

**Before the Commissioners appointed by Canterbury
Regional Council**

IN THE MATTER OF The Resource Management Act
1991

AND

IN THE MATTER OF Applications CRC991473,
CRC991474 and CRC991475
DW McAughtrie, Ellis-Lea Farms
(2000) Ltd & Greenfield Rural
Opportunities Ltd for a Water
Permit to divert, take & use
surface water, a Land Use
Permit to disturb the bed and a
Discharge Permit to discharge
pure water.

Section 42A Officer's Report

Date of Hearing: 21 September 2009

Report of *Claire Penman*

1. This report should be read together with the introductory s42A report which gives an overview of all applications presented at this hearing (Report 1), the planning and technical reports on hydrology and minimum flows (Report 2A and 2B), the planning report outlining annual allocations (Report 3) and the reports on cumulative landscape and water quality effects in the catchment (Reports 4 A – F) and 5).

INTRODUCTION

2. DW McAughtrie, Ellis-Lea Farms (2000) Ltd and Greenfield Rural Opportunities Ltd (the applicant) have applied for a resource consents to:
 - (a) Divert, take and use 170 litres per second and up to 1,749,000 cubic metres per year from the Quailburn Stream, into the Quailburn Government Race at Quailburn Road, Twizel Omarama Road and State Highway 8, Omarama, for stockwater and spray irrigation of 255 hectares within a command area of 2,100 hectares of pasture and crops (*CRC991473*);
 - (b) Disturb the bed of Quailburn Stream to facilitate the diversion of water at Quailburn Road, Omarama (*CRC991474*);
 - (c) Discharge up to 170 litres per second surplus irrigation water into Quailburn Stream at Quailburn Road, Omarama (*CRC991475*).

See Attachment One for a map of the location of diversion, land use, discharge, the race system and irrigation areas.

3. The applicant engaged Keri Johnston of Irricon Resource Solutions (formerly R J Hall) to prepare the application and assessment of environmental effects on their behalf.
4. A 35 year duration is sought.
5. These are applications for replacement consents.
6. A site visit was undertaken as part of the audit of these applications on 12 December 2008.

Background

7. The applicants have previously held consents for these activities (WTK890012A, B and C and WTK691641A, B and C) which expired on 30 June 1999 and 1 October 2001. Copies of these consents are included in Attachment Two. As these applications were lodged 6 months prior to the expiry of the above consents, the applicant is currently operating under s124 continuation.
8. Applications CRC991473, CRC991474 and CRC991475 were lodged on 23 December 1998. Subsequently, the applications were amended to include the replacement applications for consents WTK691641A, B and C, on 29 March 2001, which were also at the same point on Quailburn Stream, from the same race system, and due to expire on 1 October 2001. The applications were considered to be notifiable on 29 October 2004.
9. Requests for further information have been sent covering effects including, but not limited to, water quality, landscape, intake design, discharges, irrigation volumes, minimum flows, and derogation approvals.
10. The replacement applications were previously made in the name of The Glens Ltd (purchased property from JB Mitchell), DW McAughtrie and TJ & J Cooke but, due to the sale of the properties, the applicant has since changed to DW McAughtrie Ellis-Lea Farms (2000) Ltd and Greenfield Rural Opportunities Ltd since notification.
11. Since lodgement, the annual volume being sought and area to be irrigated have been amended. The total irrigation area is now proposed to be 255 hectares compared with the previous 500 hectares. In accordance with the reduction in area, the volume being sought was originally 3,219,000 cubic metres per year (as notified), but has been reduced to 1,749,000 cubic metres per year. I consider these amendments to be a reduction in scope of the activity and therefore do not require re-notification.
12. In addition, the only discharge now requiring consent is the bywash discharge near the point of diversion. No excess water from the race discharges into water so a discharge permit is not required for the race itself or the storage pond as originally applied for.

Notification

13. Details of the notification and wording are contained in Appendix 4 of the introductory s42A report (Report 1). CRC991473 was notified in the ministerial call-in of December 2003, while all three consents were notified in August 2007 with 200 other applications for similar activities in the Waitaki catchment.

Submissions

14. In the 2007 public notification, a total of 23 submissions were received on CRC991473 with 2 in support, 19 in opposition and 2 neither support nor oppose. A total of 18 submissions were received on CRC991474 and CRC991475 with 2 in support, 14 in opposition and 2 neither support nor oppose.
15. In the 2003 “ministerial call-in”, a total of 314 submissions were received on application CRC991473.
16. Details of submissions made in response to all applications which were publicly notified at the same time in 2007 and 2003 are contained in Report 1, Appendix 5. Additionally, Table 1 below summarises only those submissions made individually on this application, or submissions which raise particular concerns in relation to this proposal. Please note that all submissions hold equal importance, even if not specifically listed in the table below.
17. Overall, the key effects of concern to submitters include effects on: ecosystems, water quality, allocations, minimum flows, natural character and landscape, efficiency and cultural values.

Submitter	Issues	Support/ Neutral/ Oppose	To be heard
B D Shepherd ²	Long-standing water right should be continued	Support	No
T J & J Cooke ²	Long-standing water right should be continued to allow for pastoral development	Support	No
R E Millar ²	Long-standing water right should be continued to allow for pastoral and economic development	Support	No
J J Ryan ²	Long-standing water right should be continued to allow for pastoral development	Support	Yes
S A Ross ²	Consents should be granted	Support	No
Canterbury-Aoraki Conservation Board ^{1,2}	Concerns regarding dams affecting ecosystems and harvesting of high flows, effects on instream values, landscape, water quality and consider 35 yr duration too long.	Oppose	Yes
F I Home ²	Concerns with cultural values. Water harvesting is supported but a minimum flow should be set	Oppose	Yes
Department of Conservation ^{1,2}	High proportion of flows being abstracted, potential effects on stream including habitat values	Oppose	Yes
Meridian Energy Ltd ^{1,2}	Effects on water quality and need to meter take	Oppose	Yes
Bellfield Land Co ¹	Want to see a fair water sharing regime established	Oppose	No
Ohau Co Trust ¹	Amount of water being sought exceeds that available and a fair flow sharing regime should be established	Oppose	Yes
Mackenzie Branch Federated Farmers ¹	Want to see all consents granted	Support	No
Fish & Game ^{1,2}	Quail Burn is important spawning tributary and stream is over-allocated	Oppose	Yes

Table 1: summary submissions for applications CRC991473, CRC991474 & CRC991475

DESCRIPTION OF THE PROPOSED ACTIVITY

18. The Quailburn Government Race is fed by a diversion from the Quail Burn at a rate of 170 litres per second. The diversion race directs water from the Quail Burn to an intake structure and any excess water is by-washed directly back to the stream (see photos of intake structure in Attachment Three).
19. The by-wash water is that which comes down the diversion channel and is not able to pass through the control gate (i.e. surplus water). The discharge is continuous, but the rate fluctuates depending on how much is being taken through the control gate
20. The intake structure is located approximately 300 metres downstream of the diversion point of Bellfield Land Company Ltd. Works will be required in the bed of the Quail Burn from time to time for maintenance of the diversion and intake for the race system.
21. From the intake, the race then flows around the bottom of slopes to the northwest of the intake alongside all three properties but on its own title. There are several small off-shoots from this race for stock water within the properties. Once the race reaches the property of Ellis-Lea Farms it is directed to a small storage pond from which water is taken for irrigation (no consent to dam water is required for this pond as it is dug below ground level – see discussion in Report 1, nor is a discharge required from the dam given the low inflow at this end of the race).
22. Currently stock water is supplied to the properties via this main race. The proposed annual volume (and derogation approval) includes provision of 219,000 cubic metres for stock water for the property. However, the applicant considers that the provision of stock water is covered by section 14(3)(b) of the RMA.
23. However, the applicant has not withdrawn this activity from the application. As such, I have included an assessment of the proposed stock water volume that is provided for in the derogation approval should the Commissioners decide that it needs to be covered by this consent.
24. The applicant proposes the following activities:

CRC991473
 - (a) To divert water from the Quail Burn into the Quailburn Government Race, at or about map reference NZMS 260 H39:638-371, at a rate not exceeding 170 litres per second.
 - (b) To take and use water from the Quailburn Government Race at a maximum rate of 170 litres per second, with a volume not exceeding 14,688 cubic metres per day and 1,749,000 cubic metres per year, between map references NZMS 260 H39:638-371 and H39:378-392.
 - (c) Water shall be used for stock water and spray irrigation of up to 255 hectares across all three properties, of pasture and winter feed crops, within a command area of 2,100 hectares.

