

Comments on Conditions		Claire Penman (Reporting Officer)	XXX	XXX	XXX	XXX																								
1.	Consent is granted for a term expiring on the 30 <sup>th</sup> of April 2025.	Duration not generally included as a condition of consent.																												
2.	Water shall only be taken and / or diverted from Lake Ohau at or about map reference NZMS 260 H38:6563-5352 at the property referred to as Ohau Downs.	This application is to take water only and not to divert water. Revised wording below:  <b><i>“Water shall only be taken and / or diverted from Lake Ohau ...”</i></b>																												
3.	<p>Water for irrigation shall only be taken between 1 September and the following 30 April and only in accordance with the maximum rate, daily volume (being from 12.00am to 11.59pm) and annual volume (measured between 1 July and the following 30 June) set out in Table A.</p> <p><b>Table A – Maximum Rates &amp; Volumes</b></p> <table border="1"> <thead> <tr> <th>Year</th> <th>Maximum rate of abstraction (litres / second)</th> <th>Maximum Daily Volume (cubic metres / day)</th> <th>Maximum Annual Volume (cubic metres / year)</th> </tr> </thead> <tbody> <tr> <td>1 September 2009 to 30 April 2010</td> <td>0 l/s</td> <td>0 m<sup>3</sup>/day</td> <td>0 m<sup>3</sup>/annum</td> </tr> <tr> <td>1 September 2010 to 30 April 2011</td> <td>950 l/s</td> <td>81,590 m<sup>3</sup>/day</td> <td>366,500 m<sup>3</sup>/annum</td> </tr> <tr> <td>1 September 2011 to 30 April 2012</td> <td>950 l/s</td> <td>81,590 m<sup>3</sup>/day</td> <td>3,366,500 m<sup>3</sup>/annum</td> </tr> <tr> <td>1 September 2012 to 30 April 2013</td> <td>950 l/s</td> <td>81,590 m<sup>3</sup>/day</td> <td>6,366,500 m<sup>3</sup>/annum</td> </tr> <tr> <td>1 September 2013 to 30 April 2014 and every year thereafter</td> <td>950 l/s</td> <td>81,590 m<sup>3</sup>/day</td> <td>8,835,500 m<sup>3</sup>/annum</td> </tr> </tbody> </table>	Year	Maximum rate of abstraction (litres / second)	Maximum Daily Volume (cubic metres / day)	Maximum Annual Volume (cubic metres / year)	1 September 2009 to 30 April 2010	0 l/s	0 m <sup>3</sup> /day	0 m <sup>3</sup> /annum	1 September 2010 to 30 April 2011	950 l/s	81,590 m <sup>3</sup> /day	366,500 m <sup>3</sup> /annum	1 September 2011 to 30 April 2012	950 l/s	81,590 m <sup>3</sup> /day	3,366,500 m <sup>3</sup> /annum	1 September 2012 to 30 April 2013	950 l/s	81,590 m <sup>3</sup> /day	6,366,500 m <sup>3</sup> /annum	1 September 2013 to 30 April 2014 and every year thereafter	950 l/s	81,590 m <sup>3</sup> /day	8,835,500 m <sup>3</sup> /annum	<p>One minute missing in the time period specified.</p> <p>Condition specifies measuring annual volume between 1 July and 30 June – Table has 1 Sept – 30 April. This is confusing.</p> <p>Period 1 Sept '09 – 30 April '10 passed.</p>				
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4.	Water allocated in Table A of Condition (3) shall be used only for the spray irrigation of pasture and crops to irrigate 1,493 hectares within a command area of 3,800 hectares on the area of land shown on attached Plan A at or about H39:658-500.	<p>Note no attached Plan A – would be better to name it Plan CRC061154A.</p> <p>Revised wording:  <b><i>“Water taken in accordance with allocated in Table A of Condition (3) shall be used only for the spray irrigation of pasture and crops to irrigate 1,493 hectares within a command area of 3,800 hectares on the area of land shown on attached Plan CRC061154A at or about NZMS 260 H39:615-276.”</i></b></p>																												

4a.	<p>Water for stockwater supply shall only be taken between 1 July and the following 30 June and only in accordance with a maximum rate of 27 litres per second, maximum daily volume of 490 cubic metres per day (being from 12.00am to 11.59pm), and a maximum annual volume of 122,500 cubic metres per annum (measured between 1 July and the following 30 June).</p>	<p>Notified application did not include any request for stockwater, however, its requirement was identified in the first brief of evidence of Ian McIndoe, paragraphs 534-537.</p> <p>As proposed in Mr McIndoe's evidence it needs to be clearly included in the annual volume within Table A, Condition (3).</p> <p>Reference should be included to condition 2 as well so know where the stockwater is taken from.</p> <p>Note comment re time missing a minute.</p>				
5.	<p>The taking of water in terms of this consent shall cease for a period required by any owners and/or operators of the Waitaki Power Scheme, where the owners and/or operators consider it necessary to undertake maintenance on, to ensure the structural integrity and safety of, or to avoid risk or compromise to the operation of, the Waitaki Power Scheme.</p> <p><i>Advice Note:</i>  <i>Any transfer or variation of this consent or its conditions that alters the volume or location of the take (or any replacement application) is likely to require the approval from the holder/s of the consents to operate the Waitaki Power Scheme.</i></p> <p><i>The Waitaki Power Scheme means the works including hydraulic control structures, dams, canals, water diversions, penstocks, spill weirs, spill gates, bypass valves, sluice gates, power stations and generating plant, associated ancillary land and structures and resource consents and other rights held by operator/s of the Waitaki Power Scheme to utilise the waters and tributary inflows of Lakes Tekapo, George Scott, Pukaki, Ohau, Ruataniwha, Benmore, Aviemore and Waitaki to generate electricity.</i></p>	<p>Not necessary as not taking from the canals</p>				
		<p>Condition requiring abstraction to cease at minimum lake level missing.</p> <p>Suggesting wording is:  <b>“Whenever the lake level in Lake Ohau, falls below 519.45 metres above sea level, as assessed by Meridian Energy Limited and published on <a href="http://www.meridianenergy.co.nz">www.meridianenergy.co.nz</a>, the taking of water for irrigation under condition (3) shall cease.”</b></p>				
		<p>No fish screen condition proposed.</p> <p>Recommended wording is that proposed for gallery consent (in separate hearing process):  <b>(a) The consent holder shall ensure</b></p>				

