

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

IN THE MATTER OF The Resource Management Act
1991

AND

IN THE MATTER OF Application CRC060938 by S J B
Munro for a Water Permit to take
& use surface water.

Section 42A Officer's Report of Maria Bartlett

Date of Hearing: 21 September 2009

1. This report should also 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 and 5).

INTRODUCTION

2. Mr S J B Munro (the applicant) has applied for a resource consent to:

take and use water at a maximum rate of 3 litres per second, up to 100 cubic metres per day, and a maximum of 24,000 cubic metres per year, from Lake Aviemore, at or about map reference NZMS 260 I40:983-147, for irrigation of 6 hectares of vineyard at Rugged Ridges, State Highway 83, Lake Aviemore.
3. See Attachment One for a map of the location of take and irrigation areas, including relationship to existing authorized area of irrigation.
4. The applicant engaged Duffill Watts Consulting Group to prepare the application and assessment of environmental effects, and Paterson Pitts to assist with further information.
5. A consent duration to 30 April 2025 is sought.
6. This is an application for a new activity.
7. No site visit has been carried out.

Background

8. Water permit application CRC060938 was lodged by Mr S J B Munro on 19 September 2005 with stormwater and wastewater applications associated with development of the Rugged Ridges subdivision on the shores of Lake Aviemore. Originally, the water permit included a requested volume for community water supply,

and a volume for irrigation of a small vineyard to be established on Lot 19 of the subdivision.

9. On 23 April 2008 the application was divided into two applications, CRC084090 for the community water supply and CRC060938 to remain in process for irrigation of the vineyard. CRC084090 has since been granted. Infrastructure associated with abstraction from Lake Aviemore, used for domestic supply, will also be used to supply the vineyard with water for irrigation.

Notification

10. Details of the notification and wording are contained in Appendix 4 of the introductory s42a report (Report 1).
11. The application was on hold at the applicant's request at the time that other agricultural and horticultural activities in the upper Waitaki Catchment were notified in 2007. The applicant advised on 6 October 2008, after the consent had been split into two applications, that the application for irrigation should proceed, so the application was publicly notified on 18 October 2008.

Submissions

12. In the October 2008 public notification, 5 submissions in total were made on this application. Of these:
 - a) 2 were in support;
 - b) 3 in opposition; and
 - c) 0 neither supported nor opposed the application.
13. A summary of submissions received on this application is contained in Table 1 below.

Submitter	Issues	Support/ Neutral/ Oppose	To be heard
Mr A J Gloag	Economical use of water; stimulate employment; pleasing vista on the southern shore of Lake Aviemore	Support	No
Ruataniwha Farm Limited	Growing grapes is getting most value out of the water; tiny amount of water used	Support	No
Meridian Energy Limited	MIC shares required; water metering required; inconsistent with Part II of the RMA	Oppose	Yes
Fish & Game New Zealand	Consider cumulative effects; efficiency issues; water quality; metering; fish screening	Oppose	Yes
Canterbury Aoraki Conservation Water Board Committee	Water quality effects; inconsistent with Part II of the RMA	Oppose	

Table 1: Summary of submissions on application CRC071786

DESCRIPTION OF THE PROPOSED ACTIVITY

14. The applicant proposes the following:
 - a) To take and use water at a maximum rate of 3 litres per second, up to 100 cubic metres per day, and a maximum of 24,000 cubic metres per year, from

Lake Aviemore, at or about map reference NZMS 260 140:983-147, for irrigation of 6 hectares of vineyard at Rugged Ridges;

- b) To take a combined rate of abstraction for irrigation and community water supply, taken in accordance with CRC084090, not exceeding 3 litres per second;
- c) To use the intake system operating in accordance with conditions attached to consent CRC084090, including fish screening and metering conditions;
- d) To cease abstraction when the water level in Lake Aviemore is at or below 265.5 metres above mean sea level;
- e) To establish the vineyard adjacent to the western boundary of the Rugged Ridges subdivision, to the west of a planned public access road and carpark, and north of State Highway 8, between the highway and the lake;
- f) To establish the vineyard above the Probable Maximum Flood Level of Lake Aviemore of 270.33 metres above mean sea level;
- g) To use 4 litres of water per grapevine per day, irrigating 25,000 vines, which are to be spaced 1.2 metres apart, within rows that are to be spaced 2 metres apart.
- h) To irrigate for 20 hours per day, with a 1 day return period.

