

Project Number: 6-VG123.00

Jacobstown Wells Water Supply - Gore District Council

15 December 2022

PUBLIC



Notice of Requirement for a Designation
Section 168 – Resource Management Act
1991

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NOTICE OF REQUIREMENT FOR DESIGNATION PURSUANT TO SECTION 168 OF THE RESOURCE MANAGEMENT ACT 1991

To: The Chief Executive
Gore District Council
PO Box 8
Gore, 9740

1. The Gore District Council gives notice of a requirement for a designation for a public work and where a restriction is necessary for the safe and efficient functioning and operation of that public work. The purpose of the designation is:

“Jacobstown Wells Water Supply to provide for water supply and treatment.”

2. The site to which the requirement applies is 124B Hokonui Drive, Gore.
- Lot 2 DP 3940
Please refer to the attached NOR for a further description of the site.
3. The nature of the proposed public works is the Jacobstown Wells Water Supply
Please refer to the attached NOR for further description of the proposed public work.
4. Please refer to the attached NOR document for further description of the nature of the proposed conditions.
5. The effects that the public work will have on the environment and the ways in which any adverse effects will be mitigated are described in the attached NOR.
6. Alternative sites, and methods have been considered to the following extent:
Please refer to the attached NOR for a description of the consideration of alternative sites, and methods.
7. The public work and designation are reasonably necessary for achieving the objectives of the Requiring Authority.
8. Please refer to the attached NOR for a description of the Requiring Authority objectives and policies.
9. The following resource consents are necessary please refer to the attached NOR.
10. The following consultation has been undertaken with parties that are likely to be affected.
Refer to the attached NOR for more detail on consultation undertaken.
11. The Gore District Council attaches the following information required to be included in this notice by the District Plan, Regional Plan or any regulations under the Resource Management Act, an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.



Matt Bayliss
3 Waters Asset Manager
Gore District Council
Date: 15/12/2022

Address for Service:

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Document History and Status

Revision	Date	Author	Reviewed by	Status
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Disclaimers and Limitations

This report ('**Report**') has been prepared by WSP exclusively for Gore District Council ('**Client**') in relation to the Notice of Requirement of Designation – Jacobstown Wells Water Supply ('**Purpose**') and in accordance with the Short Form agreement dated 29 July 2022. The findings in this Report are based on and are subject to the assumptions specified in the Report. WSP accepts no liability whatsoever for any reliance on or use of this Report, in whole or in part, for any use or purpose other than the Purpose or any use or reliance on the Report by any third party.

1 Introduction

1.1 Purpose of this Report

To present information in support of a Notice of Requirement for Designation by the Gore District Council (GDC – Requiring Authority) to the Gore District Council (GDC) in accordance with the provisions of the Resource Management Act 1991 (RMA).

1.2 Background

The Jacobstown Wells Water Supply Site is located in North Gore at the start of the Waimea Highway. The site has two existing wells and on average, 1,200 cubic metres of water is pumped daily from a ground water aquifer. Currently the water is pumped to the Hilbre Avenue Water Treatment Plant where the water is treated before being distributed to properties in West Gore. The Council is currently working on a project to allow the water to be pumped to the East Gore Water Treatment plant for treatment before then being pumped back across the river to the Hilbre Avenue Site. The GDC has consent from the Southland Regional Council to take up to 3,000 cubic metres of water per day.

The GDC as a Requiring Authority under Section 166 of the RMA has identified the need to raise awareness of the Jacobstown Wells Water Supply by seeking a designation within the Gore District Plan. The Gore District Plan is currently being reviewed and the intention is that a designation for the site is established through the District Plan Review process. A Designation in the District Plan will help the community to be more aware of the location of the existing works, restrict the use of land in these locations and help individual choices around property purchase and/or development in relation to the water supply site.

The awareness about this site is generally low. Furthermore, awareness of the effect of adjacent incompatible land use activities on the existing works is also generally low. This could result in inappropriate development occurring adjacent to the site. Inappropriate activities may pose a risk to the communities' ability to access treated drinking water and/or compromise the effectiveness of the Jacobstown Wells Water Supply. The designation is sought to provide legal authorisation for the works (both existing and future works) their construction, operation, maintenance, repair, reconstruction, extension, modification, replacement and improvement.

