

**THE RESOURCE MANAGEMENT ACT 1991**

<b>APPLICANT:</b>	<b>WAITAKI DISTRICT COUNCIL</b>
<b>LOCAL AUTHORITY:</b>	<b>CANTERBURY REGIONAL COUNCIL</b>
<b>SUBJECT MATTER:</b>	<b>Otematata water supply – water permit renewal</b>
<b>REFERENCE:</b>	<b>CRC 011743</b>
<b>HEARING DATE:</b>	<b>March 11 and April 4, 2009</b>

**Appearances:**

- Andrew Iremonger for the Applicant, **Waitaki District Council**
  - Bridget Pringle for the **Central South Island Fish and Game Council**
- Maria Bartlet to present a s42A report

**DECISION OF THE COMMISSIONER**

**Background**

Otematata is a town originally built to house those involved in the construction of the Aviemore and Benmore hydroelectric schemes. It now has a permanent population of just under 200 people. Because it functions largely as a holiday location this swells to about 2000 over the Christmas / New Year holiday period. There are some 425 properties rated for town water supply.

Town supply water is obtained from the Otematata River in reliance upon a 1969 authorisation arising (originally) under the provisions of the Water and Soil Conservation Act 1967. Although that authorisation expired in October 2001 it continues in effect by reason of s124 RMA '91, the present application having been made in March 2001. Initially this application was placed 'on hold' at the request of the Applicant, but it later became included in a Ministerial calling-in of applications precipitated by 'Project Aqua'. As the result of this all applications to take and use water in the Waitaki catchment were notified together. Disentanglement has only recently occurred.

By letter of 30 January 2009 I was advised of "my appointment by Canterbury Regional Council as a commissioner to hear and decide the resource consent application CRC011743 by Waitaki District Council with full powers of the Council as a consent authority.

The 2001 application was expressed simply to be for a permit “to take water from the Otematata River at a maximum rate of 79 litres per second for town supply of Otematata.” Since that application was filed:

1. The Waitaki Catchment Water Allocation Regional Plan has become operative and functions as “the Canterbury regional plan for the allocation of water in that part of the Waitaki Catchment that is within the Canterbury Region”.<sup>1</sup>
2. In *Aoraki Water Trust v Meridian Energy Ltd*<sup>2</sup> the High Court determined, in effect, that all of the water in the Waitaki River – including all catchment inflows to that river, of which the Otematata River is one – is allocated to Meridian Energy for its use. Thus, absent approval from Meridian, grant of the present application is arguably unlawful.

The relevance of the first of these will be discussed below. Concerns as to the second are met, in part, by a letter from Meridian dated February 13, 2008, in which that organisation confirms that it “will not oppose” and “agrees to a derogation of its existing rights” in respect of this application. That approval – and derogation – is, however, confined to a take:

... by the Waitaki District Council to take water from the Otematata at a maximum rater of 79l/s and a volume not exceeding 41,000 cubic metres per week and 2,132,000 cubic metres per annum ... for town and community water supply”

The applicant opened on the basis that it was seeking slightly higher weekly volumes – this on the basis of calculations provided by Mr Iremonger. In the light of the High Court’s decision it does not seem open to me to exceed the terms of Meridian’s waiver.

### **The Waitaki Catchment Water Allocation Regional Plan**

Objective 1 seeks to sustain the qualities of the environment of the Waitaki River in a number of specified ways, including:

- e. providing for individual’s reasonable domestic water needs
- ....
- g. providing for fire-fighting water needs

Relevantly, Objective 2 is:

To the extent consistent with Objective 1, to enable people and communities to provide for their social, economic and cultural wellbeing and their health and safety, by providing water for:

- (a) town and community water supplies
- ....
- (d) industrial and commercial activities
- ....
- (e) tourism and recreational facilities

A footnote makes it clear that these – and the other and potentially competing purposes set out in Objective 2 – are not listed in any order of importance or priority. Elsewhere in the Plan the expression ‘town and community water supplies’ is defined as “[r]eticulated water supplies

<sup>1</sup> S14, Resource management (Waitaki Catchment) Amendment Act 2004.

<sup>2</sup> [2004] NZRMA 251

serving urban areas, rural-residential and residential subdivisions including all commercial and industrial premises and schools and other educational facilities located within the reticulated area.” As defined, the term ‘tourist and recreational facilities’ encompasses only facilities of that general description as are *not* served by a reticulated town and community water supply. Thus this term, in its defined sense, is of no relevance here.