LEGAL AND PLANNING MATTERS

Consent Requirements

15. The consent requirements under the Resource Management Act (RMA), Transitional Regional Plan, Proposed Natural Resources Regional Plan (PNRRP) and Waitaki Catchment Water Allocation Regional Plan (WCWARP) for water permit applications are outlined in the introductory s42A report (Report 1). A summary of the requirements for these applications are provided below:

WCWARP

- Rule 2, clause (1) – The applicant proposes to comply with the minimum lake level for Lake Aviemore of 265.5 metres above mean sea level (Table 3, row (xv)).
 - Rule 6 – The proposed annual volume of 24,000 cubic metres is within the annual allocation limits for agricultural and horticultural activities upstream of Waitaki Dam (275 million cubic metres).
 - Rule 15 – Classifying rule, complies with Rule 2 and Rule 6.
16. In summary, the proposed water permit is a **discretionary** activity and requires consent under Section 14 of the RMA.

Additional Consent Requirements

17. I note that the use of tanalised timber posts in vineyards has the potential to adversely affect soils through leaching of contaminants such as copper, chromium and arsenic. A Section 15(1)(b) permit may be required to discharge contaminants into land in circumstances which may result in that contaminant entering water, if the

applicant intends to use tanalised timber posts. Other options are available for vine support that do not pose a risk of contamination to soils and water.

Priority

18. For Rule 2, there are no existing abstractors taking from Lake Aviemore upstream of the Aviemore Dam and no other applications in process to take from the lake.
19. For Rule 6, all applications upstream of Waitaki Dam are within the allocation limit for agricultural and horticultural activities, so priority is not a concern (see Report 3 for annual allocation tables).

Derogation Approval

20. At the time of writing this report, Meridian Energy Limited has not provided approval for Mr S J B Munro to derogate from its consents.

CONSULTATION

21. The applicant have consulted with Fish and Game New Zealand, Department of Conservation, Te Runanga o Ngai Tahu, Land Information New Zealand, Waitaki District Council and Meridian Energy Limited regarding the proposal.

DESCRIPTION OF THE AFFECTED ENVIRONMENT

22. A description of the values of the Mackenzie Basin in general are provided in the introductory s42A report (Report 1).
23. In this section, I generally agree with the applicant's statements unless otherwise stated.
24. *Lake Aviemore/Mahi Tikumu*
 - a) The applicant states:
 - i. The lake is an artificial reservoir formed in the 1960s through damming of the Waitaki River, used for hydroelectricity generation.
 - ii. Surface area of the lake is 26.8km², with mean inflows of 356 cumecs.
 - b) I note that:
 - i. Lake Aviemore is a Statutory Acknowledgment Area under the Ngai Tahu Claims Settlement Act 1998.
 - ii. Lake levels are controlled by Meridian Energy Limited for the purposes of hydroelectricity generation, and lake levels are publicised on the Meridian Energy website at the following address, www.meridianenergy.co.nz/AboutUs/LakeLevels
25. *Property Location – Rugged Ridges Subdivision*
 - a) The applicant states:

- i. Rugged Ridges is a 17 lot subdivision situated approximately 3 kilometres west of Aviemore Dam, adjacent to State Highway 83.
- ii. Lot 19, on the western boundary of the subdivision, is a 14.61 hectare area outside the Lake Aviemore Settlement Zone established in the Waitaki District Plan, and is therefore not zoned for residential development (see Attachment Two).
- iii. Access to the subdivision, off State Highway 83, will be by a public road adjacent to Lot 19, terminating in a carpark on the shore of Lake Aviemore (see Attachment Three)
- iv. The existing land use on Lot 19 is pastoral, used for grazing sheep.

b) I note that:

- i. The proposed area of irrigation is approximately 60 metres from the shore of Lake Aviemore at its closest point.

26. *Climate*

a) The applicant states:

- i. PET is estimated to be 3.5mm per day.

b) I note that:

- i. Effective seasonal rainfall contours in GIS indicate 200mm during the irrigation season.
- ii. The applicant has not identified the seasonal length, or frost frequency.

27. *Soils and Vegetation*

a) The applicant states:

- i. Soils on the property are Pigburn soils with an average PAW of 40mm.
- ii. Vegetation on the site consists of rough dry land pasture and matagouri, over a broken, rocky substrate.

28. *Landscape, recreation and amenity*

a) The applicant states:

- i. Lake Aviemore is popular for recreational purposes.

b) I note that:

- i. The lake has high recreational use value for sightseeing, walking, boating and trout angling¹.