2 The Site

The NOR encompasses 124B Hokonui Drive (SH94), which is on the northern boundary of the Gore Township. The site is on the true-right of the Mataura River and is on an existing quarry site.

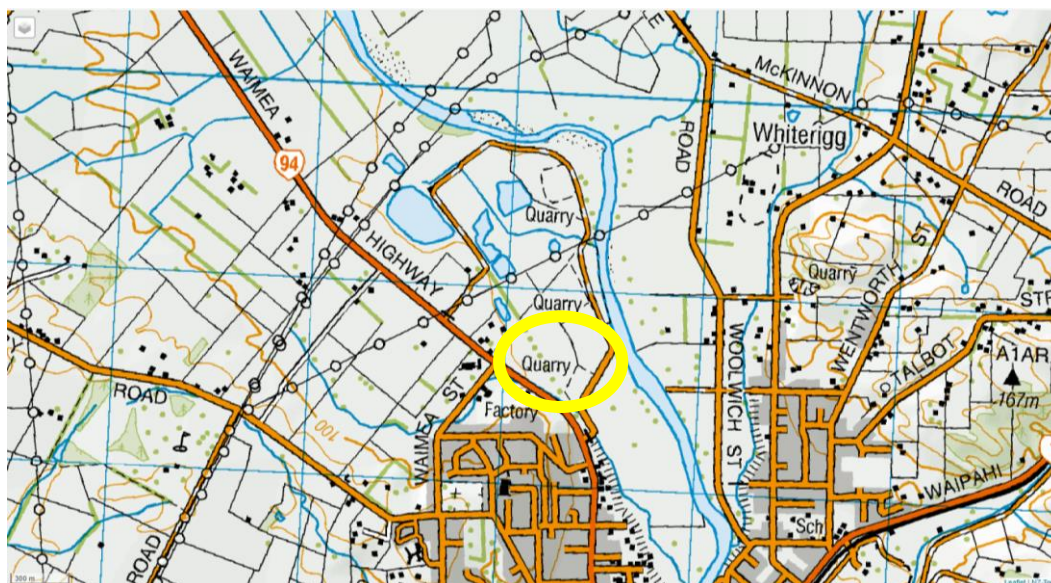


Figure 1: Location of the Jacobstown Well Water Supply

2.1 Environmental Setting

The Matakura River catchment is the region's second largest catchment, which extends from the southern tip of Lake Wakatipu to the Toetoes Estuary east of Invercargill. The Waikaia river is the main tributary, contributing half the flow of the catchment above its confluence with the Matakura, east of Riversdale.

The majority of the Matakura catchment has been developed for agriculture, which is particularly intensive in the middle and lower reaches of the catchment.

The site is located within the Rural Zone of the Gore District Plan and is an open catchment under the Gore District Council Water Supply Bylaw 2015.

2.2 Schedule of Designations

To include the following notation in the Schedule of Designations:

No.	Name	Purpose	Map	Location	Legal Description
-	Jacobstown Wells Water Supply	Public Utility	-	124B Hokonui Drive	Lot 2 DP 3940

3 The Nature of the Proposed Works

Typically, a notice of requirement refers to 'proposed' works. In this instance, the physical construction of the 'proposed works' has occurred. There may be improvements undertaken to the existing works in the future. However, none are explicitly proposed as part of this notice and would be dealt with by way of an Outline Plan in the future or should additional land be required, an alteration to the designation.

4 Reasonable Necessity of the Proposed Designation

4.1.1 *Section 168A: Notice of Requirement by Territorial Authority*

Section 168A of the RMA enables Territorial Authorities to issue a NOR for a designation for a public work within its District for which it has financial responsibility. It also enables restrictions in respect of any land, water, subsoil or airspace where it is necessary for the safe or efficient functioning or operation of a public work. In this case, an NOR has been issued for the designation of a public work, being the Jacobstown Wells Water Supply, and no such restrictions are sought.