Policy 17 indicates that the relevant objectives are to be met by:

Requiring resource consent applications for town and community water supplies ... to meet a reasonable use test in relation to the rate of abstraction and the volume of the proposal to take water, using as guidelines:

- (a) a volume of 300 litres per day per person based on the population to be supplied for domestic use;
- (b) ...
- (c) A reasonable quantity for other water uses supplied from the water supply system.

It seems plain that this policy contemplates that supplies for fire-fighting, commercial and industrial uses, the requirements of hotels and the like within the reticulated area, the irrigation of recreational areas and the irrigation of amenity planting in public spaces are to be comprehended under (c). I understand the term ‘domestic use’ as encompassing those uses to which potable water supplies are customarily put in and around households – uses that include the watering of domestic gardens. In this regard it is notable that the ‘guideline’ volume is expressed as a *daily* provision for each *person* supplied. Policy 17 is intended for the purpose of providing “for an efficient use of water so that the net benefits derived from its use are maximized, and waste minimised” and goes to the exercise “of discretion when considering an application for resource consent.”<sup>3</sup> That exercise requires a global consideration rather than the separation and quantification of particular elements.

Finally, in the list of Plan provisions of particular application to the present application, Rule 15 provides that any activity that complies with Rules 2, 6, and 7 (but does not comply with Rule 1 – the ‘permitted activity rule’ – is a discretionary activity. It is common ground that Rule 1 is not met, that the proposal falls within the allocation limits of Rule 6, and that Rule 7 is inapplicable. The present proposal remains within the constraints of Rule 2, in the sense that the Applicant has elected to conduct itself within such of them as are relevant.

### **Mr Iremonger’s evidence**

Mr Iremonger began by reducing the annual volume for which consent is sought to 1,328,600 m<sup>3</sup>/day. After having provided an overview of the Otematata Water Supply – including a description of the present intake – Mr Iremonger turned to the issue of present usage. As might be expected there are marked seasonal variations, with peak usage in January – 3,650m<sup>3</sup>/day in January 2007. After making adjustments for what he called “losses and other uses” (and assuming a holiday population of 2000) he expressed this as a peak *daily* demand of 1.8m<sup>3</sup>/person, or some six times the ‘guideline’ figure. As to that he said:

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<sup>3</sup> “Explanation for Policies 15 – 20” following Policy 20. See also Objective 4: “To promote the achievement of a high level of technical efficiency in the use of allocated water” and the definition of the underlined expression.

The unique makeup of the community must be acknowledged when considering the peak demand as a daily demand of 7.2m<sup>3</sup>/day [per connected property – or 1.8m<sup>3</sup>/day per person] would appear excessive compared to the larger urban areas. The peak daily usage is considered to be caused by

- (a) Significant irrigation of properties gardens and lawns. As this is a holiday community the property owners tend to be at their properties for short periods and gardening is carried out during these periods.
- (b) The community is located in an area where high temperatures occur and soils are very stony and porous therefore requiring higher levels of irrigation than normal.
- (c) Holiday makers require a higher of “recreational water use” especially in the Waitaki Valley where extreme temperatures do occur. The “recreational water use” includes such items as filling the paddling pool or using the sprinkler as a cooling aid.
- (d) Very high occupancy rate during the short period and large family groups per property do occur i.e. two to three families camped out in the back yards.

For the present I note merely that factors (a) – (c) appear within the ambit of ‘domestic use’ as that term is employed in Policy 17, and that the ‘usage’ calculation (either per property or per person) already takes account of the “high occupancy rate”.

Mr Iremonger then added an allowance to accommodate the creation of a further 300 or so sections<sup>4</sup>, it being assumed that these will require water at the demand levels presently evident. The further addition of allowances for non-domestic uses (for a fully-developed town) and what he called “water losses in reticulation” produced a peak daily usage of 5862 m<sup>3</sup>/day or 41,034 m<sup>3</sup>/wk, which he said would require a maximum pumping rate of 79 l/s (over 21 hours – I get a slightly different answer).

He then went on to discuss the strategies currently being used to encourage efficient water use and turned to Policy 17 of the WCWARP. In this regard he argued that:

The guidelines allowance of 300 l/p/day is considered impractical and unachievable for the following reasons.