29. *Surface water*

a) The applicant states:

- i. Macrae Creek, an ephemeral watercourse, is on the western boundary of the subdivision.

b) I note that:

- i. The public access road off State Highway 83 is between the proposed irrigation area and Macrae Creek.

30. *Groundwater*

a) The applicant has not identified location or depth of groundwater on the property.

b) I note that:

- i. There are no bores in the vicinity of the property.

31. *Ecology*

a) The applicant has not identified ecological values at the site.

b) I note that:

- i. Lake Aviemore shoreline plants include raupo, with rush and sedge swamp species present.
- ii. Bird species present include swamp rail and Southern crested grebe.
- iii. Long-finned eels inhabit the lake, as well as common and upland bullies, brown and rainbow trout.

ASSESSMENT OF PROPOSED ACTIVITY

32. The proposed water permit is a discretionary activity and must be considered in the context of s104 of the RMA.

33. 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.

¹ *Inventory of Instream Values for Rivers & Lakes of Canterbury New Zealand*, A Daly (April 2004), Canterbury Regional Council unpublished report U04/13

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

34. The effects that have been considered for this type of activity (taking and use of surface water) are presented in the introductory s42A report. 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 this application is provided below and a detailed discussion of those outstanding matters or areas of concern is provided in the following sections.

Adverse Effects	Applicant's assessment	IO assessment	Conclusion
Ecosystems	No adverse effects; fish screen on intake	Development will not occur on the lake shore so shore species not affected; fish screen already condition of CRC084090	Effects minor
Other water users	No other users; MIC shares sought	Agree	Effects minor
People, communities & amenity values	Recreational and amenity values not affected	Agree – very small abstraction from lake; need to consider frost fighting measures in close proximity to residential housing	Effects may be more than minor without mitigation
Landscape	No impact on landscape values	No buffer proposed between the lake or roads and irrigation area	Effects may be more than minor without mitigation
Inefficient use	100m ³ per day reasonable for intended use; 240 days irrigation provided for in 24,000m ³ requested annual volume	Irrigation likely to occur on only 3 of the 6 hectares due to vine spacing, which gives 16,500m ³ reasonable use volume, allowing 165 days irrigation at requested daily maximum; 240 days irrigation is unlikely, length of irrigation season not identified; average rate of take 1.5L/s over 20hrs pumping for maximum daily volume of 100m ³ ; 1.5L/s on 3ha, at 20hrs daily irrigation, would enable application rate of up to 3.6mm	Effects may be more than minor, requested annual volume exceeds reasonable use assessment
Water quality	No adverse effect	Small scale operation will contribute little to cumulative water quality effects; irrigation method not specified, but expected to be drip irrigation, which would result in low risk of run-off or leaching	Effects minor
Tangata Whenua values	Effects not identified	Lake Aviemore is Statutory Acknowledgement Area; minor effects on lake fishery; minor effects on water quality; Te Runanga o Ngai Tahu have not submitted in opposition	Effects minor

Table 2: Summary of Assessment of Effects

Effects on ecosystems

35. Lakeside communities of flora and fauna are unlikely to be affected as development will not occur on the lake shore.

36. The existing intake is also screened to prevent fish entering the pipe, as a condition of consent CRC084090.
37. In summary, adverse effects on ecosystems from the take and use of water for irrigation of the vineyard are likely to be minor.

Effects on people, communities and amenity values

38. I acknowledge that there are likely to be economic benefits and, consequently, positive effects on the local community as a result of the proposed activity.
39. I note that use of water to irrigate a vineyard, situated in close proximity to residential housing, has the potential to adversely affect the community, depending on methods used to combat frost. The applicant has not identified the seasonal length of irrigation, or frost frequency, and has not sought to use water for frost-fighting purposes, so may employ other methods that have a greater potential adverse effect on the community (ie wind machines or helicopters). I acknowledge that such an effect may be considered an indirect effect of granting the taking and use of water for irrigation of a vineyard, but is not a matter that can be subject to mitigation by consent conditions.
40. In summary, effects of the take and use of water to irrigate a vineyard in this location include positive effects, and potential indirect adverse effects, on people, communities and amenity values. Overall, I consider that effects on these values are likely to be acceptable.