Clause 3 of Section 168A sets out the matters of which a Territorial Authority must have particular regard to, as follows:

When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to

- a) *Any relevant provisions of*
 - (i) *A national policy statement:*
 - (ii) *A New Zealand coastal policy statement:*
 - (iii) *A regional policy statement or proposed regional policy statement:*
 - (iv) *A plan or proposed plan; and*
- b) *Whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if:*
 - (v) *The requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (vi) *It is likely that the work will have a significant adverse effect on the environment; and*
- c) *Whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
- d) *Any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement.*

In this case, the relevant provisions of the Regional Policy Statement for Southland and Gore District Plan are considered in Sections 6.2 and Sections 6.3 below.

The site is owned and administered by Council and therefore it is considered that it has sufficient interest in the land. As the facility is existing, no alternative sites or locations have been considered. The alternative method considered was to retain the status quo or to seek individual resource consents for various activities. However, the Council's preference is to designate the land to provide surety for the strategic planning and management of the site.

The work and designation are reasonably necessary for achieving the objectives of the Gore District Council because:

- The Council wish to signal its intent to continue to use the site for water, treatment, storage and supply purposes.
- The designation sets a record in the District Plan for the community to understand the use and nature of the site.
- The designation allows some flexibility if future modifications occur, albeit with the need for Outline Plan approval (Section 176A of the RMA).

There are no other matters considered reasonably necessary to make a decision on this NOR.

5 The Effects of the Public Work

The following assessment relates to the actual or potential effects as corresponds with the scale and significance of the activity on the environment.

5.1 Existing Works

For the existing works, the effects of these works have already been assessed and are considered to be part of the existing environment. No further assessment is required.

5.2 Operational and Maintenance, Future Maintenance, Repair, Reconstruction, Extension, Modification and Replacement Effects

It is noted that the majority of the effects of activities to maintain the water supply into the future will be within a rural area, but the site is adjacent to residential activities. Therefore, the following assessment of effects considers the effects on residential amenity as well as other matters.

5.2.1 Noise Effects

Noise associated with the works is generally limited to that associated with the operation of vehicles or machinery maintaining the water supply scheme. The increase in noise would only be for the duration of any future construction or maintenance process. Therefore, any noise generated from these activities will be temporary and of a short duration.

Any future works proposed will also be subject to the Outline Plan process.

5.2.2 Dust Effects

The contractor completing the works will be required to take all necessary measures to prevent dust nuisance, such as watering exposed soil, and any other practicable methods available. These measures alongside the temporary nature and limited duration of any construction works will mitigate any dust effects and any potential effects are considered to be minor.

Any future works proposed will be subject to the Outline Plan process.

5.2.3 Visual Amenity

There will be short term visual effects from maintenance and any future construction works required for the viability of the works. The visual effects will come from heavy vehicles, earthworks and other construction activities occurring on the site. These effects will, however, be temporary and short in duration.

The short-term and long-term effects on visual amenity are likely to be minor.

The requiring authority will be required to prepare an Outline Plan for any new construction works or apply for a waiver from the GDC prior to any future works being carried out.

5.2.4 *Effects from Earthworks*

The type of earthworks associated with the proposed designation could be varied. Excavation may be required for construction works to replace or construct new water services.

The purpose of the maintenance and any future construction works will be to maintain or improve the existing water supply.

Potential noise and Dust effects resulting from earthworks and proposed mitigation methods are discussed in Sections 5.2.1 and 5.2.2 above.

The long-term positive effects of the works ensure that the Gore community has access to water, are considered to outweigh any short term and localised construction effects from earthworks, which are unlikely to be significant.

5.3 *Effects as a Result of the Proposed Designation*

The designation, if confirmed, will require landowners to gain written approval from the Requiring Authority to undertake any proposed works within the designated area under Section 176 of the RMA. This written approval will be additional to any authority required under the RMA.

6 *Statutory Assessment*

6.1 *Resource Management Act 1991*

6.1.1 *Part 2*

In reaching a decision on a NOR, the GDC must be satisfied that by granting the application, Part 2 of the RMA will be achieved.

Section 5 of the RMA seeks to promote the sustainable management of natural and physical resources. Furthermore, it states that activities must be managed so that adverse effects on the environment are avoided, remedied, or mitigated. The designation reflects this purpose as it will enable the sustainable management of the Jacobstown Wells Water Supply as a physical resource. This provides for the drinking water for the social and economic wellbeing of people and the community of Gore.