- (d) A minimum flow of 0.1m³/s is proposed in the Quail Burn at Hen Burn Road, in accordance with Table 3, row (xi) of the WCWARP.
- (e) Water will be stored in a pond at the end of the Quail Burn Government Race.
- (f) A fish screen will be installed on the intake, however, details of this have not been provided.
- (g) The divert and take of water will be metered.

CRC991474

- (a) To disturb the bed and banks of the Quail Burn to facilitate the taking of water and carry out maintenance works on the diversion structure as required.
- (b) Maintenance works will be required to re-build the rock weir after heavy rain and/or flooding has washed the weir away. These works are expected to take up to 1 hour each time.
- (c) Proposed mitigation measures have been discussed in the assessment of effects section of this report and included where appropriate in the recommended conditions section of this report.

CRC991475

- (a) To discharge water up to a rate of 170 litres per second into the Quail Burn, at or about map reference NZMS 260 H39:638-371.
- (b) The discharge shall only be by-wash water diverted in accordance with resource consent CRC991473.
- (c) The discharge shall not cause erosion to the bed or banks of the receiving water body.

LEGAL AND PLANNING MATTERS

Consent Requirements

- 25. The consent requirements under the Resource Management Act (RMA), Transitional Regional Plan (TRP), Waitaki Catchment Water Allocation Regional Plan (WCWARP) and Proposed Natural Resources Regional Plan (PNRRP) are outlined in the introductory s42A report. These applications were lodged in 1998. The TRP is the regional plan which controls the activity type for the discharge and land use permit applications (pursuant to section 88A(1) of the RMA). The WCWARP is the regional plan which controls the activity type for the water permit application (as outlined in Report 1).
- 26. A summary of the requirements for these applications is provided below.

Water Permit

TRP

The TRP permits the abstraction of surface water from any surface waterway provided the annual volume abstracted is less than 10 cubic metres per day, and the

rate of take is limited to 5 litres per second. Given that the proposed take exceeds these limits, consent is required as a discretionary activity.

WCWARP

- (a) Rule 2, clause (1)(a) – The applicant proposes the minimum flow 0.1 cubic metres per second at Hen Burn Road (Table 3, row (xi)(a))
 - (b) Rule 2, clause (1)(b) – This activity is a replacement consent and it is not required to fit within the allocation limits, however it does fall within the allocation limit of 0.31 cubic metres per second for the Quail Burn (Table 3, row (xi)(b))
 - (c) Rule 2, clause (2) – Any water take for stock drinking-water is exempt from minimum flow and level regimes, but not from allocation limits.
 - (d) Rule 6 – The activity is within the allocation limit of 275 million cubic metres for agricultural activities upstream of Waitaki Dam (see Report 3 for annual allocation and priority tables).
 - (e) Rule 15 - Classifying rule – discretionary activity
27. Overall, the proposed water permit is a **discretionary** activity under Rule 15 of the WCWARP (and TRP) and resource consent is required in accordance with section 14 of the RMA.

Land use permit

TRP

The TRP is silent on matters relating to works in the bed and banks of rivers and lakes in the Waitaki catchment. These activities are require resource consent as a discretionary activity under section 77C(1)(b) of the RMA.

28. Overall the proposed land use permit is a **discretionary** activity under the TRP and resource consent is required in accordance with section 13 of the RMA.

Discharge permit

TRP

There are no provisions of the TRP that authorise the discharge of water into water as outlined in the proposed activity. This activity requires resource consent as a discretionary activity under section 77C(1)(b) of the RMA.

29. Overall, proposed discharge permit is a **discretionary** activity under the TRP and resource consent is required in accordance with section 15 of the RMA.

Priority

30. In terms of instantaneous allocation under Rule 2, a detailed list of all applicants who fall within Table 3 can be found in Report 2A.
31. For Rule 6, annual allocations refer to Report 3 for a full list of all existing consents and applications in priority order.

32. For application CRC991473, the allocation limits are not exceeded and there are no priority issues

Derogation Approval

33. Meridian Energy Limited (MEL) has provided approval for Birchwood Run Ltd to derogate from its consents (see Attachment Seven). This is not considered to be affected party approval under s94 of the RMA.

CONSULTATION

34. The applicant has not undertaken any consultation, as they consider that given this is an existing activity, no other persons are affected by this activity.

DESCRIPTION OF THE AFFECTED ENVIRONMENT

35. A description of the values of the Mackenzie Basin in general is provided in the introductory s42A report (Report 1).
36. In addition to the above overall summary, the applicant notes the following:
- (a) The race and pond/dam provide a breeding ground for eel and trout and a habitat for bird life such as the pied stilt, black-fronted tern and black-billed gull. The pond is occasionally used for recreational trout fishing and shooting.
 - (b) In terms of the flows in the Quail Burn, downstream of the diversion for Bellfield Land Company Ltd (CRC011987), surface flow ceases from typically December until April, except during flood events.
37. Fish & Game provided comment on the values in the Quail Burn in February 2002 and in their submission from the August 2007 notification, and consider it to be an important spawning and juvenile rearing tributary of the Ahuriri River. Particularly for rainbow trout which are tributary spawners. Good angling is available early in the season, in the lower reaches before these are dewatered later in the summer.
38. I also note that the proposed irrigation area is predominantly flat land at the base of the adjacent hills, and is visible to traffic travelling along State Highway 83.
39. There are no other existing consented users on the Quail Burn, but there is one applicant for a replacement consent with lower priority (Bellfield Land Co Ltd – CRC011987) and one other applicant seeking new consents with lower priority further up the catchment (Maree Horo – CRC042011 to 18) (see priority order in tables in Report 2A).

ASSESSMENT OF PROPOSED ACTIVITY

40. The proposed activities are discretionary activities and must be considered in the context of s104 of the RMA.
41. Section 104(1) outlines matters that the consent authority must have regard to when considering an application for a resource consent, including any actual and potential effects on the environment, any relevant statutory provisions, and any other matter the consent authority considers relevant.

Assessment of actual and potential effects (s104(1)(a))

42. The effects that have been considered for these types of activities are presented in the introductory s42A report (Report 1). That report includes the presentation of the relevant planning provisions which direct us to consider these effects. A summary table regarding the assessment of individual effects for each application is provided below and a detailed discussion of those outstanding matters or areas of concern is provided in the following sections.

Water Permit

Adverse Effects	Applicant's assessment	IO assessment	IO Conclusion
Ecosystems	Consider with fish screen & min flow that effects minor.	Minimum flow as set out in Table 3 which takes into consideration protection of ecosystems. Fish screen proposed which is in accordance with recommended conditions.	Effects minor.
Other water users	Applicant has highest priority, other applicant submitted against this proposal, but consider that with an appropriate flow sharing regime then supportive. Water meter proposed.	Water meter proposed. As applicant has highest priority no effects on other applicants need to be assessed. However within the allocation limit a reduction regime is required to manage effects on the river. Other applicants (with lower priority) upstream of intake so no reduction in flow availability from exercise of this consent. Both applicants within allocation limit.	Effects minor.
People, communities & recreational values	Part of substantially modified rural environment and already irrigated. Greening effects of irrigation part of agricultural landscape. Cumulative effects too remote, unnecessary to determine application & beyond scope of Regional Council. Recreational & amenity effects have not been assessed.	The irrigation area is visible from the State Highway. Conclusions of Chris Glasson on landscape effects (Report 5) agree that the effect of irrigation will be acceptable if a significant buffer along State Highway 8 and Quailburn Road to protect wetland area is adopted. In addition, he notes that there should be no irrigation within the OLA.. I note that the applicant has since confirmed the irrigation area will be not cover the OLA hill slopes or any of the land along Quail Burn Road to the NW of the OLA. Appropriate min flow proposed to protect recreational use and aesthetic amenity of waterway. I also note that use of water for irrigation may result in improved productivity of the land & positive economic benefits for the wider community.	Effects acceptable if recommended mitigation adopted.
Inefficient take and use	Applicant proposes 1,530,000m ³ /yr for irrigation.	Disagree that this is an efficient volume. Consider 1,304,050m ³ /yr more appropriate using the methodology outlined in Report	Effects may be more than minor.