Effects on landscape values

41. Chris Glasson, in Report 5, has identified that the activity has potential to adversely affect natural character of the lake margin if development occurs in close proximity to the shore. He has recommended a buffer between the proposed area of irrigation and the lake margin.
42. Meridian Energy Limited has identified a Maximum Probable Flood Level for Lake Aviemore of 270.33 metres above mean sea level. Any buffer from the lake margin will need to be a buffer from this maximum probable level. If plantings are considered for screening purposes, suitable indigenous species should be chosen maintain natural character, but planting may not be necessary provided irrigation is 60 metres back from the maximum probable flood level for the lake.
43. I note that, if frost covers are used as a frost-fighting method, these may increase visual impact of the development, which would be noticeable from Te Akatarawa Road on the opposite shore of Lake Aviemore, and by recreational users on the lake.
44. In summary, effects on landscape values may be more than minor due to proximity to the lake margin. I consider that such effects can be mitigated using a 60 metre buffer between the irrigation area and the maximum probable flood level for the lake.

Effects of inefficient take and use of water

45. I note that, although the application is to irrigate 6 hectares of vineyard, only half that area will be irrigated, due to vine spacing (ie one vine every 2.4m²). In other words, the vineyard itself will cover a 6 hectare area, but the vines will cover half that area, so only half the area, or 3 hectares, will ever need to be irrigated. The area of irrigation, as opposed to area of vineyard, affects reasonable use calculations, undertaken in accordance with the methods outlined in Policy 16 of the WCWARP.

46. I have undertaken an assessment of reasonable use, using the following assumptions:
- irrigation area = 3 hectares
 - land use = arable
 - average PAW of soils = 75mm
 - total seasonal demand = 750mm/ha/yr
 - effective rainfall (based on NRRP map) = 200mm/ha/yr
 - annual allocation required = 16,500 or 550mm per hectare
47. The applicant has applied for 100 cubic metres per day for irrigation of 25,000 vines, and an annual volume of 24,000 cubic metres. This would enable 240 days irrigation. The applicant has not identified the length of irrigation season, or proposed months of irrigation, but it is unlikely that the applicant requires water to irrigate at the full daily volume for 240 days.
48. Based on the reasonable use calculation above, an annual volume of 16,500m³ would allow for 165 days of irrigation at the full requested daily volume of 100m³. In reality, the full requirement may not be necessary every day, so the number of days irrigating may be greater than 165 over the season.
49. The applicant has calculated application depth based on irrigation of 20 hectares, using 3 litres per second, pumping 20 hours per day, which results in a 1mm depth., The applicant estimates PET of 3.5mm.
50. As noted above, irrigation will be occurring on 3 out of the 6 hectares proposed, once vine spacing has been taken into account. I also note that 100 cubic metres per day is approximately 1.5L/s per second over 20 hours of pumping. At a rate of 1.5L/s for irrigation of 3 hectares, pumping for 20 hours per day, an application depth of 3.6mm is calculated.
51. In summary, the applicant is requesting an annual volume in excess of what I consider may reasonably be required, so I cannot be satisfied at this time that the application represents an efficient and effective use of water.

Effects of water use on water quality

52. The applicant has stated that there will be no adverse effects on water quality. The method of irrigation has not been specified, although drip irrigation would be a typical system for vineyard operations, so is assumed. I consider that the application depth is appropriate for light soils on the property, and there is low risk of leaching or run-off from the proposed activity.
53. The applicant has not assessed cumulative effects on water quality. I note that the operation is of a small scale, and is for horticultural use. The proposed activity does not include land use intensification for agricultural use, the effects of which are subject of assessment in Report 4. In essence, the assessment of cumulative effects on water quality in Report 4 considers a different nature and scale of activity, and for that reason, I am satisfied that the proposed use of water will not result in adverse effects on water quality to more than a minor degree.

54. In summary, I consider that the proposed activity is unlikely to have a more than minor effect on localised and cumulative water quality.

Conclusion

55. With regard to s104(1)(a), the actual and potential effects of the proposed activity have been discussed above. For this application, I am not satisfied that the actual and potential effects of the proposed activity in its current form are minor. In particular, there remains uncertainty regarding effects on landscape and effects of inefficient use of water. The use of recommended conditions would address these effects, although the applicant may wish to propose alternative mitigation.

Relevant Statutory Provisions (s104(1)(b))

Regional Policy Statement (RPS)

56. 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.
57. Of significance to this application is Chapter 9, which relates to the management of the Region's water resources. 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)

58. 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 applicable to this application is appended in Attachment Four. A discussion of the objectives and policies which are particularly relevant to this application is provided in the following paragraphs.