		<p>that water is abstracted using a gallery intake and shall be designed to prevent native and exotic fish species from entering the system.</p> <p>(b) The fish screen shall be designed by a person with experience in freshwater ecology and fish screening techniques, and constructed in a manner that ensures the principals of the NIWA fish screening guidelines (Fish Screening: Good Practice Guidelines for Canterbury, NIWA Client Report 2007-092, October 2007. (Copy available on <a href="http://www.ecan.govt.nz">www.ecan.govt.nz</a>)) are achieved.</p> <p>(c) No water may be taken in terms of this permit until, upon completion of the intake structure a report is provided to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager. The report shall be prepared by the consent holder for certification and shall demonstrate compliance with the following:</p> <ul style="list-style-type: none"> <li>(i) Design plan for the gallery specifying gallery dimensions;</li> <li>(ii) Detail of depths and sizes of layers of gravel over the gallery;</li> <li>(iii) Photographic evidence of key stages of construction of the gallery, including demonstrating compliance with gravel specifications in sub clause (c)(ii) above;</li> <li>(iv) Any ongoing maintenance required by the manufacturer is carried out in accordance with their specifications.”</li> </ul> <p>(d) The intake structure shall be maintained in good working order. Records shall be kept of all inspections and maintenance. And those records shall be provided to the Canterbury Regional Council upon request.</p>				
	<p><b>Metering</b></p>					
<p>6.</p>	<p>Prior to any take of water associated with the exercise of this consent the consent holder shall:</p> <p>(a) (i) install a water meter(s) that has an international</p>	<p>Refer Appendix 6, Introductory s42A report) and the addendum s42A report of Susannah Vesey, paragraphs 135-142 and Appendix 3.</p>				

	<p>accreditation or an equivalent New Zealand calibration endorsement suitable for use with an electronic recording device, from which the rate and the volume of water taken can be determined to within an accuracy of plus or minus five percent at a location(s) that will ensure the total take of water from Lake Ohau is measured; and</p> <p>(ii) install a tamper-proof electronic recording device such as a data logger that shall record (or log) the flow totals every 15 minutes and have the capacity to hold at least one season's (as specified in conditions (3) and (4(a))) data of water taken as specified in clause (b) (i), or which is telemetered, as specified in clause (b)(ii).</p> <p>(b) The water meter and recording device(s) shall be set to wrap the data from the measuring device(s) such that the oldest data will be automatically overwritten by the newest data (i.e. cyclic recording); and shall:</p> <p>(i) store the entire season's data in each 12 month period from 1 July to 30 June in the following year, which shall be downloaded and stored in a commonly used format and provided to the Canterbury Regional Council upon request in a form and to a standard specified in writing by the Canterbury Regional Council; or</p> <p>(ii) be connected to a telemetry system which collects and stores all of the data continuously with an independent network provider who will make that data available in a commonly used format at all times to the Canterbury Regional Council and the consent holder. No data in the recording device(s) shall be deliberately changed or deleted.</p> <p>(c) The measuring device shall be installed at a site that retains a stable rating (i.e. a man-made channel, concrete, steel or fibreglass pipe). Installation shall be in accordance with ISO 1100/1-1981 or equivalent and be undertaken by a suitably qualified person.</p>	<p>I note there is no requirement for a straight pipe to be installed in this condition.</p> <p>I understand that the MEL/MIC agreement may have had a metering condition included, but I had understood that MEL were happy with this being amended as long as it still had the same intent.</p>				
7.	The water meter and recording device(s) shall be accessible to the Canterbury Regional Council at all times for inspection and/or data retrieval.					
8.	The water meter and recording device(s) shall be installed and maintained throughout the duration of the consent in accordance with the manufacturer's instructions.					
9.	All practicable measures shall be taken to ensure that the water meter and recording device(s) are at all times fully functional and have an accuracy standard of $\pm 5\%$ .					
10.	<p>The consent holder shall, within one month of any water meter and recording device(s) being installed, or within one month of any water meter and/or recording device(s) being replaced, and at five-yearly intervals thereafter, and at any time when requested by the Canterbury Regional Council, provide a certificate to the Canterbury Regional Council (Attention: RMA Compliance and Enforcement Manager) signed by a suitably qualified person certifying, and demonstrating by means of a clear diagram, that:</p> <p>(a) the water meter and recording device(s) has been installed in accordance with the manufacturers specifications; and</p>					

	(b) data from the recording device can be readily accessed and/or retrieved in accordance with conditions 6 and 7.					
11.	The water allocated for irrigation and stockwater in conditions 4 and 4a will be metered, recorded and reported to the Canterbury Regional Council in accordance with conditions 6, 7, 8, 9 and 10.	I don't believe this condition is necessary as conditions 6-10 already require this.				
12.	The Canterbury Regional Council (Attention: RMA Compliance and Enforcement Manager) shall be informed immediately on first exercise of this consent by the consent holder.	Agree				
		Review condition missing: <b>"The Canterbury Regional Council may, once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of this consent for the purposes of dealing with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage."</b>				
		Lapse date condition missing: <b>"The lapsing date for the purposes of section 125 shall be [between 5 years and 5 years three months, date set for each quarter]."</b>				