		U05/15.	
Water quality	MWRL report for cumulative effects.	Not satisfied given conclusions in s42A reports on cumulative effects (Report 4A-F). There are a number of submitters to be heard on this matter.	Effects may be more than minor.
Tangata Whenua values	No assessment provided.	Submissions concerned & have not been addressed by applicant.	Effects uncertain.

Adverse effects of inefficient use on other users

43. The taking of water in excess of that required for the intended use may contribute to water levels being unnecessarily reduced and less water available for other users. A number of submitters have identified this issue.

Irrigation volumes

44. The applicant proposes to take water at a rate not exceeding 170 litres per second and use up to 1,530,000 cubic metres per year for irrigation of 255 hectares (85 hectares on each of the three properties). The irrigation volume has been based on the volume adopted by Mackenzie Irrigation Company of 600 millimetres per hectare per year.
45. I note that at the proposed rate of 170 litres per second, irrigation equates to a gross daily application depth of 5.76mm/day. With an irrigation system efficiency of 80% this equates to an application depth of approximately 4.6mm/day. This is achievable for spray irrigation systems as proposed and is appropriate for the expected rates of evapotranspiration.
46. The proposed return period of 4 to 7 days results in average irrigation of approximately 23 to 40 millimetres per return period. This is less than 50% of the average water holding capacity of the majority of soils.
47. As a comparison to the applicant's annual volume calculation, I have used CRC's GIS database and the method outlined in Report U05/15 to determine an appropriate annual volume for irrigation of the proposed area in accordance with Policy 16(c). I based this calculation on intensive land use with 25% light soil (PAW <75mm) and 75% heavy soils (PAW >110mm) and Effective Summer Rainfall of 195mm. PAW of the soils in the proposed irrigation area range from 30mm to 180mm, but are predominantly >110mm (see map in Attachment Four).
48. Using the above figures, an annual volume of 1,304,050 cubic metres would be considered an efficient volume of water for spray irrigation of this area using one of the methods outlined in Policy 16(c).
49. I note that this methodology (Report U05/15) assumes an irrigation efficiency of 80% which is largely achievable for modern spray systems (consistent with Policy 16(b)) and takes into consideration on-site physical and climatic factors (Policy 16(a)).
50. Given the above discussion, I am not satisfied that the annual volume being sought by the applicant of 1,530,000 cubic metres per year would be reasonable and appropriate for the area and method of irrigation proposed.
51. I also consider that an efficiency condition is appropriate to ensure that water is not applied to the soils above their average water holding capacity, nor onto unproductive areas of land.

Stock water volumes

52. The applicant has calculated the volume of water required for stock as being 219,000 cubic metres per year. This was calculated based on provision of water for 50,000 ewes and 10,000 beef cattle, using the volumes in Schedule WQN11 of the PNRRP.
53. I note that these stock numbers appear quite high for the area being serviced under this consent. Using a ratio for sheep of 1:1 stock unit and for cattle of 1:6 stock units, the proposed stock numbers work out to be 52 stock units per hectare over the 2,100 hectares.
54. No information has been supplied on the rate of diversion required to provide stock water through the race system year round.
55. While the applicant does not consider that a consent is required for the stock water component, I consider that the proposed volume for stock water of 219,000 cubic metres per year may be excessive for the number of stock that could be serviced on the properties.

Conveyance / distribution efficiency

56. In terms of the race system, the applicant has not provide any detail on expected system losses, but the typical assumption in other parts of the catchment is approximately 10 percent. However, the applicant has not applied for any "additional" water to counter any losses and considers that as the race was established in 1921, it will be well sealed. They note that it will be up to them to manage and improve the system to ensure the water applied for is able to be used and not "lost" from the system.
57. I consider that the applicant's analysis of the conveyance efficiency is appropriate and that the race network appeared to be reasonably well maintained during my site visit. Provided that the applicant ensures that the race is maintained and losses minimised, and given no "additional" water has been applied for, I consider that the proposal has adequately considered Policy 19 of the WCWARP.

Efficiency conclusions

58. Given the above discussion, I am not satisfied that that the proposed seasonal allocation is reasonable for the proposed irrigation area. In addition, if the stock requirements are confirmed as being less than that stated above, I consider that the volume required for stock water should be reduced.

Adverse effect of use on water quality

Local effects

59. In terms of effects at the local scale, as this is a replacement application, the applicant has considered that effects on water quality will continue to be minor.
60. I do not agree that this is an appropriate starting point for the assessment of the water quality effects associated with these applications. In my view there can be no presumption that the effects of the use of water authorised under the previous consents will continue to be authorised under any new consent.
61. I note that no nitrates assessment for the property has been provided and depth to groundwater is unknown. I note that the Willowburn Swamp, which flows into the Ahuriri River, is located at the south-east corner of D W McAughtrie's part of the

proposed irrigation area and some mitigation may be appropriate to protect the surface water quality from runoff and leaching of nutrients as a result of irrigation. Conditions to this effect have not yet been provided by the applicant.

62. No submissions were received on the local effects on water quality of this proposal.
63. Given the above, I cannot be satisfied that the adverse effects on water quality from the proposed activity will be minor.

Cumulative effects

64. An assessment of cumulative effects on water quality was requested to address the above concerns and in reference to Policy 13 of the WCWARP. The applicant has been involved with the study by Mackenzie Water Research Ltd (MWRL) on cumulative effects within the catchment.
65. There are a number of submissions which identify water quality as a result of land use intensification as a concern, including a submission from Meridian Energy Ltd who effectively hold consent to use all the water in the Upper Waitaki catchment. Those submitters and their concerns are outlined in more detail in Appendix 5 of Report 1.
66. The report by MWRL has been audited and a separate s42a planning report prepared by Dr Mike Freeman (see Report 4F) as well as numerous technical s42A reports (see Reports 4A-F).
67. The conclusion of Dr Mike Freeman and other experts (as outlined in Reports 4A-F) is that given the significant level of uncertainties involved in, and technical concerns with, critical aspects of the MWRL/GHD assessment of the adverse effects, together with the lack of mitigation measures yet proposed by resource consent applicants means that it is premature to make adequate conclusions about the potential adverse cumulative effects.

Adverse effect on Tangata Whenua values

68. The applicant has not provided an assessment of the effects of the proposed activity on cultural values. The sites of the proposed activities are within the rohe of Te Runaka O Waihao, Te Runaka O Arowhenua and Te Runaka O Moeraki. All three runanga and Te Runanga O Ngai Tahu were served notice of the applications in August 2007.
69. Submissions were received in opposition to this application from Te Runanga o Ngai Tahu and Ngai-Tahu Mamoe Fisher People. The concerns of the Ngai-Tahu Mamoe Fisher People seem to relate specifically to the resource consent process, rather than this specific application.
70. Te Runanga o Ngai Tahu have raised concerns relating to mixing of waters between catchments, deterioration of water quality, dewatering and residual flows, changes to sediment flow and deposition and impacts on sites of cultural significance.
71. Given that there are submitters who wish to be heard and who have identified cultural values as a concern, I cannot determine the scale of the actual and potential effects on the cultural values of the area.