Objectives

59. Objectives 1 and 2 are key objectives 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. The proposed activity will impact on the matters outlined in Objective 1, particularly (a) and (c) and (d).
60. Mitigation included in recommended consent conditions will ensure the application is consistent with this objective, particularly with respect to managing the water bodies in a way that maintains natural landscape and amenity characteristics and qualities that people appreciate and enjoy.
61. Objective 4 aims to achieve a high level of technical efficiency in the use of water. The applicant has not demonstrated that the proposed use of water for irrigation is technically efficient.

Policies on water quality

62. 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 4, by Dr Mike Freeman, addresses water quality matters in more detail,

particularly on the cumulative scale. Until the applicant provides details of the farm management plan, and given the conclusions in Dr Freeman's report, I cannot be certain that the application is consistent with this policy at the time of writing this report.

Policies on efficient and effective use

63. Policies 15 – 20 deal with efficient and effective use and all are applicable to this application.
64. 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 requested annual volume is reasonable for the intended use.
65. Policy 16 provides guidance for determining reasonable and efficient use for agriculture activities. The applicant has not undertaken an assessment of reasonable use with reference to this policy. As discussed in the assessment of effects section, I am not satisfied that the requested volume of water represents reasonable use.
66. Policy 18 encourages allocation to reflect the actual quantity needed to undertake the activity. As discussed in the assessment of effects section of this report, I am not satisfied that the requested annual volume is needed to undertake the proposed activity.

Conclusion

67. With regard to s104(1)(b), the relevant provisions of the RPS and WCWARP have been considered above. Regarding the WCWARP, the application in its current form is contrary to Policies 15-18 in terms of efficiency of water use.

Other Matters

68. 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 this application (see discussion in Report 1).

Part II Purpose and Principles

Purpose of the RMA (s5)

69. 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."
70. 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 has not proposed measures to "avoid, remedy or mitigate" the potential impacts on amenity values, landscape values as required in Section 5(2)(c), however, mitigation has been identified.

² [2004] NZMRA 251

Matters of National Importance (s6)

71. Sub-sections (a), (b), and (e) of Section 6 of the RMA are particularly relevant to this application. The proposal will include development on the margins of Lake Aviemore, within an area of outstanding natural landscape. Mitigation measures can be employed to ensure that the development is appropriate. The applicant has not assessed impacts of the proposed activity on the relationship of Maori to water and their ancestral lands, parts of which are submerged beneath Lake Aviemore. However, given that Te Runanga o Ngai Tahu have not submitted on the application, and effects, once mitigate, will be minor, I am satisfied that Tangata Whenua values will not be affected to any significant extent.

Other Matters (Section 7)

72. 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.
73. Sub-sections (a), (b), (c), (f), (g), and (h) are relevant to this application. Kaitiakitanga, or good stewardship, relates to planning and management of the vineyard, taking into account effects on soils, the character of the lake margin and the local community.
74. Section (b) relates to the efficient use of water and, as discussed above, the requested annual volume does not represent an efficient use of water.
75. Section (c) relates to maintenance or enhancement of amenity values. Establishment of a vineyard in this location may enhance amenity values, but also has the potential to reduce those values, depending on the frost-fighting methods employed.
76. Section (f) refers to maintenance and enhancement of the quality of the environment. Water quality is not expected to be adversely affected by the proposed activity.
77. Section (h) refers to protection of habitat of trout and salmon, which is adequately addressed by screening to exclude fish at the intake.

Principles of the Treaty of Waitangi (s8)

100. 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 Runanga o Arowhenua and Te Runanga o Waihao. I have considered effects of the proposed activity on Tangata Whenua values related to Lake Aviemore and its margins.

RECOMMENDATION

Grant or Refuse

78. 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.
79. The applicant proposes to irrigate a 6 hectare vineyard adjacent to the Rugged Ridges subdivision on the shores of Lake Aviemore, using an existing intake structure, with fish screen and metering device already installed.
80. There are however, a number of outstanding issues associated with this proposal as listed below:

- a) *Landscape* – The applicant has not addressed effects on landscape and natural character of the lake margin;
- b) *Efficient and reasonable use* – The applicant has proposed an annual volume greater than what may reasonably be required for the proposed activity.