- (a) It is impractical for WDC to achieve separation of domestic consumption from other community water supply uses such as watering of gardens, washing of cars, filling the paddling pool and commercial uses.
- (b) It is not practical to physically control the amount of water used by consumers during a water shortage.
- (c) There are legislative constraints that limit Councils ability to restrict or stop supply of water i.e. the Health Act (supply of water for domestic use) and Local Government Act (the need to keep fire mains charged).

And further:

The main concern for WDC is not the personal (per person) allowance for domestic purposes, but the need to recognise the community requirements. These requirements include what the community uses on a daily basis of such items as watering of gardens, washing of cars, recreational uses i.e filling the paddling pool and community uses. Without these “other water uses” the ongoing viability of Otematata as a highly desirable holiday community would be significantly compromised.

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<sup>4</sup> Full subdivision of the residential zone of Otematata, to something like present densities.

## Ms Pringle's evidence

Having discussed the involvement of Fish and Game in this application Ms Pringle went on to discuss the value of the Otematata River as a fishery and fish habitat. She saw these as likely to be detrimentally affected by significant departures from the spirit of the WCWARP. In that regard she drew particular attention to Policies 17 and 24 (the latter is, on my reading, one of a number of policies intended to underpin the environmental flow and level regimes of Table 3 and protects what might be called 'essential' supplies).

Fundamentally, her concerns were:

- (a) The gulf between present domestic usage and that contemplated by the WCWARP;
- (b) The absence of any meaningful proposal to move towards the guideline figures;
- (c) The absence of conditions reflecting Policy 24<sup>5</sup> – although the force of this was somewhat reduced by the concession that “[m]inimum flows have only rarely been reached at times of peak demand”;
- (d) The absence of conditions implementing best practice in the screening of intakes so as to limit fish intrusion; and
- (e) The proposal that consent should be granted for 35 years – Fish and Game sought “a reduced duration of 10 years or if appropriate a common catchment expiry date.”

## Re-notification?

In her section 42A report Ms Bartlett drew attention to section 33 of the Resource Management (Waitaki Catchment) Amendment Act 2004. Relevantly, that section requires that the 'notification' provisions of the principal act be observed in the case of applications released from the Ministerial call-in of September 2003. This obligation continues notwithstanding the fact that, on the notification of all called-in applications, four submissions were received particularly directed to the present application, and that many others, of a more general nature, could be understood as having some relevance to it.

As I understand the position, the issue of whether this application requires (further) notification has not been formally addressed. In that regard the question is whether “the consent authority [can be] satisfied that the adverse effects of the activity on the environment will be minor.” – s93(1). That question is within the ambit of the delegation to me – “... the full powers of the Council as a consent authority.” – as is that of determining who might be affected persons for the purposes of either s94 or the relevant Regulations.

Because s33 of the 2004 Amendment Act requires the consent authority to “consider all relevant submissions lodged with ... the Minister ...” the purpose of re-notification (if any) must be that of ensuring that proper rights of participation are afforded others. Thus, and if the consent

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<sup>5</sup> A policy that protects, against restrictions at times of low flow, extractions not exceeding “250 litres per person per day based on the population being supplied at that time ... plus the minimum necessary to maintain fire fighting capacity and for the processing and storage of perishable produce ... [and] for reasonable losses from reticulated supply schemes

authority is satisfied that the adverse effects will be minor (or less), it seems reasonable to suppose that notice in terms of s94(1) need only be given to those affected persons who have not thus far made a submission – those who have are, in any event, entitled to attend the hearing and to be heard.

In the present case, and by letter dated 25 July 2008, all of those who had made submissions to the called-in applications and who had indicated a wish to be heard (104 in total) were asked whether they wished to exercise that right in relation to the present application. 26 indicated that they did not wish to exercise that right and notice of hearing was given the remainder. One appeared – Fish and Game New Zealand – Central South Island Region.

In considering the ‘notification’ question I have taken in to account the information provided by Ms Bartlett and the evidence of Ms Pringle. From that I am satisfied that:

1. The adverse effects on the environment of the present proposal will be minor, or less;
2. Apart from those persons who made submissions to the called-in applications, there are no persons who might be adversely affected by the grant of consent; and
3. No special circumstances exist that would require public notification in terms of s94C(2) – in part because the applicant does not (now) seek to escape the bounds of Rule 2.