Land Use Permit

Adverse Effects	Applicant's assessment	IO assessment	IO Conclusion
Flood-carrying capacity & erosion	The weir is approx 0.5 m high and impounds an area no more than 10 m by 10 m. A cross-section of the weir is included in Attachment Five. Water can pass over the weir during normal flows. The applicant considers that maintenance is required from time to time to re-build the weir, which is designed to "wash out" in times of high flows. Therefore effects on flood capacity minor.	I agree with the applicant's conclusion and consider that it would be appropriate to include some conditions which would ensure that there would be no effects on erosion or flood-carrying capacity from the works.	Effects minor.
Man-made structures	The applicant has not identified any downstream man-made structures	The applicant has designed the weir to wash out in times of heavy rainfall or floods. Using CRC's GIS database Hen Burn Road bridge is the only structure and is located approx 2 km downstream of the proposed weir. Given the distance to the nearest structure, relatively small volume of water held behind the weir, and fact that it will wash out in higher flows, potential effects of the weir maintenance and reconstruction on man-made structures would likely be minor.	Effects minor.
Water quality	Considers that the works to reconstruct the weir, after a fresh or flood washes it out, will generally take less than 1 hour. They conclude that as the works to re-instate the weir would be of short duration, the effects on water quality is minimal. They also state that the works are normally carried out after rainfall or flood events when the stream is naturally high in sediment, and therefore, the effects of works are minor in terms of the context of the water quality at the time.	Under the PNRRP, the proposed activity would be permitted, provided that any discharge of sediment into water does not change the colour or decrease the clarity for more than 60 minutes. I consider that this would be an appropriate condition for the consent. I agree with the applicant that whilst the works will be carried out in flowing water, given the short duration, timing of works, and with appropriate conditions, adverse effects of the works on water quality would be minor	Effects minor.
Riparian plants and animals	The applicant has considered that effects on river ecosystems would be minimal given the short duration of works, and minor effect on water quality	I note that the works would not require any disturbance of vegetation on the banks of the Quail Burn. Given that the works will not affect riparian vegetation, and the effects on water quality are considered to be minor, I am satisfied that the effects of the works on riparian plants and animals would be minor.	Effects minor.

Tangata Whenua values	No assessment provided.	As effects on water quality considered minor, I am satisfied that effects on Tangata Whenua values minor.	Effects minor.
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Discharge permit

Adverse Effects	Applicant's assessment	IO assessment	IO Conclusion
Flood-carrying capacity & erosion	No assessment provided.	I note that any water discharged will not be any greater than that diverted through the race. I observed the discharge of surplus water back in to the Quail Burn and consider that the race is appropriately aligned in a downstream direction to the flow to ensure that there is no erosion of the bed or banks at the point of discharge. In addition, the rate of discharge is no greater than that which is being diverted and accordingly will not decrease flood-carrying capacity of the Quail Burn	Effects minor.
Water quality & ecosystems	No assessment provided.	The water discharged will only be that which has been diverted down the race for approx 300 m. Therefore, it will not likely contain any contaminants or be significantly altered in terms of parameters such as temperature and turbidity. The race is not accessible to stock and remains within close proximity of the main stream before being discharged back.	Effects minor.
Downstream users and amenity values	No assessment provided.	There are no downstream water users on the Quail Burn I also note that the discharge will not increase the rate of flow in the stream or alter the water quality of the discharge and receiving water.	Effects minor.
Tangata Whenua values	No assessment provided.	As other effects considered minor, I am satisfied that effects on Tangata Whenua values minor.	Effects minor.

Overall Conclusion

72. With regard to s104(1)(a), the actual and potential effects of the activities have been discussed above.
73. In particular, for the water permit application there is uncertainty regarding the following effects:
- (a) The localised and cumulative impacts on water quality;
 - (b) Whether the annual volume requested represents an efficient use of water;
 - (c) The effects on cultural values in the area.

74. The impacts on landscape values can be mitigated, if the recommended conditions requiring appropriate buffer strips are included, should the Commissioners decide to grant consent for this activity..
75. For the discharge permit application, I am satisfied that all actual and potential effects will be minor.
76. For the land use permit application, I am satisfied that all actual and potential effects will be minor.

Statutory Assessment (s104(1)(b))

77. Section 88A(2) of the RMA states that any plan or proposed plan which exists when the application is considered must be had regard to in accordance with section 104(1)(b). For this reason it is appropriate to consider the objectives and policies of the PNRRP that are relevant to the application to discharge water and undertake works in the bed and banks of Quailburn Stream. A discussion of the relevant objectives and policies is provided below.

Regional Policy Statement (RPS)

78. Under Section 104(1)(b)(iii) of the RMA, the consent authority shall have regard to any relevant regional policy statement. The Canterbury Regional Policy Statement has been operative since 26 June 1998.
79. Of significance to these applications are Chapter 9, which relates to the management of the Region's water resources and Chapter 10 which relates to beds of lakes and rivers. The WCWARP and PNRRP take into account policies in the RPS and address the issues outlined in more detail. Any assessment of effects has been made using these documents and therefore I have had regard to the RPS throughout this assessment.

Waitaki Catchment Water Allocation Regional Plan (WCWARP)

80. The objectives and policies of the WCWARP that are relevant to each potential adverse effect have been identified in the introductory s42A report. A table of all those objectives and policies considered to be relevant to this application is appended in Attachment Six. A discussion of the objectives and policies which I consider are particularly relevant to this application is provided in the following paragraphs.

Objectives

81. Objective 1 is a key objective in relation to the proposed taking of water. I have considered whether Objective 1 can be met in terms of sustaining the quality of the river and surrounding environment. While the proposal may not entirely be consistent with Objective 1 and the associated policies (particularly policy 13 relating to water quality and policies 15 & 16 relating to efficient use), it is difficult to determine if the inconsistencies are significant enough to make the proposal contrary to Objective 1.
82. The proposed activity will impact on the matters outlined in Objective 1. In particular, (a) relating to spiritual and cultural values, given that effects on Tangata Whenua have been raised as a concern by submitters and have not yet been addressed by the applicant, and (b) life-supporting capacity of river and ecosystems, given that the potential adverse effects on water quality remain an outstanding concern. The cumulative impacts of the proposal on natural character and landscape values of the catchment (c) may be addressed by requiring appropriate buffer distances between the irrigation area and sensitive areas, such as the Hen Burn Road and the Quail

Burn. There have been a wide range of people who have submitted against the proposed activity due to concerns about impacts on these values. Given this, and that no mitigation has been proposed by the applicant, I cannot determine whether the proposed activity is contrary to these values at the time of preparing this report.

83. The proposed activity is within the allocation limits set by the WCWARP, therefore, it may be considered to be consistent with Objective 2.
84. Objective 4 aims to achieve a high level of technical efficiency in the use of water. The applicant has not provided sufficient information to confirm that the annual volume of water requested is reasonable to meet the demands of the soils within the irrigation area, therefore, the proposal may not be consistent with Objective 4.
85. I am satisfied that the proposal will not affect the reliability of supply to other users downstream on the Quail Burn. And can conclude that it is consistent with Objective 5 of the WCWARP.

Environmental flow and level regimes

86. Policies 2 – 8 deal with minimum flows for the Quail Burn.
87. Policies 3 and 4 outline the values that must be maintained in the water bodies, and a number of matters that must be considered when setting an environmental flow and level regime, and are particularly relevant to this application. As the applicant is proposing to adopt the minimum flow required by the WCWARP and falls within the instantaneous allocation limits, I am satisfied that the proposal is consistent with these policies.

Policies on water quality

88. Policy 13 deals with water quality issues resulting from land use intensification and enables the consent authority to have regard to the water quality objectives in the PNRRP. The WCWARP incorporates by reference Objectives WQL1, 2 and 3 of the PNRRP which contain particular outcomes to be achieved in the regions waterbodies. Report 4A, by Dr Mike Freeman, addresses this policy in more detail, particularly on the cumulative scale. Given his conclusions, I cannot determine if this application is contrary to this policy.

Policies on efficient and effective use

89. Policies 15 – 20 deal with efficient and effective use and all are applicable to this application.
90. Policy 15 ensures that the rate of abstraction and the annual volume is reasonable for the intended use. As discussed in the assessment of effects section of this report, I am not satisfied that the annual volume is reasonable for the intended use.
91. Policy 16 provides guidance for determining reasonable and efficient use for agriculture activities. As discussed in the assessment of effects, I am not satisfied that the requested volume of water is required under these consent applications.

Replacement consents

92. Policy 28 provides guidance as to matters which must be considered when deciding whether to grant or refuse an application for replacement of existing consents.

93. These include consideration of attempts to meet the efficiency expectations of the plan, recognition of the value of the investment by the consent holder and maintenance of the consent in any allocation limits and priority bands if granted.
94. I consider that the applicant has made attempts to show that they are meeting the efficiency expectations of the plan, however, as conclusions cannot yet be made on the annual volume, I cannot conclude the proposal is consistent with this policy.