81. In summary, the applicant has not addressed the matters above, or proposed mitigation to ensure effects are acceptable. However, effects can be adequately mitigated, and I consider that once mitigation is established by way of conditions, a water permit could be granted for the proposed activity. At present the applicant does not have derogation approval from Meridian Energy Limited, which prevents me from recommending that the application be granted, at this time.

RECOMMENDED CONDITIONS

82. If the Commissioners decide to grant this application, a list of conditions that are usually included in a water permit, and explanation for their inclusion, are provided in Appendix 6 of the introductory s42A report. A list of conditions for this application is included below. The italicised conditions are shorthand, with the full condition listed against the unique identifier in Appendix 6.

83. I am satisfied that these conditions would adequately mitigate against adverse effects of the proposed activity. I note that the annual volume below does not incorporate a volume for frost-fighting purposes, which the applicant would need to identify as an amount to be added to the irrigation volume; however, the purpose of frost-fighting has been included in Condition 2 as an appropriate mitigation measure against effects on community and amenity values.

CRC060938 – To take and use surface water

1. *WP01*
 - a) Water shall only be taken from Lake Aviemore, at surface water abstraction point I40/0682, at or about map reference NZMS 260 I40:9840-1472, at a maximum rate of 3 litres per second, with a daily volume not exceeding 100 cubic metres, and a total volume not exceeding 16,500 cubic metres between 1st July and the following 30th June.
 - b) Water shall only be taken from the intake associated with CRC084090 when a fish exclusion device has been installed and maintained in accordance with the conditions of that consent, and a metering device has been installed and maintained in accordance with the conditions of that consent.
 - c) The combined rate of water taken in accordance with this consent and consent CRC084090 shall not exceed 3 litres per second.
2. *WP04*
Water shall be used only for drip irrigation of 6 hectares of vineyard, as described in the application, on the area of land shown in attached plan CRC060938, which forms part of this consent.
3. Water shall not be used for irrigation within 60 metres of the Maximum Probable Flood Level of Lake Aviemore of 270.33 metres above mean sea level.
4. *WP05 Avoid wastage of water*
5. *WP06 Backflow prevention*
6. *WP07*
Whenever the level of Lake Aviemore is at or below 265.5 metres above mean sea level, abstraction shall cease.
7. *AD03 Review*
8. *AD04 Lapse*

Signed:



Maria Bartlett
Consents Investigating Officer

Date: 28 August 2009

REFERENCES

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

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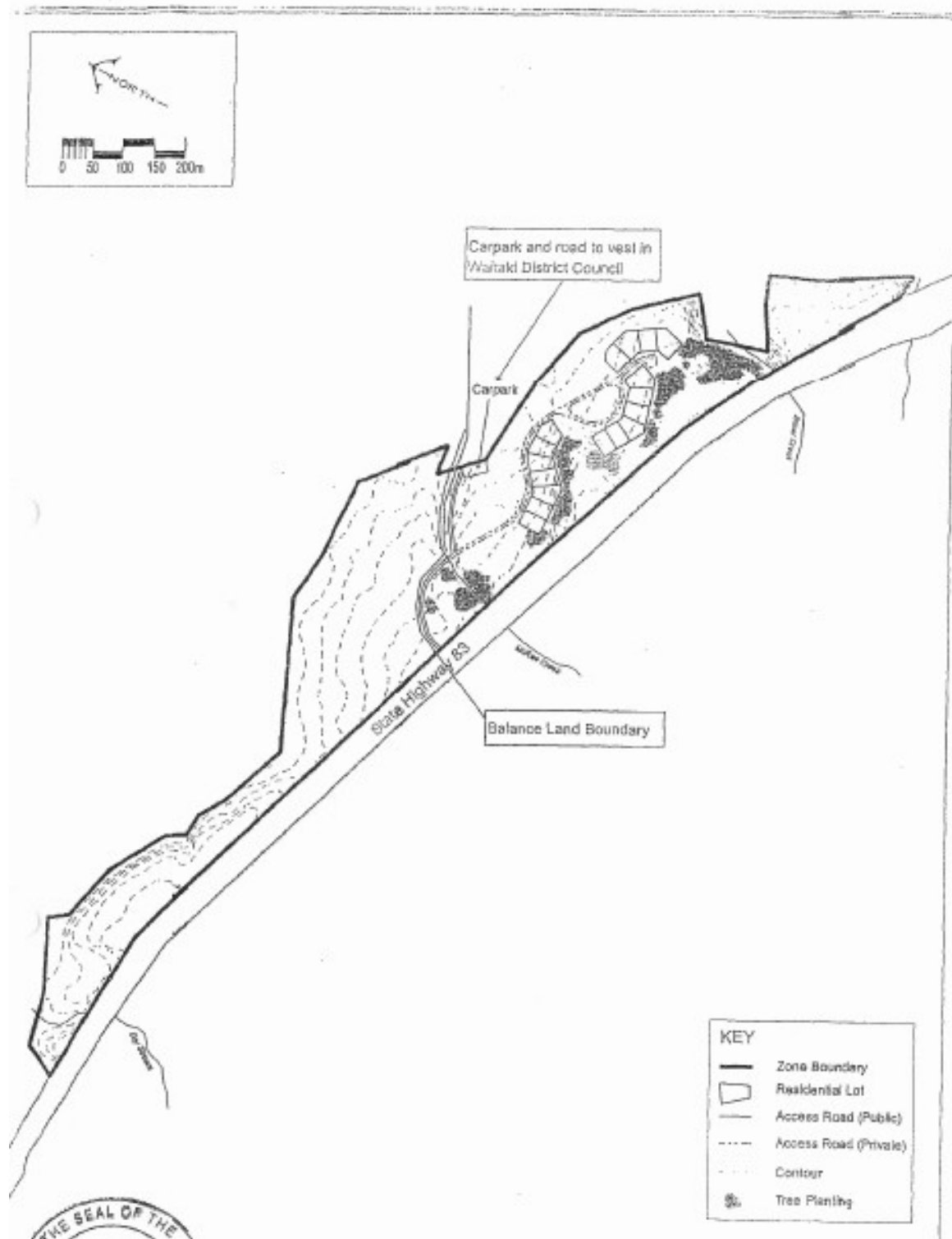
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Waitaki Catchment Water Allocation Board 2006. Waitaki Catchment Water Allocation Regional Plan, Annex 1 – Decision and principal reasons for adopting the Plan provisions. ISBN: 0-9582620-4-7.