OHAU DOWNS – WATER TAKE AND USE - WATER USE CONDITIONS - CRC061154						
Comments on Conditions		Claire Penman & Mike Freeman (Reporting Officers)	XXX	XXX	XXX	XXX
1.	Water for irrigation shall only be used on or applied to land that is subject to a memorandum of encumbrance that complies with the requirements of the agreement entitled <i>“Agreement in Relation to the Allocation of Water for Irrigation”</i> between Meridian Energy Limited and the Mackenzie Irrigation Company Limited dated the 31 <sup>st</sup> of October 2006.	“Applied to” is not RMA terminology.				
2.	The consent holder shall, six months prior to this consent being exercised, provide to the Canterbury Regional Council a certificate from the Consent Holder’s solicitor certifying that the memorandum of encumbrance provided for in Condition 1 is registered on the computer registers for the land shown on Plan A, and any other evidence of registration as the Canterbury Regional Council may require (if any).	Where is Plan A? Need to establish a standard term and definition for the property to be used in various conditions. A reference to a plan needs to include an assurance that the plan is “...attached to and forms part of this consent.”				
3.	The consent holder shall, take all practicable steps to: (a) Ensure that the volume of water used for irrigation does not exceed that required for the soil to reach field capacity (a) Avoid leakage from pipes and structures; and (b) Avoid the use of water onto non-productive land such as impermeable surfaces and river or stream riparian strips. (c) If the irrigation system used to distribute water taken in terms of this permit is used to distribute effluent, fertiliser or any other added contaminant, a backflow preventer manufactured in accordance with AS 2845.1 (1998) or the American Society of Sanitary Engineers standards shall be installed within the pump outlet plumbing or within the mainline, to prevent the backflow of water containing contaminants into the fresh water source. (d) The backflow preventer shall be tested to the standard set out in AS 2845.3 (1993) or an equivalent method within one month of its installation and annually thereafter by a suitably qualified independent person. A test report shall be provided to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, within two weeks of each inspection.	Typo – ‘numbering’. “and” missing.  (c) and (d) need to be re-written as either a new condition or a separate sub-condition. Not appropriate to be prefaced by “all practicable steps”. A backflow preventer in such circumstances is essential. All practicable steps conditions should only be used in circumstances when some factors are beyond the control of the consent holder. Intro/grammar of (d) wrong. Needs fixing and linking properly to (c). Typo - “or” should be “of”. Backflow prevention condition should start with: “A backflow prevention device shall be installed and tested in accordance with section 9 (pressure vacuum breakers) or section 12 (reduced pressure zone devices) of Australian/New Zealand Standard AS/NZS 2845.1 Water supply - Backflow prevention devices, Part 1: Materials, design and performance requirements”....				
<b>Pre-irrigation monitoring</b>						
4.	Prior to the commencement of irrigation under this consent the consent holder shall: (a) Prepare and implement a groundwater monitoring plan for the purpose of confirming the distribution of flow between the groundwater and surface water at the Wairepo and Ohau Sub Catchments. This shall generally be in accordance with the plan described in the Water Quality Study (GHD, 2009). The period of monitoring must include one year of data gathering prior to the commencement of irrigation under this consent. (b) Provide a report to the Canterbury Regional Council on the groundwater monitoring results, including: (aa) a summary of the data collected; and (bb) a description and assessment of the level of variance in the	Confirming indicates a bias. Should be “assessing”. Not clear what “distribution of flow” means. The technical question needs to be properly and quantitatively defined. What plan? – needs to be specific. Without some detailed methodological requirements this doesn’t amount to anything really. Any study could be done. A one year investigation may produce a result that is not representative of the longer term - could be a waste of money and opportunity for many consent applicants. Provide a report – when? “Level of variance in the groundwater				