Accordingly I conclude that the present application may proceed on a non-notified basis, and that the requirement that affected persons be notified has been met.

### **My consideration**

Section 104(1) requires that,

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

There are no relevant national policy statements, the New Zealand Coastal Policy Statement has no application to the present proposal and for all practical purposes the Waitaki Catchment Water Allocation Regional Plan is the dominant regional instrument.

The relevant environment comprises (i) the river from which Otematata presently obtains its town supply, and (ii) the town itself, dependant (both for its existence and for its amenities) on the supply of that water. I accept the evidence that, in general, the first will not be adversely affected in a significant way. Nevertheless concerns still remain about the effect of unnecessary abstraction at times of low flow, and as to the question of whether the intake operates as an efficient fish screen.

The first is, I think, met by the Applicant's election to promote its application as for a discretionary activity. As a consequence any consent must be exercised within the constraints imposed by Rule 2 – which, in effect, means that, at times in which the low flow regime applies (see item xiv, Table 3) takes will be extremely limited. At those times the applicant (and through it, the residents of Otematata) may need to rely on such storage as is available. I note that the election (effectively) to comply with Rule 2 was made during the hearing, so that Ms Pringle's concerns were, understandably, on the basis that the Applicant did not intend to be bound in that way.

The second concern (reinforced as it is by the provisions of s7(h) of the Act), comes down to the question of design. Ms Pringle makes the point that, although the present intake may presently comply with best practice, that might not continue to be the case. I think that this concern can be met by an appropriate condition.

The other 'environment' of relevance – that of the town – would be adversely affected if consent was refused or by any grant that did not enable sufficient water to be provided to meet its proper requirements. What this comes down to is the central question, to which clauses (b)(iv) and (c) of section 104(1) are also relevant. I do not think I can assume, from the fact that residents appear to be generating a peak *daily* demand of 1.8m<sup>3</sup>/person for domestic water supply, either that usages at this level of appropriate now or ought to be available to future populations so as to maintain the town environment. As Mr Iremonger says, domestic usage at this rate *appears* excessive but, speculation aside, there is little of an evidential nature to explain why it is as large as it is.

Again, and as Mr Iremonger points out, this is not just an 'environmental' issue. The Waitaki District Council has a duty to supply potable water to the population of its urban areas and is required to maintain a suitable supply for fire fighting purposes. That duty does not, of course, extend to recreational uses of town supply water. Again, the provisions of the District Plan – to which I am required to have regard pursuant to s 104(1) (b) (iv) – contemplate a population significantly larger than presently exists, and in respect of which the District Council must be seen as having contingent obligations. It is of course the case that "without sufficient water the community could not exist"<sup>6</sup>. Additionally, without a protected allocation capable of providing sufficient water for future development the town could not expand to its zoned potential – a matter that I take to be comprehended in Objective 2(a) of the WCWARP. But the question remains: how much is sufficient?

That is the question that Policies 15-20 of the WCWARP – and particularly the 'guidelines' of Policy 17 – attempt to address. It is to be remembered that the Policies, taken as a whole, articulate (at least *prima facie*) what counts, for the purposes of water allocation in the Waitaki catchment, as in fulfillment of the directions in Part 2 of the Act. As matters now stand, no-one can be satisfied that either the present take or that for which Mr Iremonger contends is justified in terms of those policies.

In this regard the instantaneous and annual rates seem relatively unproblematic. As I understand the position, the first equates to the maximum supply that can presently be provided from the existing reservoir. It is conceivable (even if highly unlikely) that a need of water for fire fighting

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<sup>6</sup> Iremonger, Para 34.

purposes may require that reservoir to be replenished as fast as it can be drained. The maximum annual volume sought is primarily a function of a calculated, future, maximum weekly rate.

However the information presently available does not enable a finding that a weekly volume of 41,000 cubic metres will *not* be required by a fully developed Otematata fully compliant with the Policy requirements of the WCWARP. The present problem appears to be that of (i) protecting (to the extent possible under the RMA) Otematata's zoned potential for urban development against other allocations, (ii) enabling the town to continue to function in the immediate future and (iii) encouraging it to become compliant with the Policies of the WCWARP<sup>7</sup> – or, at least, enabling a better appreciation as to why full compliance is, and will remain, impracticable.