Section 6 of the RMA sets out the Matters of National Importance that are to be recognised and provided for. None of these matters are considered directly relevant to the site and proposed designation given the water treatment plant is existing. Section 7 of sets out the Other Matters to which regard shall be had. The designation recognises these matters, particularly Kaitiakitanga and efficient use of physical resources.

Section 8 of the RMA requires all persons exercising functions under the RMA to take into account the principles of the Te Tiriti o Waitangi (The Treaty of Waitangi). The proposed designation is not contrary to Section 8.

6.2 *Southland Regional Policy Statement*

The Southland Regional Policy Statement 2017 (RPS) sets the direction for the future management of Southland's natural and physical resources, in accordance with the purpose and principles of the RMA. The relevant objectives and policies of the RPS are summaries below.

The relevant chapter in the RPS is Chapter 4 – Water and Chapter 5 – Rural Land/Soils and Chapter 15 - Infrastructure. The relevant objectives and policies and comment are shown in the following table:

Objective/Policy	Analysis
Chapter 4 – Water	
Objective WQUAL.1 – Water quality goals Water quality in the region: a) Safeguards the life-supporting capacity of water and related ecosystems; b) Safeguards the health of people and communities; c) Is maintained, or improved in accordance with freshwater objectives formulated under the National Policy Statement for Freshwater Management 2014; d) Is managed to meet the reasonably foreseeable social, economic and cultural needs of future generations	The Jacobstown Wells Water Supply is formed of an existing infrastructure, a physical resource to be sustainably managed. The proposed designation is considered to be essential to safeguard the life-supporting capacity of water and the health of people and communities. The proposed designation is consistent with this objective.
Policy WQUAL.1 – Overall management of water quality a) Identify values of surface water, ground water, and water in coastal lakes, lagoons, tidal estuaries, salt marshes and coastal wetlands, and formulate freshwater objectives in accordance with the National Policy Statement for Freshwater Management 2014.	The proposed designation is consistent with this policy.
Policy WQUAL.7 – Social, economic and cultural benefits Recognise the social, economic and cultural benefits that may be derived from the use, development or protection of water resources.	The proposed designation will maintain and enhance the social and economic benefits of the water resource. The designation will provide social and economic benefits by providing for a key water source for residents of West Gore.
Policy WQUAL.12 – Integrated Management Integrate the management of land use, water quality, water quantity, coast and air, and the use, development and protection of resource wherever possible to achieve the freshwater objectives formulated in accordance with Policy WQUAL.1.	The proposed designation is considered consistent with this policy

Chapter 5 – Rural Land/Soils	
Objective RURAL.1 – Sustainable use of rural land resource. Achieve sustainable use of Southland’s rural land resource, in respect of: a) Agricultural and primary sector activities; b) Subdivision, use and development activities; c) Earthworks and vegetation clearance activities; d) The use of soil resource resources; e) Mineral extraction activities; and f) On-site wastewater systems.	The proposed designation is considered consistent with this policy
Objective RURAL.2 – Life-supporting capacity of soils. Safeguarding the life-supporting capacity, mauri and health of soils in rural areas, and prevent or minimise soil erosion and sedimentation from land use soil disturbance	The proposed designation is considered consistent with this objective.
Policy RURAL.1 – Social, economic and cultural wellbeing. Recognise that use and development of Southland’s rural land resource enables people and communities to provide for their social, economic and cultural well-being.	The proposed designation is consistent with this policy.
Policy RURAL.2 – Land use change and land development activities. Manage subdivision, land use change and land development activities in rural areas of Southland, in a way that maintains or enhances rural amenity values or character.	Given the water services are existing, the designation would not alter the land use in the rural area and will maintain the rural amenity values.
Chapter 15 – Infrastructure	
Objective INF.1 – Southland’s Infrastructure. Southland’s regionally significant, nationally significant and critical infrastructure is secure, operates efficiently, and is appropriately integrated with land use activities and the environment	The proposed designation is consistent with this objective, as it provides water supply for Gore.