	<p>groundwater distribution from the expected outcomes reported in the [insert relevant report].</p> <p>The calculation of (bb) shall be by the method set out in Appendix B.</p> <p>(c) Prepare and implement a periphyton monitoring plan that includes monthly monitoring at each sub-catchment node for the purpose of establishing the current maximum annual periphyton biomass at those nodes. The monitoring shall include:</p> <p>(aa) monthly waterflow gaugings and continuous water level records;</p> <p>(ab) monthly water quality measurements (specifically temperature, dissolved oxygen and black disc water clarity shall be measured), nutrient analysis (SIN, SRP and alkalinity), periphyton biomass (measured as ash free dry matter and chlorophyll a concentrations per unit area) and composition, and the community of macroinvertebrate grazers at each node.</p> <p>(ac) an assessment to measure the likely biomass contribution of Didymo, in those nodes where Didymo is present.</p> <p>(ad) methods for assessing periphyton biomass accrual can include glass slides. Periphyton biomass shall also be described on natural substrates at hard-bottomed stream / river nodes.</p> <p>(ae) the period of the monitoring shall include at least one year of data gathering prior to the commencement of irrigation under this consent.</p> <p>(d) Provide a report to the Canterbury Regional Council on the periphyton monitoring results, including:</p> <p>(i) a summary of the data collated;</p> <p>(ii) the maximum monthly and annual periphyton biomass (with a separate description for Didymo where it is present) at each node;</p> <p>(iii) the relationship between nutrients (SIN, SRP), flood frequency (FRE3), macroinvertebrate grazers, periphyton biomass and the floristic composition of periphyton shall be modelled on the basis of the monitoring data collected.</p> <p>(iv) the identification of the following parameters:</p> <p>(aa) a 25% increase in annual periphyton biomass above the current maximum at each node; and</p> <p>(ab) the farm nutrient loads that would result from a 25% maximum annual periphyton at the node ("maximum annual periphyton load").</p> <p>(e) For the purposes of 4(d), a suitably qualified independent expert must be satisfied that the current national predictive equations are scientifically robust and will accurately predict the relationship between nutrient concentration, flood frequency and accumulated biomass of periphyton including Didymo.</p> <p>(f) Prepare and implement a monitoring plan for the purpose of confirming total farm nutrient loading (N and P). The period of monitoring must include one year of data gathering prior to the</p>	<p>distribution" – this is not a technically robust description.</p> <p>Appendix B is not adequately specific. Either a significantly greater level of specificity is needed or a rigorous expert opinion method needs to be developed with a default route.</p> <p>Not clear what "current maximum annual periphyton biomass" is? Is this meant to be maximum periphyton biomass?</p> <p>Gaugings and flow estimation – to what standards?</p> <p>What detection limits and methods? When would this be implemented?</p> <p>Alkalinity is not a nutrient.</p> <p>An assessment to measure?</p> <p>Monitoring shall include... "methods for assessing"?</p> <p>(ad) just 'describe' biomass? When does the report have to be provided? No requirement to provide the original data?</p> <p>Annual periphyton biomass?</p> <p>(d)(iii) is potentially a major scientific undertaking.</p> <p>(d)(iv) Not 'parameters'. They are modelled estimates.</p> <p>(d)(iv)(ab) Farm nutrient loads won't result from periphyton biomass. Usually it's the other way round!</p> <p>(e) Who determines what constitutes "suitably qualified"?</p> <p>Using what methods?</p> <p>What equations?</p> <p>(f) "confirming" inappropriate term.</p> <p>(g) Report required when?</p> <p>(g)(i) Discharges or loads?</p> <p>(g)(ii) Has already been done.</p> <p>See comments on Appendix C</p> <p>Monitoring plans should not be at the discretion of the consent holder. Should specify what needs to be done at the outset.</p> <p>FEMP loading figures have not been adjusted as part of proposed 'Needs plus buffer' change.</p>				
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	<p>commencement of irrigation under this consent.</p> <p>(g) Provide a monitoring report to the Canterbury Regional Council that includes the following:</p> <ul style="list-style-type: none"> <li>(i) an estimate of the annual average existing N and P discharges from the farm using a minimum of 3 years of information, including the information from the 12 month monitoring period required by (e) above ("existing total farm nutrient loading");</li> <li>(ii) an estimate of the proposed nutrient loading that would occur as a product of the proposed farming system to be adopted (as described in the Farm Environmental Management Plan), including proposed mitigation ("proposed total farm nutrient loading"); and</li> <li>(iii) The calculations for (i) and (ii) shall be derived in accordance with the method set out in Appendix C.</li> </ul> <p>(h) Prepare and implement a farm environmental monitoring plan for the purpose of identifying on farm conditions, including groundwater and surface water quality prior to the commencement of irrigation. This will form part of the monitoring requirements set out in Sections 6 – 10 of the Farm Environmental Management Plan (FEMP) for Ohau Downs.</p>					
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5.	Copies of the monitoring plans (including the groundwater monitoring plan referred to in Condition 4(a), the periphyton monitoring plan in Clause 4(c) and the farm environmental monitoring plan in Clause 4(h)) must be provided to the Canterbury Regional Council for certification at least 20 working days prior to implementation of the plans. All plans and reports referred to Condition 4 must be undertaken by a suitably qualified independent expert.	'Certification' against what standard? What would the basis be for 'certification'? What happens if the CRC does not "certify"? This issue repeats throughout the proposed conditions. Refer to MfE/QP consent condition guidelines on certification.				
<b>Pre - Irrigation thresholds</b>						
6.	The consent holder may not commence irrigation under this consent unless: (a) In relation to Ohau Downs groundwater distribution generally accords with the Water Quality Study (GHD, 2009) for the Ohau River sub catchment; (b) The proposed total farm nutrient loading is estimated to be consistent with or less than the values set out in Table 1 Appendix A; and (c) In relation to Ohau Downs, the proposed total nutrient farm loading is not estimated to result in an exceedance of the sub catchment nutrient thresholds set out in Table 3 or Table 5 of Appendix A.	How would 'generally accords' be determined? Who would determine it? (a) "generally accords" would be determined by who, how, when? (b) Estimated by who, how, when? Tables don't make sense. No units. Easy to propose a nutrient loading consistent with Table 1, the real issue should be the requirement to comply with that nutrient management regime. This proposed condition and many other similar conditions would effectively provide the consent holder with the ability to make unfettered determinations rather than to have quantified thresholds that can be certified and independently verified.				
7.	If in the event that the variance in groundwater distribution is such that distribution does not generally accord with the Water Quality Study (GHD, 2009) for the Ohau River sub catchment, then a report shall be prepared by two appropriately qualified and independent experts, one of which is to be appointed by the Canterbury Regional Council and the other by the consent holder. The report prepared shall be provided to the Canterbury Regional Council for certification upon its completion. The purpose of the report shall be to address the following matters: (a) An assessment of the significance of the variance (if any) on the estimated nutrient loading at the sub catchment node points listed in Table 3 or Table 5 of Appendix A; (b) The proposed total farm nutrient loading set out in Table 1 Appendix A (including any adjustment if necessary); and (c) A recommendation on whether the consent holder may commence irrigation land and if so, on what basis.	See above comments. Uncertain terminology is not robust. Who will make that determination? How? Should not be appointed by CRC. Could be nominated by CRC. Uncertain. See Appendix comments. "address ... an assessment of... nutrient loading"? Inadequate specification of node points. Significant monitoring sites missing such as Wairepo Creek upstream and downstream sites. On what basis would such a recommendation be made - environmental, financial, etc? What specific requirement would need to be satisfied?				

8.	In the event that the report provides a recommendation that the consent holder may commence irrigation and the report recommendation is accepted the Canterbury Regional Council, then the consent holder may commence irrigation in accordance with that recommendation.	With what statutory power could ECan accept or not accept? On what basis would ECan accept or decline? Uncertain and <i>ultra vires</i> . CRC does not have a consent authority outside of the consent process. Needs a proper certification process.				
9.	In the event that the Canterbury Regional Council notifies the consent holder that it does not accept the recommendation to commence irrigation contained in the report, it may review the conditions of the Consent, including but not limited to the condition 4(g).	So what would happen in the interim? Not clear. Review process could take years.				
10.	In the event that the report does not provide a recommendation that the consent holder may commence irrigation, or the recommendation is not acceptable to the consent holder, the consent holder may seek to vary the conditions of consent to allow commencement of the Consent.	Which similarly, could take years.				
<b>Operational Monitoring Reportage</b>						
11.	In conjunction with the sub catchment and Lakes monitoring and reportage required by conditions 35 to 50, the consent holder shall continue the groundwater monitoring and reporting required by condition 4(a) and 4(b) during the exercise of the consent. Conditions 7, 8, 9 and 10 shall apply with all necessary modifications.	Carry on groundwater monitoring for 34 years even if not needed?				
<b>Operational Thresholds</b>						
12.	Subject to conditions 37 and 48, the consent holder may exercise this consent provided that: (a) Groundwater distribution generally accords with the Water Quality Study (GHD, 2009); (b) The proposed total farm nutrient loading is estimated to be consistent with or less than the values set out in Table 1 of Appendix A as adjusted in accordance with condition 4(f); (c) Compliance with the environmental thresholds in Table 3 and Table 5 of Appendix A (sub nodal and lakes thresholds).	This is repeating most of condition (6) with slightly different wording at the start and for (12)(c). See earlier comments. Not clear why it needs to be repeated. As noted above, easy for the proposed loads to comply with Table 1. See earlier general comments.				
<b>Staging</b>						
13.	For a period of 5 years from the commencement of irrigation, the farm operations may only utilise up to 80% of the proposed farm nutrient discharge allowance for N and P set out in Table 1 Appendix A.	What are "farm operations"? What does "utilise" mean? What five years?				
14.	Subject to compliance with the environmental thresholds in Table 3 or Table 5 of Appendix A in the first five years of operation, the consent holder may then utilise 100% of the proposed farm nutrient discharge.	Cannot determine what is intended in the tables e.g., Table 5 information is obviously incorrect. Therefore, the condition cannot function as intended. Table 3 <b>or</b> Table 5? Should be "and". This proposed approach would defeat one of the apparent reasons for this proposal, i.e, a five year reduced load period and associated monitoring. A threshold could be met in the first year but effects would not have had a chance to work through.				
15.	If the environmental thresholds in Table 3 or Table 5 of Appendix A have not been complied with during the first five year period, due in part or in whole to the farming operations of the consent holder, the consent holder shall provide a report with recommendations on the most appropriate future proposed NDA (the "Staging report") to the Canterbury Regional Council for certification and approval.	As above. Errors in tables. Should stay below thresholds not comply with them.  On what basis would recommendations be made? On what basis would CRC 'approve' or 'decline'?				
16.	If the Staging report is approved by the Canterbury Regional Council, the consent holder may exercise the consent in accordance with those	<i>Ultra vires</i> . What would the reference points be for CRC approval or decline? All				