In the end, the matters to which s104(1) is directed must be integrated in a judgment as to whether the single purpose of the Act would better be served by a grant of consent or by its refusal. In that regard I must give the provisions of sections 6 – 9 the consideration and weight that the statute requires. Te Runanga o Moeraki and Te Runanga o Waihao have, through the submission process, expressed concerns about the efficiency of water use - the latter has, in particular, sought a consent duration of 10 years as a means of requiring the applicant, over time, to confront this issue. As will become apparent, I am of the view that this matter ought to be given more consideration than thus far, but that in the light of the provisions of the WCWARP that can be achieved in another way. That issue aside, section 8 does not appear to impact upon the present application. I note that Te Runanga o Ngai Tahu has not sought involvement.

Ms Bartlett is of the view that the only matters in section 7 that are of present relevance are those in clauses (b) and (c). I agree. Those issues have been discussed above and I agree with her conclusion that nothing in that section militates against the grant of consent. Similarly I agree with her conclusion that the provisions of section 6 are of no present relevance.

For these reasons I have no difficulty in concluding that, subject to the imposition of appropriate conditions, the purpose of the Act would be better met by a grant of consent than by a refusal.

### **Conditions**

This issue caused the greatest debate and ultimately led to a resumption of the hearing. While I accept that in the fullness of time the proper demand by Otematata may perhaps reach the levels for which consent was (finally) sought, I can see no justification for permitting those levels now. I am of the view, however, that Otematata's *potential* demand on the 'resource' component of the Otematata River should be protected against allocation to other uses. At the same time I think that, while some allowance should now be made in order to accommodate growth in the immediate future, further increases should not be made in the absence of a better understanding of what, in the Otematata context, amounts to reasonable use.

Ms Bartlett's report contained a set of suggested conditions of a 'boilerplate' kind. Many of these were resisted by the Applicant – principally on the basis of their perceived lack of necessity. On consideration I came to the view that many of them had 'certainty' problems – at times approaching the level of meaninglessness. That became the principle issue at the resumed hearing.

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<sup>7</sup> See, in particular, the matters to which regard is to be had in terms of Rule 15.

Many of the conditions of this consent were drafted in the light of the discussion that then took place. I do not say that the Applicant and the relevant Council Officers are in agreement with the wording that I have adopted, but I hope that those that appear below will prove to be easier to understand and to implement than the originals. If that has been successful then it may well be that the Canterbury Regional Council will see fit to make some alteration to its 'standard' conditions.

## Formal Decision

**For the foregoing reasons consent is granted for the take of water from the Otematata River at or about map reference NZMS 260 H40:878-170, for the purpose of providing a town and community water supply<sup>8</sup> for the town of Otematata at a maximum rate of 79l/s and a volume not exceeding 41,000 cubic metres per week and 1,328,600 cubic metres per annum for a period (for the purposes of s123 if the Act) of 35 years from the date of the commencement of this consent:**

### *Subject to the following conditions:*

1. Until this condition is changed in accordance with section 127 of the Act or reviewed in accordance with s128 the take shall not exceed a volume of 4380 cubic metres per day, 30,660 cubic metres per week and 600,000 cubic metres per annum. This condition is imposed for the purpose of ensuring that, over time, the authorised take more closely meets the policies of relevant Regional Policy Statements and Regional Plans.<sup>9</sup>
2. Water is only to be taken via a submerged gallery intake having the general form of that described in paragraph 7 (and shown in Figure 3) of the evidence of Andrew Iremonger dated 3 March 2009, presented at the hearing and attached to this decision.
3. So as to ensure that the intake is operated and maintained so as adequately to exclude (and to avoid damage to) fish:
  - (a) The consent holder shall, within four years of the commencement of this consent (and thereafter within 3 months following a request from the Canterbury Regional Council (RMA Compliance and Enforcement Manager), provide the Canterbury Regional Council with a certificate, signed by a certifier, that the performance of the intake meets or exceeds the guidelines provided in the NIWA document *Fish Screening: good practice guidelines for Canterbury*. Such a certificate may be qualified, in that it may specify the circumstances that need to obtain in order that the guidelines may be met.
  - (b) Water shall not be taken in terms of this consent (i) if a certificate has not been provided in accordance with this condition and (ii) in circumstances otherwise that specified in that certificate, unless the consent holder is actively engaged in ensuring that the circumstances specified in any qualified consent come in to being
  - (c) For the purposes of this condition the 'certifier' is any person nominated by the consent holder and accepted by the Central South Island Fish and Game Council and the Canterbury Regional Council as possessing suitable qualifications and experience to act as a certifier for the purposes clause (b);