Policy INF.1 – Regional, national and critical infrastructure. Recognise the benefits to be derived from, and make provision for, the development, maintenance, upgrade and ongoing operation of regionally significant, nationally significant and critical infrastructure and associated activities.	The proposed designation is consistent with this policy, as it would allow for the continual maintenance and operation of the regionally significant infrastructure.
Policy INF.3 – Infrastructure protection. Protect regionally significant, nationally significant and critical infrastructure, particularly from new incompatible land uses and activities under, over or adjacent to the infrastructure.	The proposed designation is consistent with this policy.
Policy INF.4 – Natural Hazards. The risks to infrastructure from natural hazards and climate change effects are avoided, remedied, or mitigated including through design and construction.	The proposed designation is set back from the Mataura River. The designation would allow the Requiring Authority the ability to protect the infrastructure.
Policy INF.6 – Promoting consistent and integrated management of infrastructure across the region. Provide for the integrated management of the region's infrastructure by: a) Recognising the interconnected nature of natural and physical resources; and b) Promoting a collaborative and consistent approach to managing infrastructure, particularly infrastructure networks that crosses zone and/or territorial boundaries.	The proposed designation is consistent with this policy.

Table 1: Assessment of Southland Regional Policy Statement Objectives and Policies.

In regard to the above analysis, it is considered that the proposed designation is consistent with the relevant objectives and policies of the RPS.

6.3 Gore District Plan

The District Plan identifies issues, objectives, policies, and methods relating to the management of the environmental effects of land use activities on the natural and physical resources of Gore. The relevant objectives and policies of the District Plan and comments to these are summarised in the table below.

Objective/Policy	Analysis
Chapter 3: Land Use Activities – A Framework	
Objective 1: Maintain and enhance the amenity values of the various localities within the District whilst respecting the different values and characteristics that exists within each area.	The proposed designation is considered consistent with this objective
Objective 2: Ensure that the effects of land use activities do not adversely affect the quality of the environment and are compatible with the characteristics and amenity values of each locality.	The proposed designation is considered consistent with this objective
Objective 7: Ensure that the effects of earthworks and other land disturbance are avoided, remedied, or mitigated.	The water services site, at present, is not planned to undergo any earthworks or land disturbances. The designation will allow the Requiring Authority the ability to undergo necessary earthworks associated with the ongoing maintenance, replacement and enhancement of the site.
Objective 8: Avoid where practical the adverse effects of land use activities upon infrastructure.	The proposed designation is considered consistent with this objective.
Policy 1: Establish zones that reflect the characteristics and amenity values.	The existing location of the Jacobstown Water Supply is within the Rural Zone of the Gore District Plan. The designation would maintain the existing characteristics and amenity values of the Rural Zone.
Policy 2: Control the adverse effects of land use activities on the environment.	The proposed designation is considered consistent with this policy
Policy 10: Recognise that earthworks and disturbance of the ground is a necessary part of undertaking many activities.	The proposed designation is considered consistent with this policy
Policy 11: Ensure that the effects of earthworks and other land disturbance are avoided, remedied, or mitigated.	While there is no intention to undertake earthworks at the site, the designation would address any effects of earthworks, and how it is remedied or mitigated via the Outline Plan process.

Policy 12: Require any adverse effects on land use activities upon infrastructure to be rectified.	The proposed designation is considered consistent with this policy
Chapter 7: Utilities	
Objective 1: To ensure that utilities are provided for so as to meet the economic, social, health and safety needs of individuals and the community.	The Jacobstown Water Supply is a critical utility which contributes to the health of individuals and communities in West Gore. The proposed designation would safeguard the utility and allow it to continue providing water supply
Objective 2: To ensure that the location and design of utilities avoids significant adverse effects on: a) ... b) ... c) ... d) The maintenance and enhancement of public access to and along lakes and rivers	The proposed designation is considered consistent with this objective
Objective 3: Subject to Objective 2, to avoid where practical, remedy or mitigate the adverse effects of the provision of utilities.	The existing water services site is not having any significant adverse effects on the surrounding environment. The proposed designation is considered consistent with this objective.
Objective 4: To avoid adverse effects of land use activities on the operation of the utilities of the District. Objective 5: To protect the existing infrastructure of the District Objective 6: To ensure development is not inappropriately located near infrastructure, such as high voltage electricity lines.	The purpose of the proposed designation is to ensure that the public are made aware of the location of the water supply site. The proposed designation is considered consistent with these objectives.
Policy 1: To recognise the benefits, and necessity, to individuals and the community from the provision of utilities.	The proposed designation would recognise the significant benefit the water supply contributes the local community of West Gore, and ensure public awareness is raised through the location included in District Plan Maps.
Policy 6: In considering subdivision and land use activities, to take into account any adverse effects of those activities on the operation of the existing and the foreseeable utilities of the District.	The proposed designation is considered consistent with this policy.