	recommendations contained in the Staging report provided that this complies with any other applicable condition of consent. Such report must be completed within 3 months of the end of the fifth year of irrigation under this consent.	recommendations? Uncertainty for consent holder and consent authority.				
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17.	If the recommendations of the Staging report are not approved by the Canterbury Regional Council, the Canterbury Regional Council may immediately commence a review of the conditions of the consent including but not limited to conditions 11, 12 and 35 to 50.	So the environmental thresholds could be significantly exceeded but 80% operation would continue - doesn't seem logical or appropriate. A contested review process could take 3 - 6 years to resolve.				
18.	If the recommendations of the Staging report are not acceptable to the consent holder, then the consent holder may: (a) exercise the consent in accordance with the recommendations or only with the approval of the Canterbury Regional Council, and/or (b) seek a variation to the conditions of the consent including but not limited to the NDA thresholds.	Isn't this a matter that the consent holder and their consultant would sort out beforehand? Consent holder's recommendations not acceptable to the consent holder???				
<b>Farm Environmental Management Plan (FEMP)</b>						
19.	The consent holder shall implement the on site FEMP for Ohau Downs which is attached as Appendix D and forms part of this consent. The objectives of the FEMP are to: (a) Illustrate that the proposed farm system for Ohau Downs can meet the nutrient discharge allowances requirements set out in Table 1, Appendix A, and contribute to the achievement of the sub catchment nutrient discharge thresholds; and (b) Identify and mitigate other farm specific environmental risks that are unique to Ohau Downs and the farm management system that is proposed for this property. (c) Include Mandatory Good Agricultural Practices (MGAPs) that are to be implemented across the farm. (d) Construct a representative farm model and demonstrate the fulfilment of the nutrient mitigation requirements. (e) Develop an appropriate onsite monitoring and auditing plan for Ohau Downs.	"Consent holder shall" clauses generally not needed. Some conditions would be clearer and shorter without that clause. FEMP loadings need to catch-up with the conditions.  Why does this condition need a list of objective?				
20.	The consent holder shall ensure that the recommended site specific management measures outlined in the FEMP for Ohau Downs are adhered to, including the preparation and implementation of the on farm environmental monitoring plan, and the annual preparation of an auditing plan for Ohau Downs.	What specific measures? Need to spell them out by specifying clauses.				
21.	The annual auditing process outlined in the FEMP which is attached to and forms part of this consent shall include the preparation of a report to be submitted to the Canterbury Regional Council.					
22.	The consent holder may without changing the objectives of a FEMP seek the approval of the Canterbury Regional Council for any necessary amendment to such a plan on the following terms: (a) The review shall be undertaken in consultation with and be approved by the Canterbury Regional Council. (b) Such review is necessary to give effect to the purpose of the FEMP for Ohau Downs.	This should be replaced by a condition that allows a specifically qualified person to certify that a change would not cause a breach of the relevant NDA.				
23.	The consent holder shall pay all actual and reasonable costs incurred by the Canterbury Regional Council in connection with its review of the FEMP for Ohau Downs.	If the above suggested approach is followed this condition would be unnecessary.				
24.	The FEMP and the proposed total farm nutrient loading set out in Table 1 Appendix A shall apply to Ohau Downs and to any subsequent landholdings resulting from the subdivision of that property (including the partitioning of land from, or addition of land to that property holding) so long as that landholding relies on this consent. Should any changes to the land holding occur, the FEMP shall be reviewed and updated in	This wording is inappropriate or badly worded. The property NDA must stay with the whole property. Any land split up would require a consent transfer to transfer a part of the NDA. 'Approval' would be ultra vires. So if an area of land was split off and did not "rely on this consent" the balance would have the total nutrient load? I would				