Policies for other rivers and streams in the upper catchment

95. Policy 40 deal with the environmental flow regime in the rivers and streams in the upper catchment (see Map 2 in the WCWARP). Policy 40 enables access to water for the activities identified in Objective 2, to the extent consistent with Objective 1.
96. As the environmental flow and level regime in the plan is proposed by the applicant, and as it is within the allocation for agricultural and horticultural activities identified in Rule 6, Table 5, the proposal would be considered to be consistent with this policy.

Proposed Natural Resources Regional Plan (PNRRP)

97. Section 88A(2) of the RMA states that any plan or proposed plan which exists when the application is considered must be had regard to in accordance with section 104(1)(b). For this reason it is appropriate to consider the objectives and policies of the PNRRP that are relevant to the application to discharge of water. A discussion of the relevant objectives and policies is provided below.

Objective WQL1.1 – Water quality outcomes for rivers

This objective aims to maintain and improve water quality, physical and chemical characteristics of the rivers. The proposed discharge the Quail Burn will be consistent with the outcomes required by this objective.

Policy WQL1 – Point source discharges into surface water

This policy refers to consideration of whether the discharge is necessary, or whether other options are available. Consideration of the zone of non-compliance, the assimilative capacity of the receiving body, effects on cultural values and ecosystems are also referred to. The proposed discharges are in the most appropriate location for the systems and will be within the same catchment they originate from.

The discharge into the Quail Burn falls through a gap in the relevant planning documents for water quality. It is within the Ahuriri catchment, but is specifically excluded from the discharge requirements under the Ahuriri WCO as it does not form part of the “protected waters”. However, as it is incorrectly identified on the PNRRP planning maps as being covered by the Ahuriri WCO, it does not have any specified water quality standards in accordance with the classifications in the PNRRP. Given the lack of any notified water quality standards, I have referred to a review of the PNRRP water quality objectives and standards undertaken by surface water quality scientists at CRC¹. In this review, which is not CRC policy, they consider the water quality standards for the Quail Burn should be “*Spring-fed – upland*”. The proposed discharges would meet these recommended water quality standards outside the zone of non-compliance.

¹ Hayward, Meredith & Stevenson (2009) “*Review of proposed NRRP water quality objectives and standards for rivers and lakes in the Canterbury region*” Environment Canterbury Technical Report.

Objective BLR1 – Activities within the beds and margins

This objective aims to ensure that works in the beds and banks of rivers and streams can be undertaken while minimising effects, including flood-carrying capacity, natural character, ecosystems, other structures, erosion, Ngai Tahu values. Given the small scale of the works and recommended mitigation, the proposed works will be consistent with the outcomes required by this objective.

Policy BLR1 – Effects of activities within the bed or margins

This policy aims to control activities within the bed and within 7.5 metres of the banks or any flood control structure to ensure that objective BLR1 is achieved. This may include restricting activities so that do not affect flood-carrying capacity, erosion or create plant infestations. With the proposed conditions, the works will be consistent with this policy.

Conclusion

98. With regard to s104(1)(b), for the water permit application the relevant provisions of the RPS and WCWARP have been considered above. I do not consider that this application is consistent with Objective 1, and Policies 13, 15, 16 of the WCWARP.
99. For the discharge and land use permit applications, I am satisfied that the application is consistent with the relevant plan provisions of the RPS and PNRRP. There are no policies or objectives in the TRP.

Other Matters (s104(1)(c))

100. With regard to s104(1)(c), the consent authority can consider any other matter relevant and reasonably necessary to determine the applications. I consider that the high court decision *Aoraki Water Trust and Others v Meridian Energy Limited*² is relevant to the water permit application (see discussion in Report 1).

Part II Purpose and Principals

101. Part 2 of the RMA contains sections 5 to 8 which define the purpose and principals of the RMA.

Purpose of the RMA (s5)

102. Under Section 104, the consent authority must consider applications “subject to part II” of the RMA. The purpose of the RMA (Section 5(1)) is to:

“promote the sustainable management of natural and physical resources.”

103. Section 5(2) defines the meaning of “sustainable management”, which is to manage resources in a manner that provides for the social, economic and cultural wellbeing of communities while protecting the life-supporting capacity of the environment for the needs of future generations. This section also states that this should be achieved while “safeguarding the life-supporting capacity of water” and “avoiding, remedying or mitigating” the adverse effects of activities.
104. The proposal will allow the development of land to occur, which may provide for the economic and social well-being of the community. The applicant however has not

² [2004] NZMRA 251

proposed measures to “safeguard the life-supporting capacity of water” and “avoid, remedy or mitigate” the potential impacts on water quality and landscape values as required in Section 5(2)(c), or provided information to confirm that the proposed annual volumes requested are reasonable and consistent with the objectives of Section 5(2)(a), which aims to provide for the needs of future generations.

Matters of National Importance (s6)

105. Sub-sections (a), (b) and (e) of Section 6 of the RMA are particularly relevant to this application. The proposal will may impact on the visual aesthetics in an area of high amenity that need to be mitigated and may result in effects on water quality and ecosystems that have not yet been adequately mitigated. The applicant has not yet proposed measures to address these effects. The applicant has not assessed the impacts on cultural values, and runanga have submitted in opposition on this application.

Other Matters (s7)

106. In achieving the purpose of the RMA, the consent authority is directed to have particular regard to a number of matters as set out in (a) – (j) of Section 7.
107. Sub-sections (b), (c) and (f) are specifically relevant to this application and should be considered when deciding the acceptability of effects resulting from the proposed take and use of water from the Quail Burn. Section (b) relates to the efficient use of water and as discussed above there is currently insufficient conclusive evidence to confirm that the applicant’s requested annual volume is reasonable.
108. Section (c) refers to the maintenance and enhancement of amenity values. The applicant has not proposed mitigation measures to ensure that this objective is achieved. However, maintaining buffer distances between the irrigation area and areas used by the public, such as roads, may ensure that the amenity values of the area are not compromised.
109. Section (f) refers to the maintenance and enhancement of the quality of the environment. The applicant has not proposed mitigation measures to ensure that this objective is achieved, particularly with regards to water quality.

Principles of the Treaty of Waitangi (s8)

110. Section 8 of the RMA requires the consent authority to take into account the principles of the Treaty of Waitangi. The site lies within the rohe of Te Runaka O Waihao, Te Runaka O Arowhenua and Te Runaka O Moeraki. Runanga were informed separately when ECan received the application and later when the application was notified. Submissions have been received from Ngai Tahu and runanga on this application.

RECOMMENDATION

Grant or Refuse

111. Section 104B applies to any application which is a discretionary or non-complying activity and states that the consent authority may grant or refuse the application and may impose conditions under s108.
112. For the discharge and land use permit applications (CRC991474 and CRC991465), having considered all relevant matters outlined in section 104(1), I am satisfied that

the actual and potential effects of the proposed activities are acceptable. Under section 104B I recommend that applications CRC991474 and CRC991475 be granted, subject to the attached recommended conditions.

113. For the water permit application (CRC001473), I am not satisfied that the actual and potential effects of the proposed activity are acceptable. In particular, there are a number of outstanding matters as follows:
- (a) *Water quality* - No impact assessment or measures to address the water quality impacts that could arise from irrigation at this site. Given the conclusion regarding the potential cumulative adverse effects on water quality, it is premature to make any recommendation to grant or refuse this application as it relates to cumulative water quality;
 - (b) *Efficient and reasonable use* – There is a lack of conclusive information to support the annual volume requested in accordance with the direction provided by Policies 15-20 of the WCWARP;
 - (c) *Ecosystems* – The applicant has proposed a fish screen but has not included any details of what this will entail;
 - (d) *Landscape and amenity* – The irrigation area is close to sensitive amenity areas and will be visible to the public using SH83;
 - (e) *Cultural values* – The applicant has not provided any assessment on cultural values and there are outstanding submissions from runanga in opposition to this proposal.
114. I have recommended conditions to address (c), above, however having considered all relevant matters outlined in section 104D, I am not satisfied that the actual and potential effects of the proposed activity are minor due to concerns those matters outlined as (a) (b) (d) and (e) above. I also cannot be satisfied that the proposal is consistent with objectives and policies of the relevant planning documents given that no assessment or mitigation has been provided for the above.
115. Under s104B, I cannot recommend that consent application CRC991473 be granted.