Table 2: Assessment of Gore District Plan Objectives and Policies

In light of the above analysis, it is considered that the proposed designation is considered to be consistent with the relevant objectives and policies of the District Plan.

7 Proposed Conditions

As this application relates to an existing water supply site that is well established on the site no conditions are considered necessary.

8 Alternative Sites, Routes, and Methods

Section 171 (1)(b) of the Resource Management Act requires the GDC to have particular regard to:

“(b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if –

- (i) The requiring authority does not have an interest in the land sufficient for undertaking the work; or*
- (ii) It is likely that the work will have a significant adverse effect on the environment.”*

Section 171 are disjunctive and therefore a Requiring Authority must only meet one test of the other. In this instance the GDC is unable to meet Section 171 (1)(i) as the requiring authority owns some but not all parts of land on which the existing wells and water supply are located.

Section 5 of this report outlines the potential effects of the proposal and demonstrates the effects of the proposed works outside of those already consented and designated of the scheme are considered to be no more than minor (Section 171(1)(b)(ii)).

However, for completeness, an assessment of alternative sites, routes and methods has been undertaken below.

Assessment of an alternative site or route is not relevant in this instance, as the Jacobstown Wells Water Supply are already existing, and the site of any future works are fixed as they are required to be undertaken if further abstraction of water is required for supply.

The proposed designation has also been picked as a method to bring the water supply to the attention of the community within the District Plan. The designation will enable the requiring authority to restrict land use activities on land the requiring authority does not have an interest in but is essential to the functioning of the site.

The use of the designation process will also help the requiring authority to sustainably manage the scheme alongside other planning tools at its disposal.

9 Resource Consents Required

No further resource consents are required for the proposed works.

10 Notification

Submissions on the proposed NOR can be made when the proposed Gore District Plan is publicly notified.

11 Conclusion

The Jacobstown Wells Water Supply is an existing physical resource that needs to be sustainably managed.

This NOR also demonstrates that any adverse effects of the proposed designation are no more than minor. The proposed designation of the works will have positive effects on the social and economic wellbeing of the community from the provision of well-managed and maintained water supply works.

We believe it is appropriate for this NOR application to be granted for the following reasons;

- The proposed designation will not give rise to any significant adverse environmental effects and can be undertaken in a manner that will avoid, remedy, or mitigate actual and potential adverse environmental effects.
- The proposed activity is consistent with the relevant RMA plan and policy documents.
- The proposal is consistent with the sustainable management purposes of the Resource Management Act 1991, in that it will provide for the sustainable management of natural and physical resources.

The purpose of the Act will be better met by the approval of the application than its refusal.

Appendix A – Designation Plan



GORE WASTEWATER TREATMENT SITE PROPOSED DESIGNATION

Date: 07/12/2022
Drawn: S Hewlett
Ref: 2210.WOR
Scale 1:2000 @ A3

GORE DISTRICT COUNCIL
PO Box 8, Gore
Ph (03) 209 0330
goredc.govt.nz
info@goredc.govt.nz





RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **SL165/61**
Land Registration District **Southland**
Date Issued 30 October 1947