	consultation with and be approved by the Canterbury Regional Council to recognise the changed land area.	have thought that there would have to be some sort of pro-rata system or would just have to be sorted via a transfer.				
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Mandatory On Farm Management Conditions						
25.	The consent holder shall ensure that fertiliser is applied in accordance with 'The Code of Practice for Nutrient Management (With Emphasis on Fertiliser Use) NZFMRA 07'. Fertiliser spreaders shall be tested and calibrated by the consent holder at least annually, and every 5 years by an independent and appropriately qualified auditor and the results of testing shall be provided to the Canterbury Regional Council by 30 September following the five yearly test.	Provisions of this COP are not enforceable. Sounds good but Code is just advice.				
26.	The consent holder shall ensure that all new irrigation infrastructure is designed according to the NZ Code of Practice for Irrigation Design and certified by a suitably qualified independent expert, and installed in accordance with the certified design. Copies of certified design documents shall be provided to the Canterbury Regional Council.	Proper reference needed for COP				
27.	If existing irrigation infrastructure is being used, the consent holder shall obtain an evaluation report prepared by a suitably qualified, independent expert. The evaluation shall determine the system's current performance in accordance with the Code of Practice for Irrigation Evaluation. This report shall be obtained within three months of the first exercise of the consent. Any recommendations identified in the report shall be implemented within five years from the date of receipt of the report. A copy of the report shall be given to the Canterbury Regional Council.	Proper reference needed for COP				
28.	The consent holder shall ensure that all irrigation infrastructure shall be tested once within 12 months of the first exercise of this consent and then thereafter every 5 years in accordance with the Code of Practice for Irrigation Evaluation by a suitably qualified, independent expert. The independent expert shall prepare a report outlining findings and recommendations. Any recommendations identified shall be implemented within 12 months from the date of receipt of the report. A copy of the report shall be given to the Canterbury Regional Council within 3 months of the report being completed.	General comment – terminology re consent holder should be changed to: "All irrigation infrastructure shall.... "  The requirement is to do or not to do something, not <b>to ensure</b> that it does or does not happen. The CH should not have an out!				
29.	The consent holder shall maintain ongoing and complete records for Ohau Downs in relation to the type of crop, cultivation methods, nutrient inputs, stock movements and yields. Such records are to be used as inputs to the approved method (such as OVERSEER), and shall be made available to the Canterbury Regional Council on request.	Need to define the standards e.g., for nutrient inputs. To the nearest kg, tonne? Who has approved the method? "...are to be..." should be "...shall be..."				
30.	The consent holder shall ensure that nitrogen fertiliser is not applied to land between 31 <sup>st</sup> May and 1 <sup>st</sup> September in any year except for the use of nitrification inhibitors.	As noted above Could shift to end with other similar conditions. Does this include effluent?				
31.	The consent holder shall ensure that fertiliser (organic and inorganic) applications and spreaders are tested and calibrated annually by the consent holder and then thereafter every 5 years by a suitably qualified independent auditor. The independent certified auditor shall report the coefficient of variation before and after tester calibration and advise the consent holder of recommendations should a transverse coefficient of variation of 85 % not be achieved. Any recommendations identified shall be implemented within 12 months from the date of receipt of the report. A copy of the report shall be given to the Canterbury Regional Council within 3 months of it being completed. Consent holders using 'Spreadmark' accredited spreaders or contractors are compliant with this condition and shall present evidence of the spreadmark accreditation instead.	Applications or applicators! Annually and five yearly? "certified auditor"? "Spreadmark" needs to be defined. "Coefficient of variation" needs to be defined. "Spreadmark" needs to be defined.				



32.	The consent holder shall ensure that all fertiliser brought onto the property which is not immediately applied to the land is stored in a covered area that incorporates all practicable measures to prevent the fertiliser entering waterways.					
33.	The consent holder shall identify within the property at least one fertiliser filling area the identified fertiliser area shall be at least 50m from a watercourse, spring or bore and will have no drains that discharge to clean water or that can discharge directly to groundwater. This area shall be utilised for the filling of all plant or machinery utilised for fertiliser spreading.	Needs tweaking to fix issue - would be OK if it is 50m from one watercourse but could be closer to another.				
34.	If liquid fertilisers, excluding liquid effluent, are used, the consent holder shall ensure that the fertiliser is stored in a bunded tank, at least 110% of the volume of the tank to avoid any discharge to surface or groundwater and such that it is also protected from vehicle movements.	"Bunded" needs defining.				
<b>Sub-catchment Monitoring and Mitigation</b>						
35.	<p>Prior to the use of water in order to exercise this consent the consent holder shall prepare a sub catchment monitoring plan with respect to the necessary off farm monitoring as outlined in the Table 2 in Appendix A.</p> <p>(a) This sub catchment monitoring plan may be prepared in collaboration with other consent holders who are required to prepare a sub catchment monitoring plan for this sub catchment in order to better achieve integrated management.</p> <p>(b) The sub catchment monitoring plan shall demonstrate how the consent holder will undertake monitoring to achieve the nutrient thresholds set out in Table 3 in Appendix A.</p> <p>(c) The sub catchment monitoring plan shall specify an appropriate methodology for conducting all off farm monitoring.</p> <p>(d) The sub catchment monitoring plan shall be submitted to Canterbury Regional Council for certification. The consent holder shall implement this plan from the date upon which this consent is implemented and shall continue the monitoring for the duration of the consent.</p> <p>(e) The sub catchment monitoring plan will set out the methods by which the data will be collected and analysed by a qualified independent person/group.</p> <p>(f) This monitoring may be carried out on an individual or on a collective basis by a suitable independent body appointed by all relevant consent holders in the sub catchment and approved by the Canterbury Regional Council.</p> <p><i>Advice Note: If the monitoring is undertaken by a collective independent body then all necessary costs associated with this monitoring shall be met by the consent holders within the sub catchment on a basis proportional to the area of land that they irrigate within the catchment.</i></p>	<p>Plan should be provided now. Too much critical detail to leave to an uncertain and <i>ultra vires</i> "certification" process. Who determines what is necessary? A plan can't demonstrate. Methodology needs to be specified now and not left to the discretion of the consent holder. What happens if ECan doesn't "certify" the plan? "...achieve the nutrient threshold..."? How would monitoring achieve a threshold? Supposed to be trying to stay below the threshold! WQ variables and triggers have already been identified and agreed to in the right of reply to the commissioners, so why isn't the plan drafted now? More 'approvals' by CRC... No indication of the period for this monitoring. Inappropriate for a consent to imply that it can dictate how the costs of monitoring shall be apportioned.</p>				
36.	If the monitoring undertaken in accordance with the sub catchment monitoring plan in condition 35 indicates that the nodal readings of nitrate N, total nitrogen (if applicable) and total phosphorous have exceeded 90% of the thresholds limit specified in Table 3 of Appendix A then the sampling frequency at that node shall be increased to weekly and notification of the exceedance shall be provided to the Canterbury Regional Council within 2	<p>Neither TN nor TP are appropriate indicators for river nodal monitoring. Spelling of phosphorus! Not clear how the numbers in the appendix are derived. No units!</p> <p>Recorded??</p>				