RECOMMENDED CONDITIONS

116. Comments on the mitigation proposed by the applicant are provided earlier in this report.
117. If the Commissioners decide to grant these applications, a list of conditions that are usually included in a water permit are provided in Appendix 6 of the introductory s42A report. A list of draft recommended conditions specific to application CRC991473 is provided below.
118. It should be noted that the investigating officer is not satisfied that these conditions would adequately mitigate the adverse effects that are identified in paragraph 113 above.
119. Draft recommended conditions for the land use permit CRC991474 and discharge permit CRC991475 are included below.

Table 3: Recommended draft conditions for water permit CRC991473

No.	Condition Code ³	Details
Divert		
1	WP01	<i>Name of waterbody:</i> Quail Burn <i>Map reference:</i> NZMS 260 H39:638-371 <i>Instantaneous rate:</i> 170 litres per second <i>Volume:</i> 14,688 cubic metres per day
Take		
2	WP01	<i>Name of waterbody:</i> Irrigation Race <i>Map reference:</i> NZMS 260 H39:638-371 and H39:378-392 <i>Instantaneous rate:</i> 170 litres per second <i>Volume:</i> 14,688 cubic metres per day and 1,304,050 (plus stockwater) cubic metres between 1 st July and the following 30 th June.
Use		
3	WP04	<i>Type of irrigation:</i> Spray irrigation & stock water <i>Number of hectares:</i> 255 hectares <i>Use:</i> crops and pasture for grazing stock excluding milking dairy cows <i>Plan No:</i> "CRC991473" (Attachment 1)
4	WP05	Efficiency of use
5	WP06	Backflow preventer
Mitigation		
6	WP07	<i>Name of waterbody:</i> Quail Burn <i>Map reference:</i> NZMS 260 H39:6553-3542 <i>Minimum flow:</i> 100 litres per second <i>Flow graph:</i> See Report 2A
7	WP09	Fish Screen
8		The consent holder shall ensure water races used to convey water diverted in terms of this permit are well maintained to minimise losses.
Measuring & Metering		
9	ME03	Open channel
10	ME04	

³ See Report 1, Appendix 6 for condition code and wording.


11	ME05	
12	ME06	
13	ME07	<i>Waterway:</i> Quail Burn
14	WP08	<i>Waterway:</i> Quail Burn <i>Map reference:</i> NZMS 260 H39:6553-3542 To be used with ME03-05
Administrative Conditions		
15	AD01	
16	AD02	<i>Number of working days:</i> 5 <i>Month 1:</i> March <i>Month 2:</i> July <i>Waterbody:</i> Quail Burn <i>Cross reference to Condition:</i> 6
17	AD04	Lapse date

Table 4: Recommended draft conditions for CRC991474		
No.	Consent Code⁴	Details
Scope		
1	LU01	(a) Maintenance or replacement of intake structure within bed of Quail Burn, including excavation of gravel and sediments, (b) Maintenance only necessary to maintain adequate flow of water to irrigation intake.
Location		
2	LU02	<i>Cross reference to Condition:</i> 1 <i>Name of watercourse:</i> Quail Burn <i>Map reference:</i> NZMS 260 H39:638-371 <i>Plan:</i> "CRC991474" (Attachment 1)
Limits of Excavation		
4	Non-standard	Any gravel, sand and other natural material excavated as part of the works authorised by this consent during the disturbance of the bed of Quail Burn, must be deposited on, or near to, the excavation site, and shall be reshaped and formed to a state consistent with the surrounding natural riverbed.

⁴ See Report 1, Appendix 6 for condition code and wording.

Erosion Protection		
5	LU10	
6	LU11	<i>Waterbody: Quail Burn</i>
7	LU12	
8	LU13	<i>Waterbody: Quail Burn</i>
Prior to Construction		
9	LU08	
10	Non standard	The Canterbury Regional Council Compliance Monitoring Officer shall be notified of the intention to carry out works and their intended type and scope at least 48 hours prior to the commencement of work.
During Construction		
11	LU14	
12	LU18	
13	LU21	
14	LU23 modified	All practicable measures shall be undertaken to minimise vehicles and machinery entering Quail Burn.
15	LU22	
16	LU26	
17	LU24	
18	LU25	
Accidental Discovery Protocol		
19	LU09	
Upon Completion		
20	LU28	
21	Non standard	On completion of works, the area shall be restored to its original condition as far as practicable.
Administrative Conditions		
22	AD03	
23	AD04	

Table 5 : Recommended draft conditions for discharge permit CRC991475		
No.	Consent Code⁵	Details
Scope		
1	DP01	<i>Waterbody from:</i> Irrigation Race <i>Waterbody to:</i> Quail Burn <i>Map reference:</i> NZMS 260 H39:638-371 <i>Discharge rate:</i> 170 litres per second <i>Plan:</i> "CRC991475" <i>Other:</i> The water shall be bywash water and shall contain no contaminants.
Operation and Maintenance		
2	DP02	<i>Waterbody:</i> Quail Burn
3	LU13 modified	The discharge shall not occur in a manner likely to cause erosion of, or instability to, the banks or bed of the Quail Burn; or reduce the flood-carrying capacity of the waterway
4	DP03	
5	DP04	
Administrative Conditions		
6	AD03	Review
7	AD04	Lapse date

Signed: 

Date: 31st August 2009

Claire Penman
Consents Investigating Officer

⁵ See Report 1, Appendix 6 for condition code and wording.

REFERENCES

Canterbury Regional council 2004. Proposed Natural Resources Regional Plan – Chapter 4: Water Quality.

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Te Maire Tau, Anake Goodall et al., 1990. Te Whakatau Kaupapa: Ngai Tahu Resource Management Strategy for the Canterbury Region. ISBN: 0-908925-06-9.

The Resource Management Act 1991. Consolidated version including the Resource Management Amendment Act 1995. August 2005.

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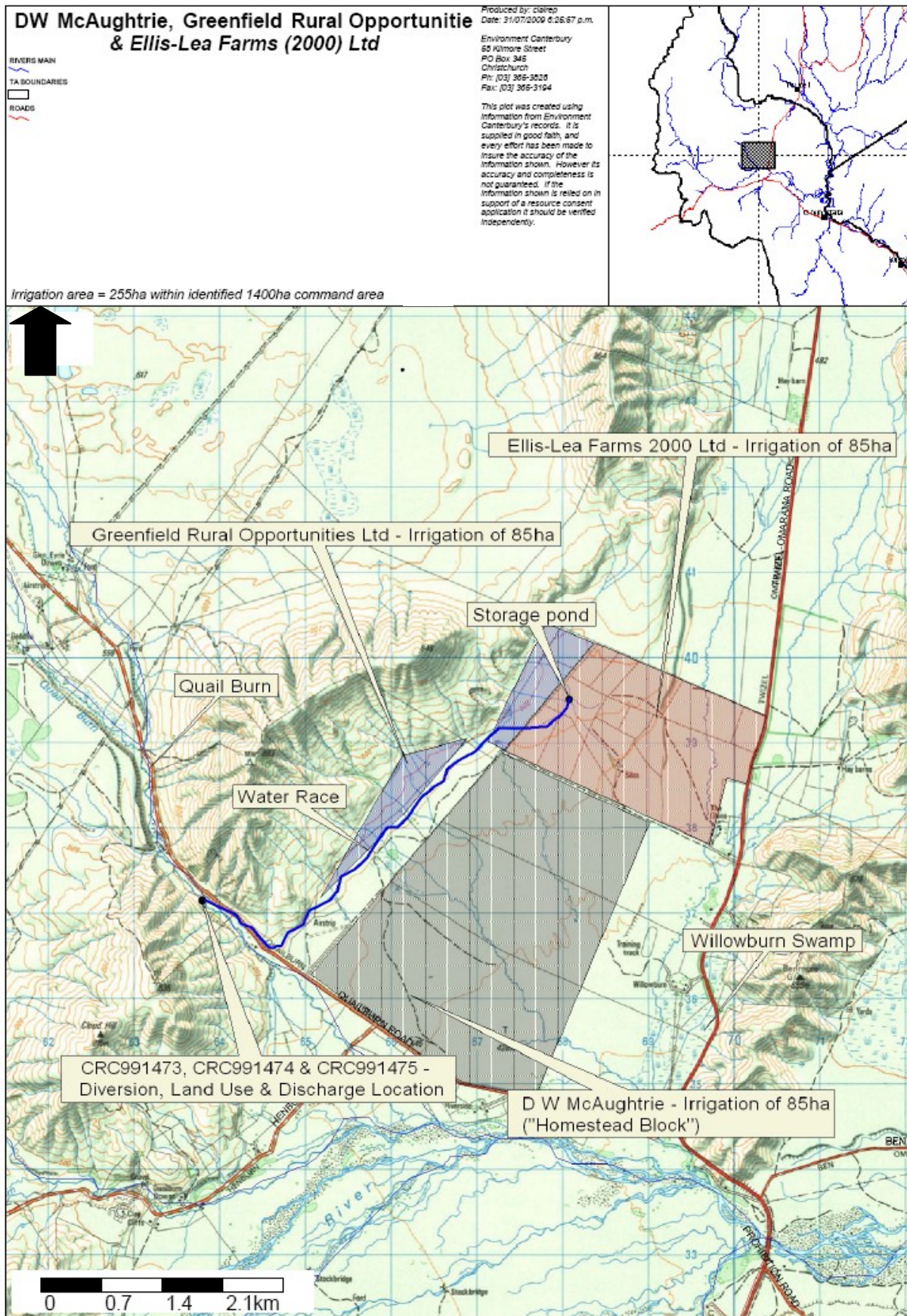
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Zemansky, G, White, P, & Barrell, D 2006. Potential impacts of irrigation on groundwater nitrate in the Hakataramea River catchment. Report prepared for Canterbury Regional Council by GNS Science. Report U05/13.