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<sup>8</sup> This term is defined in Part 10 of the Waitaki Catchment Water Allocation Regional Plan 2006. To avoid doubt, the irrigation of the Waitaki Golf Course and of Waitaki District Council reserve land is within the consent purpose  
<sup>9</sup> At the time of this consent the relevant Regional document was the WCWARP '06. Particular attention should be given to the 'reasonable use test' articulated in Policy 17

4. The consent holder shall, within 12 months of the commencement of this consent
  - (a) Install and maintain, in accordance with the manufacturers specifications, a water meter of a kind that is certified, as the result of a process that has ISO approval, as capable of measuring the rate and volume of water taken to an accuracy of  $\pm 5\%$ ; and which has a pulse output suitable for use with an electronic recording device. That meter is to be installed (i) as part of the pump(s) outlet plumbing or within the mainline distribution system at a location that ensures that the total take of water is measured, (ii) in accordance with the criteria adopted for the relevant ISO certification and (iii) so that there is a straight length of pipe 'upstream' of the meter of at least 10 times the diameter of that pipe, and a straight length of pipe 'downstream' of the meter of at least 5 times the diameter of that pipe;
  - (b) Install a tamper-proof electronic recording device such as a data logger that records or logs the pulse data and has the capacity to hold at least one year's water use data.
5. The recording device shall continuously record the output of the installed water meter, at not more than 15 minute intervals, of at least the 12 month period ending on 30 June in each year, in a format and to a standard specified in the Canterbury Regional Council's form for Water Metering Data Collection. That data shall
  - (a) Be supplied to the Canterbury Regional Council (Water Metering Manager) on at least an annual basis (and on request); and
  - (b) At the request of the Canterbury Regional Council (Water Metering Manager) be supplied electronically at daily intervals to the Canterbury Regional Council or its nominee

The recording device shall be immediately available to the Canterbury Regional Council (on request) for the purposes of inspection and/or data retrieval. All practicable measures shall be undertaken to ensure that the meter and recording device are fully functional at all times and meet the accuracy requirements of condition 4(a);

6. Within one month of the installation of the measuring and recording devices required by the foregoing condition, at two yearly intervals thereafter and at any time when requested by the Canterbury Regional Council the consent holder shall provide a certificate to the Canterbury Regional Council signed by a person nominated by the consent holder and accepted by the Canterbury Regional Council as a possessing suitable qualifications and experience to act as a certifier for the purposes of this condition, certifying:
  - (a) that the devices have been installed in accordance with the manufacturers' recommendations and the criteria of the relevant ISO based certification; and
  - (b) that data from the recording device can readily be accessed and retrieved in accordance with condition 6 below;

7. For the purpose of enabling it independently to check the volume of water taken and the accuracy of the meter the consent holder is to supply access, to the Canterbury Regional Council and sufficient to enable it to apply an external measurement device, to a portion of a straight part of the supply pipe to the consent holder's reservoir that is in length at least 15 times the diameter of that pipe.
8. The consent holder shall take all practicable steps to:
  - (a) Avoid leakage from pipes and structures including, but not limited to, replacement of high maintenance or high failure rate pipes within the reticulation system;
  - (b) Detect abnormally high patterns of water use;
  - (c) Avoid wastage of water by taking appropriate measures including, but not limited to, initiating conservation regimes and undertaking effective community liaison;
  - (d) Optimising system pressure within the reticulation system; and
  - (e) Avoiding the application of water on to unproductive land, impermeable surfaces and riparian strips;
9. The Canterbury Regional Council may, once per year on any of the last five working days of May or November, serve notice of its conditions of this consent for the purposes:
  - (a) Ensuring that, over time, the authorised take more closely meets the requirements of the Regional Policy Statement or any relevant Regional Plan;<sup>10</sup>

For the avoidance of doubt, this consent does not relieve the consent holder from the obligation to comply with 'low flow' rules in any relevant Regional Plan.<sup>11</sup>