Prior References
SL133/134

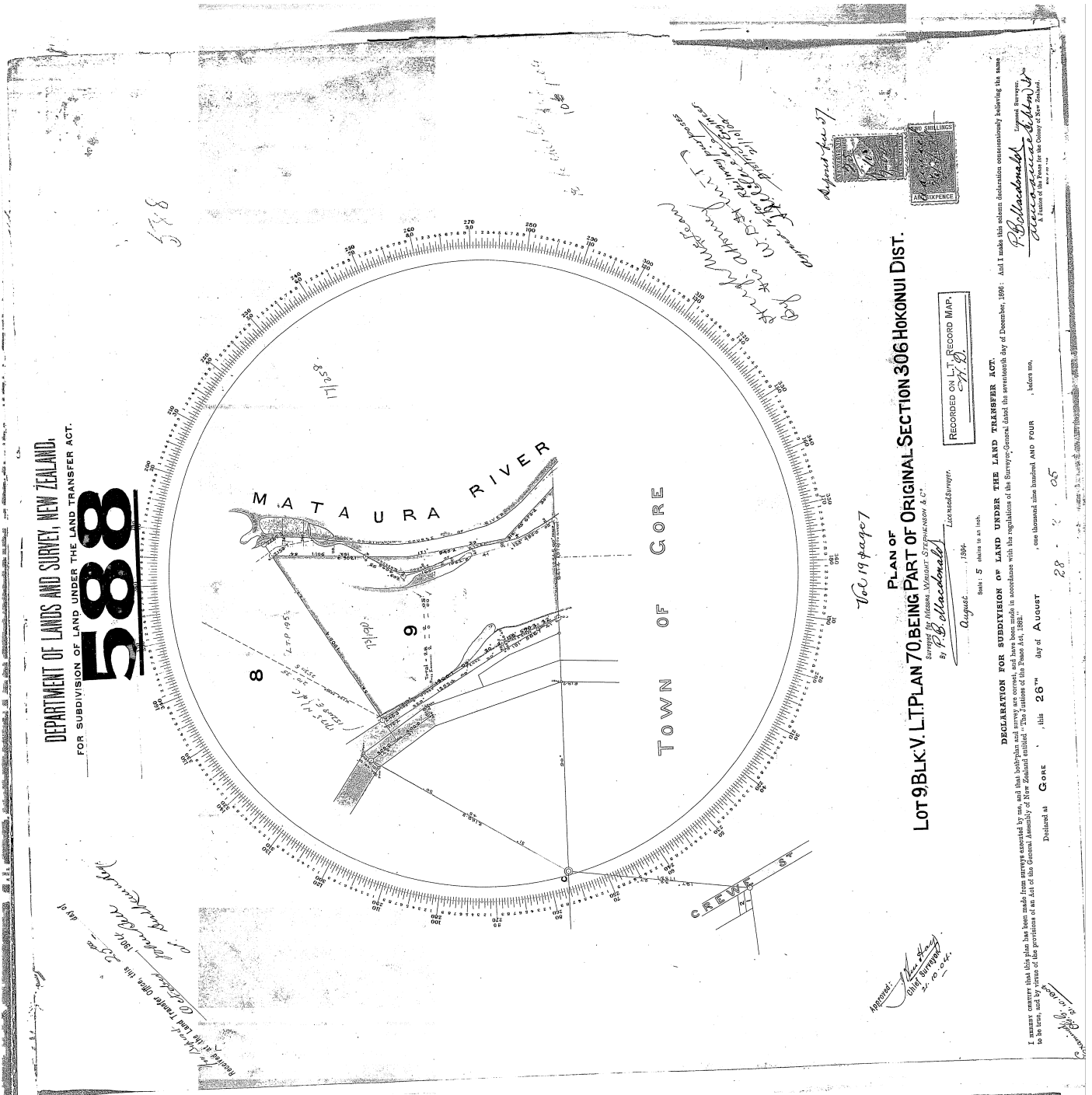
Estate Fee Simple
Area 2.8389 hectares more or less
Legal Description Lot 1-2 Deposited Plan 3940
Registered Owners
Gore District Council

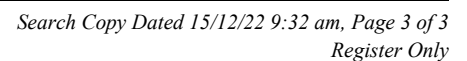
Interests

031604.1 Gazette Notice declaring No 94 State Highway (Gore-Milford Sound) fronting above land to be a limited access road - 25.1.1978 at 10.18 am

Subject to a right of way over part Lot 2 marked D on the diagram attached to Transfer 199743.2 created by Transfer 199743.2 - 9.7.1992 at 11:50 am

Appurtenant to Lot 2 herein are rights of way created by Transfer 199743.2 - 9.7.1992 at 11:50 am





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