	days of it being recorded.				
37.	If the increased monitoring undertaken in accordance with condition 35 determines that the average of five consecutive weekly results exceeds 90% of all or any one of the threshold limits specified in Table 3 in Appendix A then a report shall be prepared by two appropriately qualified and independent experts, one of which is to be appointed by the Canterbury Regional Council and the other by the consent holder. The report prepared shall be provided to the Canterbury Regional Council within one month of the receipt of such results. The purpose of the report shall be to determine whether or not the cause of the exceedance is likely to be because of natural influences, one off events, or land use practices. The report shall include an assessment of the likely reasons for the observed increase in nutrient levels, including likely source and contributors (natural sources, or land use influences). The report shall include an evaluation as to whether there is likely to be a continuation of the monitored results and whether the results are likely to trend toward an outright exceedance of the threshold limit over time.	Threshold limits in Table 3 are incorrect. What is the default if the experts don't agree? It would appear that no controls would apply.			
38.	If the monitoring and reporting undertaken in accordance with condition 37 predicts a trend toward an exceedance of the threshold limit over time and that the consent holder is either solely or partly responsible for the exceedance of all or any one of the threshold limits under Table 3 in Appendix A then: (a) the consent holder shall prepare, on either a collective or individual basis a Remedial Action Plan to ensure the threshold limit/s is/are not exceeded. This report shall be submitted to the Canterbury Regional Council within one month of the completion of the report prepared in accordance with condition 37.	This approach would not provide any certainty that specific environmental outcomes would be achieved. Monitoring and reporting by themselves can't predict anything – an expert may be able to make a judgement backed up by an appropriate methodology. The consent holder would have freedom to determine the content and scope of the RAP. Therefore there would be no assurance that specific adverse effects would be appropriately responded to. There is no absolute requirement to take effective action.			
39.	The Remedial Action Plan shall prescribe the methods and timeframes for altering and/or adapting farm practices on one or more of the farms within the affected sub catchment to ensure that the exceedance in nutrient threshold limit/s under Table 3 of Appendix A at the affected node site are returned to and maintained at a level that is below the threshold limit/s identified in Table 3 in Appendix A for the subsequent irrigation seasons. The Remedial Action Plan shall illustrate, via an approved method such as OVERSEER, that the recommended actions will deliver the required nutrient reductions from the farm or farms. The Remedial Action Plan shall be reviewed by an appropriately qualified independent expert prior to being submitted to Canterbury Regional Council.	As above. Doesn't provide a real assurance that there would be any actual controls on nutrient loads to address WQ deterioration.			
40.	Once the Remedial Action Plan prepared in accordance with condition 39 has been received by the Canterbury Regional Council, the consent holder shall immediately implement any necessary changes to on farm management practices required by the Remedial Action Plan. The consent holder shall ensure that the farm management practices recommended by the Remedial Action Plan in accordance with condition 39 are incorporated into their approved farm nutrient modelling when determining compliance with their Nutrient Discharge Allowance.	As above			
41.	If the report required in accordance with condition 38 finds that there is not likely to be a continuation of the monitored results or that the results do not predict a trend toward an outright exceedance of the threshold limits over time, no further remedial action is required.	As above			

42.	<p>If the monitoring undertaken in accordance with the sub catchment monitoring plan prepared under condition 35 indicates that any or all of the nutrient threshold limit/s outlined in the Table 3 of Appendix A above have been exceeded then:</p> <p>(a) The sampling frequency at that node shall be increased to weekly; and</p> <p>(b) If the average of five consecutive weekly results exceeds the thresholds limit/s in Table 3 of Appendix A above then notification shall be provided to the Canterbury Regional Council within one week of it being recorded. A report shall be prepared by an appropriately qualified independent expert and provided to the Canterbury Regional Council within one month of the receipt of such results. The report shall include an assessment of the likely reasons for the observed increase in nutrient levels, including likely source and contributors.</p>	As above				
43.	<p>If the monitoring and reporting undertaken in accordance with condition 42 determine that the consent holder is either solely or partly responsible for the threshold limit exceedance then:</p> <p>(a) the consent holder shall immediately take steps to reduce their actual or planned N and P losses (depending on the nutrient that has caused the breach) by 5% for the year that is current (May to May), or which commences subsequent to the identification of the exceedance;</p> <p>(b) the consent holder shall prepare, on either a collective or individual basis, a Remedial Action Plan, for the certification of Canterbury Regional Council within one month of the notification required under condition 42.</p>	<p>As above. Highly improbable that such a determination could be made and monitoring and reporting by themselves can't make determinations. A 10% compounding reduction that would apply to the nutrient load from the irrigation area would be an effective alternative conceptual approach.</p>				
44.	<p>The Remedial Action Plan shall prescribe the methods and timeframes for altering and/or adapting farm practices on one or more of the farms within the affected sub catchment to ensure that the exceedance in nutrient threshold limit/s under Table 3 of Appendix A at the affected node are returned to and maintained at a level that is below the threshold limit/s identified in Table 3 for the subsequent irrigation seasons. The Remedial Action Plan shall illustrate, via an approved method such as OVERSEER, that the recommended actions will deliver the required nutrient reductions from the farm or farms. The Remedial Action Plan shall be reviewed by an appropriately qualified independent expert prior to being submitted to Canterbury Regional Council.</p>	As above				
45.	<p>Once the Remedial Action Plan prepared in accordance with condition 44 has been certified by the Canterbury Regional Council, the consent holder shall implement immediately any necessary changes to on farm management practices required by the Remedial Action Plan. The consent holder shall ensure that the farm management practices recommended by the Remedial Action Plan in accordance with condition 44 are incorporated into their approved farm nutrient modelling when determining compliance with their Nutrient Discharge Allowance. The consent holder shall also update their FEMP to include changes in farm management to be adopted in accordance with condition 44.</p>	<p>But after all of the above the WQ could still continue to deteriorate with no requirement to take corrective action.</p>				