ATTACHMENT ONE – LOCATION MAP



ATTACHMENT TWO – PREVIOUS CONSENTS

RecordNo WTK890012A

Type Consent
Source Applic /New
PermitType Water Permit
FileNo CO6C/15337

ClientID 1792 **ClientName** Mr J B Mitchell

To take through a storage dam at Map Reference S109-658-482 up to 300,000 cubic metres of water per year for irrigation.

Location "the Glen", OMARAMA

Status Continuation until new application determined

Events 21/Aug/1989 Consent Issued
20/Aug/1991 Given Effect To
21/Aug/1991 Lapse Date if not Given Effect To
30/Jun/1998 1st Expiry Reminder
30/Jun/1999 Sec 124 continuation starts
30/Jun/1999 Consent Expires

Consent Summary



RecordNo WTK890012B

Type Consent
Source Applic /New
PermitType Water Permit
FileNo CO6C/15337

ClientID 1792 **ClientName** Mr J B Mitchell

To dam through a storage dam at map reference S109:658-482 up to 300,000 cubic metres of water per year for irrigation.

Location "the Glen", OMARAMA

Status Continuation until new application determined

Events 21/Aug/1989 Consent Issued
20/Aug/1991 Given Effect To
21/Aug/1991 Lapse Date if not Given Effect To
30/Jun/1998 1st Expiry Reminder
30/Jun/1999 Sec 124 continuation starts
30/Jun/1999 Consent Expires

Consent Summary



Subject to the following conditions:

1) Nil.

RecordNo WTK890012C

Type Consent
Source Applic /New
PermitType Water Permit
FileNo CO6C/15337

ClientID 1792 **ClientName** Mr J B Mitchell

To take through a storage dam at Map Reference S109:669-479 up to 300,000 cubic metres of water per year for irrigation.

Location "the Glen", OMARAMA

Status Continuation until new application determined

Events 21/Aug/1989 Consent Issued
20/Aug/1991 Given Effect To
21/Aug/1991 Lapse Date if not Given Effect To
30/Jun/1998 1st Expiry Reminder
30/Jun/1999 Sec 124 continuation starts
30/Jun/1999 Consent Expires

Subject to the following conditions:

1) Nil.

Consent Summary



RecordNo WTK691641A

Type Consent
Source Existing Use Wtr
PermitType Water Permit
FileNo CO6T/00871

ClientID 1636 **ClientName** Mcaughtrie, Blackstock & Aubrey

To To divert up to 103 megalitres of water per week from the Quail Burn at map reference S108:613-459 (H39:638-371) at a maximum rate of 170 litres per second, for stock water and irrigation.

Location

Status Continuation until new application determined

Events 29/May/1969 Consent Issued
28/May/1971 Given Effect To
29/May/1971 Lapse Date if not Given Effect To
23/Mar/2001 1st Expiry Reminder
01/Oct/2001 Sec 124 continuation starts
01/Oct/2001 Consent Expires

Consent Summary



RecordNo WTK691641B

Type Consent
Source Existing Use Wtr

PermitType Water Permit

FileNo CO6T/00871

ClientID 1636

ClientName Mcaughtrie, Blackstock & Aubrey

To To take up to 103 megalitres of water per week from a water race at map reference S108:620-464 (H39:638-371) and S109:681-512 (H39:699-421) at a rate of 170 litres per second, for stock water and irrigation.

Location

Status Continuation until new application determined

Events 29/May/1969 Consent Issued
28/May/1971 Given Effect To
29/May/1971 Lapse Date if not Given Effect To
23/Mar/2001 1st Expiry Reminder
01/Oct/2001 Sec 124 continuation starts
01/Oct/2001 Consent Expires

Consent Summary



RecordNo WTK691641C

Type Consent
Source Existing Use Wtr

PermitType Discharge Permit

FileNo CO6T/00871

ClientID 1636

ClientName Mcaughtrie, Blackstock & Aubrey

To To discharge up to 12 megalitres of water per week to tributaries of Willowburn at each of map references S108:636-466 (H39:659-378), S108:640-470 (H39:663-382) and S109:681-512 (H39:699-421) at a maximum rate of 20 litres per second to augment flows.

Location

Status Continuation until new application determined

Events 29/May/1969 Consent Issued
28/May/1971 Given Effect To
29/May/1971 Lapse Date if not Given Effect To
23/Mar/2001 1st Expiry Reminder
01/Oct/2001 Sec 124 continuation starts
01/Oct/2001 Consent Expires

