LAFmax*

Sound levels are to be measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of environmental sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics – Environmental noise.

Buildings and ancillary support structures may require acoustic materials cladding to achieve these standards where necessary.

Further Advisory Notes:

Any damage to Council owned utility lines shall be repaired by Council's operations and maintenance Contractor. All associated costs shall be paid by the consent holder. Approval may be sought from Council's Asset Engineering Manager for works to be completed by other specific Contractors' nominated tradesman.

The consent holder shall ensure that, should any human remains or archaeological items be exposed while undertaking works to give effect to conditions of this consent, works in that area will cease immediately. The Police, Heritage New Zealand, and Kaumatua representing the local Tangata Whenua shall be contacted and work shall not recommence in the affected area until any necessary statutory authorisations or consents have been obtained.

The consent holder shall ensure that a detailed traffic management plan, where construction activities will occur within a road reserve, is approved by the relevant roading authorities (New Zealand Transport Authority and the Waitaki District Council) prior to construction activities commencing.

The consent holder should check that no building consent under the Building Act 2004 is required for any of the structures associated with the scheme.

9. Reasons for Decision:

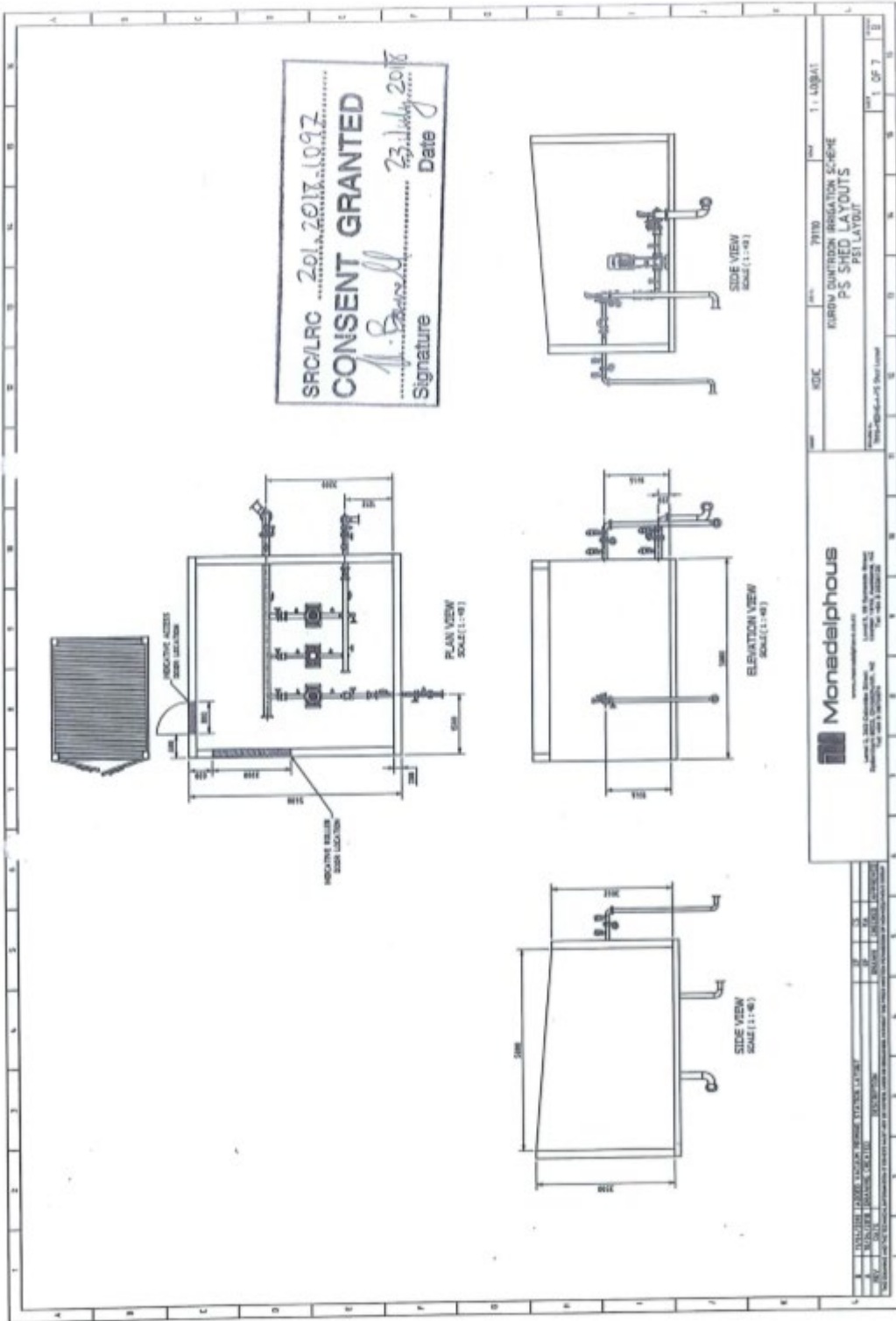
- A. Having considered the effects of the activity on the environment in accordance with s104 of the Resource Management Act 1991, Council is satisfied that the actual and potential effects of the variation to conditions on the environment will be less than minor.
- B. The granting of the variation will not be contrary to the intent of the policies and objectives contained within the Operative Waitaki District Plan in accordance with s 104(1)(b) of the Resource Management Act 1991.
- C. Notification was not required under s 95A of the Resource Management Act 1991. One person was considered to be affected pursuant to ss 95B and 95E of the Resource Management Act 1991 who has provided their written approval to this s127 application being processed non-notified.
- D. Pursuant to s 104B and s 108 of the Resource Management Act 1991 specific conditions have been changed to reflect the changes sought. The remaining conditions that are unchanged mitigate any adverse effects of the activity on the environment.

Marian Weaver
Resource Management Consultant.

Variation to Consent Granted:

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Hamish Barrell
Planning Manager

Date: March 2019



Pump Shed 1 layout



Pump Shed 3 Location



Pump Shed 4 Location