**J R Milligan**  
**Commissioner**  
**May 7, 2009**

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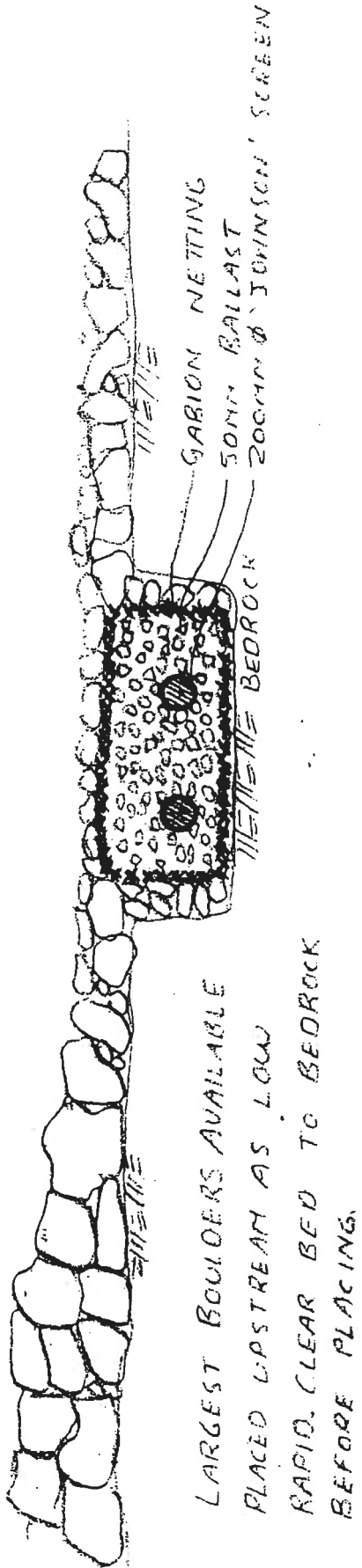
<sup>10</sup> At present the relevant regional document is the WXWARP '05, and the most relevant requirements are to be found in Policy 17.

<sup>11</sup> At present the relevant regional document is the WCWARP '05, and the relevant provision is Rule 2 of that document

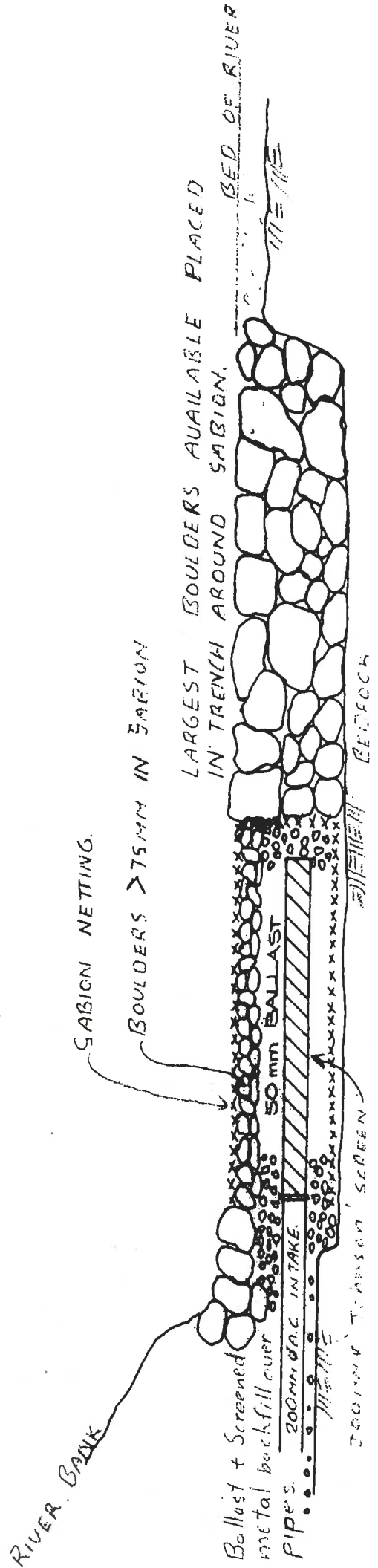
**FIGURE 3 of the evidence of Andrew Iremonger (3 March 2009)**

# Figure 3

## OTEMATATA WATER EXTRACTION



SECTION ACROSS TRENCH IN BEDROCK FOR SCREENS  
SCALE 1:50



DETAIL OF BEDDING OF SCREENS

SCALE-1:50