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ATTACHMENT THREE – SUBDIVISION & LOT 19 PLAN



ATTACHMENT FOUR – OBJECTIVES & POLICIES

Objective / Policy	Description	Assessment
Objective 1	To sustain the qualities of the environment of the Waitaki River and associated beds, banks, margins, tributaries, islands, lakes, wetlands and aquifers.	Submissions concerned about values in Objective. Application in current form is inconsistent with these values
Objective 2	Provide water for different activities.	Activity is within allocation limit for agricultural activities upstream of Lake Tekapo outlet and upstream of Waitaki Dam
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.	Application in current form is inconsistent with these values
Objective 5	Provide for practical and fair sharing of allocated water during times of low water availability.	No other users of Mistake River
Policy 1	Recognising connectedness between all parts of the catchment	Matters related to cumulative effects have been considered
Policy 3	Setting of environment flow and level regimes for all activities in Objective 2 and consistent with Objective 1, excluding water bodies identified in Policy 2.	The applicant proposes to comply with the minimum lake level for Lake Aviemore
Policy 11	Consider effects on Tangata Whenua values, local and national effects when allocating water to activities	Effects on Te Runanga o Ngai Tahu have been considered
Policy 12	Outlines matters that must be considered when establishing allocation limits.	The allocation limit is set for agricultural activities upstream of Waitaki Dam and the application is within these limits
Policy 13	Addresses water quality objectives in the NRRP	Adverse effects on water quality are expected to be minor
Policy 14	Have regard to in-catchment needs	Water will remain in-catchment
Policy 15	Ensuring take and use of water is reasonable for its intended use	Annual volume is assessed as being unreasonable for intended use
Policy 16	Requiring irrigation applications to meet the specified reasonable use test	Applicant has not assessed reasonable use, requested volume exceeds assessment of reasonable use
Policy 18	Allocation to reflect actual quantity needed to undertake the activity	Annual volume is assessed as being in excess of requirements
Policy 19	By encouraging the piping or otherwise sealing of water distribution systems	The scheme will be entirely piped
Policy 21	By requiring the installation of water measuring and recording devices	The existing intake is metered, in accordance with CRC084090
Policy 23	Restricting water use in times of low water availability, except for reasonable domestic and stockwater needs	The volume requested for irrigation is in addition to the consented domestic supply under CRC084090, so abstraction from the intake may continue below the minimum lake level, but not under this water permit