Consent Summary



ATTACHMENT THREE – PHOTOS OF INTAKE & RACE



Diversion point looking upstream



Looking across irrigation area to storage pond/dam



Diversion race prior to intake gates



By-wash at intake gates back to Quail Burn



Intake control gates – to be upgraded to meet fish screen requirements



Diversion race after passing through intake gates

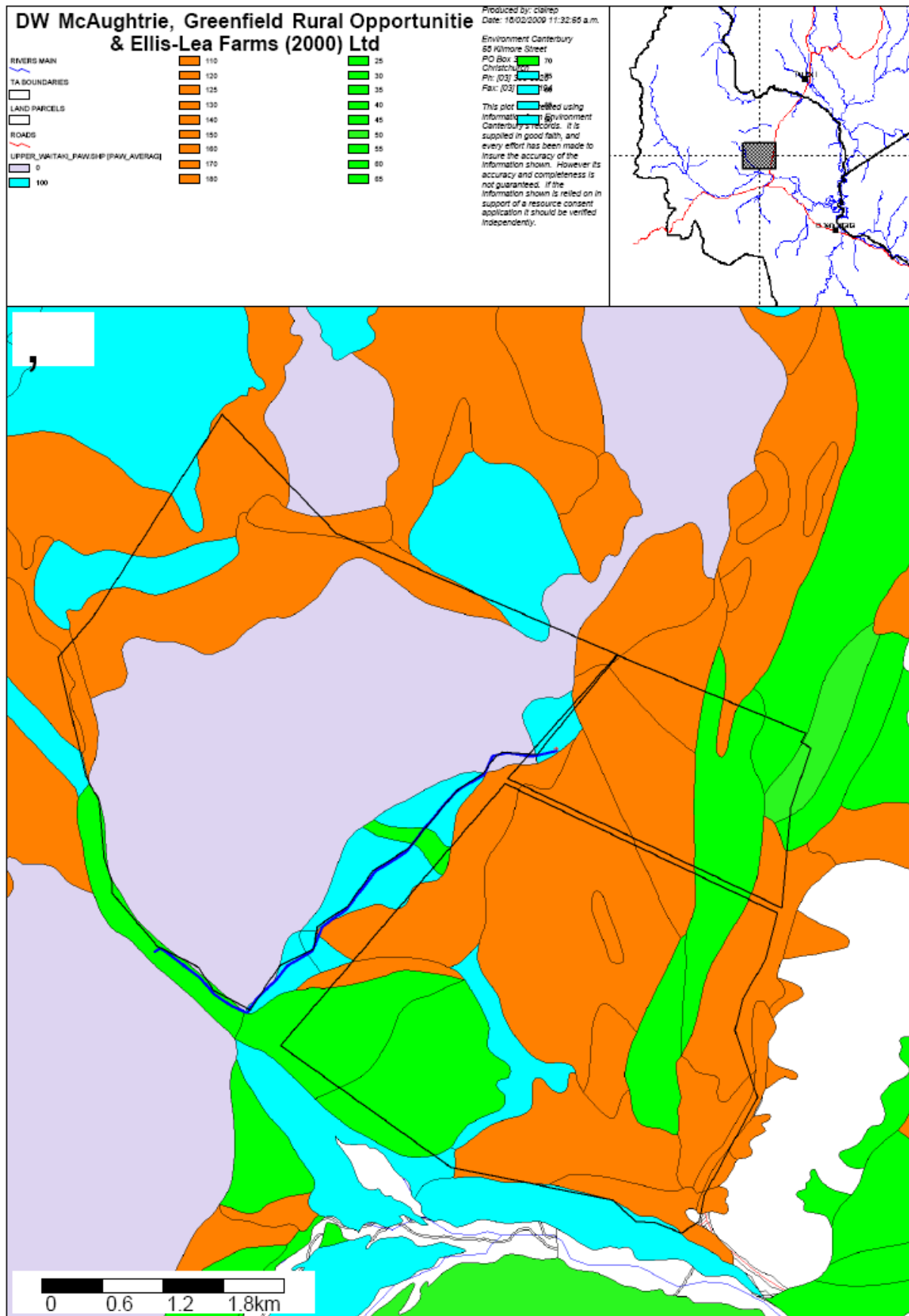


Diversion race providing stock and irrigation water



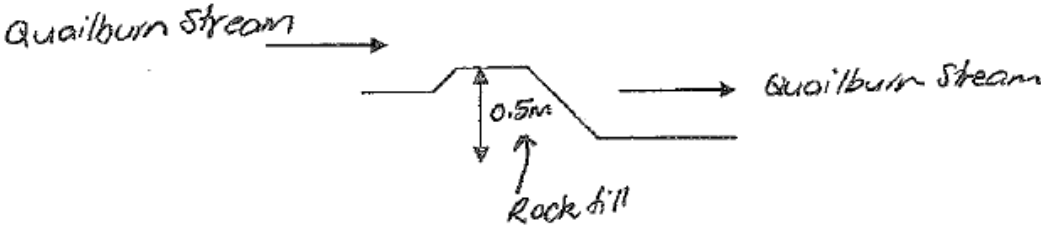
Diversion race providing stock and irrigation water

ATTACHMENT FOUR – SOILS MAP



ATTACHMENT FIVE – WEIR DESIGN

Schematic of Weir



ATTACHMENT SIX – OBJECTIVES & POLICIES

Objective / Policy	Description	Assessment
Objective 1	To sustain the qualities of the environment of the Waitaki River and associated beds, bars, margins, tributaries, islands, lakes, wetlands and aquifers.	The proposed activity will impact on the matters outlined in Objective 1, particularly (a), (b) and (c). There have been a wide range of people who have submitted against the proposed activity due to concerns about impacts on these values. I therefore cannot determine whether the proposed activity is contrary to these values at the time of preparing this report.
Objective 2	Provide water for different activities.	The proposed activity is within the annual allocation limit for agricultural and horticultural activities outlined in Rule 6. Therefore, this application would not affect availability of water to other users.
Objective 3	Recognise that there are beneficial and adverse effects on the environment at a national and local scale.	These factors have been considered in the assessment of effects.
Objective 4	Achieve a high level of technical efficiency in the use of water.	The applicant has not demonstrated that the use of water for irrigation is technically efficient.
Objective 5	Provide for practical and fair sharing of allocated water during times of low water availability.	Appropriate minimum flow proposed and the proposal would not affect the reliability of supply to other users to a less than acceptable level.
Policy 1	Recognising connectedness between all parts of the catchment	By providing a suitable minimum flow, the connectedness with the catchment is recognised.
Policy 3	Setting of environment flow and level regimes for all activities in Objective 2 and consistent with Objective 1.	Applicant proposes minimum flow as established in Table 3 of the plan which will enable access for the activities in Objective 2.
Policy 4	Outlines a number of matters that must be considered when setting an environmental flow and level regime	Applicant proposes minimum flow as established in Table 3 of the plan which will ensure those matters have been considered
Policy 8	Promoting water harvesting when flows are low	Water harvesting is not proposed
Policy 9	Discouraging further mixing of water between catchments	Water will be taken and used within the same catchment and sub-catchment
Policy 10	Enabling small amounts of water to be taken or diverted where effects are minor.	The proposed volume exceeds what is considered to be a small amount
Policy 11	Consider effects on Tangata Whenua values, local and national effects when allocating water to activities	Submissions received on Tangata Whenua values, but application falls within allocation limits for agricultural and horticultural activities
Policy 12	Outlines matters that must be considered when establishing allocation limits.	Application falls within allocation limit for activities in Objective 2
Policy 13	Addresses water quality objectives in the NRRP	Addressed in more detail in Report 4A
Policy 15	Ensuring take and use of water is reasonable for its intended use	Applicant is seeking what I consider to be an unreasonable volume of water
Policy 16	Requiring irrigation applications to meet the specified reasonable use test	As above – applicant has not provided an adequate assessment

Policy 18	Requiring the volume of water on existing consents to reflect actual use.	Through the replacement of the existing consent an annual volume will be specified in the conditions
Policy 19	Encouraging piping or sealing of water distribution systems to minimise water losses and maintain water quality.	The proposed conveyance via open water race will mean here is some water loss via evaporation but considered to be well sealed as in existence since 1921.
Policy 20	Promoting the integration of multiple uses of water.	Multiple uses of water are not proposed
Policy 21	Requiring the installation and use of water-measuring and recording devices.	A suitable water metering device is proposed to be installed
Policy 23	Restricting taking or diverting of water (surface and shallow and connected groundwater) upstream of Lake Benmore during times of low flow except for essential uses	A suitable minimum flow is proposed for restricting the abstraction of water in times of low flow.
Policy 25	Allowing for sharing of available water within a water-users group	A flow sharing regime is proposed in Report 2A.
Policy 26	Setting priority bands for upper or mid-catchment tributaries and the Ahuriri catchment.	Priority bands have not been established for this catchment
Policy 27	Giving priority during low flows or levels to integrated schemes where water used for more than one purpose.	There are no integrated schemes with this sub-catchment
Policy 28	Considerations for granting or refusing replacement consents	While there has been considerable investment by the consent holder, I do not consider that they have adequately addressed the efficiency expectations of the plan
Policy 40	Setting an environmental flow and level regime for these rivers and streams.	An appropriate minimum flow has been proposed to ensure consistency with this policy

- 4 This letter is not an affected party approval to the consent application under section 94 of the Resource Management Act. Meridian may choose to submit in support or oppose the application on grounds which do not relate to the derogation of its rights, or not to submit at all.
- 5 This letter does however record (subject to the above) that Meridian will not oppose the granting of The Glens application on the grounds that it will reduce the quantity of water available under Meridian's existing consents.
- 6 Please advise if any basis for Meridian's approval outlined in paragraph 2 will not be met by the resource consent.

Yours sincerely


p.f. Mike Roan
Markets and Production Director