Upper Waitaki – Lake Delta, Lake Arm and Lake Monitoring					
46.	<p>Prior to the use of water in order to exercise this consent the consent holder shall prepare a Lake Benmore monitoring plan in accordance with the methodology in Table 4 Appendix A and with respect to the necessary monitoring as outlined in Table 4 of Appendix A:</p> <p>(a) This Lake Benmore monitoring plan may be prepared in collaboration with other consent holders who are required to prepare a lake monitoring plan in order to better achieve integrated management.</p> <p>(b) The Lake Benmore monitoring plan shall specify any pre-consent implementation monitoring required to confirm baseline conditions. The consent holder shall implement the plan as it relates to pre-consent implementation upon receipt of the plan by Environment Canterbury.</p> <p>(c) The Lake Benmore monitoring plan shall specify an appropriate methodology for conducting all lake monitoring including identifying monitoring necessary in the Northern Arm of Lake Benmore that is subject to any downstream discharge from Ohau Downs.</p> <p>(d) The Lake Benmore monitoring plan will set out the methods by which the data will be collected and analysed by a qualified independent person/group.</p> <p><i>Advice Note:</i>  <i>If the Upper Waitaki Lake monitoring is undertaken on a collective basis then all necessary costs associated with this monitoring shall be met by the consent holders on a proportional basis.</i></p> <p><i>Where costs are to be met on a proportional basis, this means that an individual consent holder shall meet costs according to a ratio which accounts for the proportion of land irrigated by that consent holder as a percentage of all land irrigated in the Upper Waitaki Catchment.</i></p>	<p>Table 4 does not provide an adequate level of detail re the methodology. The proposed condition gives the consent holder inappropriate unfettered discretion to determine the content, scope and methodology of the monitoring plan.</p>	<p>Inappropriate for a consent to imply that it can dictate how the costs of monitoring shall be apportioned.</p>		
47.	<p>Should the lake monitoring undertaken in accordance with condition 46 indicate that the triggers in Table 5 of Appendix A pertaining to the Northern Arm of Lake Benmore or Lake Benmore itself have been exceeded, then the consent holder shall appoint an expert review panel consisting of two qualified and independent experts to review the likely cause of the exceedance. One of the scientists is to be appointed by the Canterbury Regional Council, and the other by the consent holder. The expert panel shall prepare a report within one month of the breach, and the purpose of the report shall be to determine the likely cause of the exceedance. The report shall be submitted to the Canterbury Regional Council upon its completion.</p>	<p>Triggers in Table 5 are incorrect. Therefore it is difficult to provide any useful comment. If appropriate triggers are used, wording would need considerable modification to provide an adequate level of certainty. Contradictory wording re appointments, i.e., consent holder appoints both, then they are appointed separately.</p>			
48.	<p>If the report undertaken in accordance with condition 47 determines that the consent holder is either solely or partly responsible for the threshold limit exceedance, then the consent holder shall prepare, on either a collective or individual basis, a Remedial Action Plan. The extent to which the actions emanating from this Remedial Action Plan apply to any given consent holder in the catchment shall depend on the exceedance detected and whether this has occurred in a Lake Arm and the effect is confined to that Arm or whether the effect has presented more widely within the Lake. The Remedial Action Plan shall be completed within one month of the</p>	<p>Same reservations as outlined above for sub-catchment monitoring.</p>			

	completion of the report required by condition 47.					
49.	The Remedial Action Plan shall prescribe the methods and timeframes for altering and/or adapting farm practices on one or more of the farms within the affected lake arm or lake catchment to ensure that the exceedance in nutrient threshold limit/s under Table 3 at the affected lake monitoring site are returned to and maintained at a level that is below the threshold limit/s identified for the subsequent irrigation seasons. The Remedial Action Plan shall illustrate, via an approved method such as OVERSEER, that the recommended actions will deliver the required nutrient reductions from the farm or farms. The Remedial Action Plan shall be reviewed by an appropriately qualified independent expert prior to being submitted to Canterbury Regional Council.	Same reservations as outlined above for sub-catchment monitoring.				
50.	Once the Remedial Action Plan prepared in accordance with condition 49 has been certified by the Canterbury Regional Council, the consent holder shall implement immediately any necessary changes to on farm management practices required by the Remedial Action Plan. The consent holder shall ensure that the farm management practices recommended by the Remedial Action Plan in accordance with condition 49 are incorporated into their approved farm nutrient modelling when determining compliance with their Nutrient Discharge Allowance. The consent holder shall also be required to update their FEMP to include changes in farm management to be adopted in accordance with condition 49.  <i>Advice Note: Any remedial action required must be proportionate to the consent holder's contribution to the exceedance caused by the exercise of the consent</i>	Same reservations as outlined above for sub-catchment monitoring.				
	<b>Site Specific Conditions – Ohau Downs</b>					
51.	The consent holder shall ensure that a no grazing riparian margin of at least 5 metres shall be maintained adjacent to all surface water bodies on the subject property.	Needs to be re-written as a simple direct requirement e.g., No grazing shall occur...”				
52.	The consent holder shall ensure that stock is excluded from entering all surface water bodies on the property by fencing and or other effective means for the duration of this consent.	Typo as indicated. Why is the term “for the duration of this consent” needed?				
53.	The consent holder shall ensure that all riparian margins identified in condition 51 are planted with appropriate plant species to achieve nutrient stripping requirements. The planting shall consist of, but not limited to: (a) Trees and shrubs along the outer zone of the riparian planted area; and (b) Sedges, flaxes, indigenous grasses along the stream margin.	Suggest deletion of reference to nutrient stripping unless it is intended that this provision would be enforceable.				
54.						
55.	To achieve the obligations set out in condition 53, a planting plan shall be prepared by the consent holder, having taken advice from an appropriately qualified ecologist in order to assist in the preparation of the plan. This plan shall be submitted to the Canterbury Regional Council for certification prior to giving effect to this consent.	Certification against what?				

56.	<p>The consent holder shall implement a monitoring and maintenance programme to ensure that the planting undertaken in condition 55 is successful. The monitoring and maintenance programme shall consist of:</p> <p>(a) Three monthly monitoring for mortality of any plants during the first year post implementation of the farm system, and then six monthly for a period of two years. Any gaps in the vegetation cover shall be replaced.</p> <p>(b) Six monthly monitoring for visible woody weeds (eg gorse, broom, pines). Any woody weeds detected within the riparian margin shall be removed.</p> <p>(c) Monitoring specified in (a) and (b) shall continue until 90% vegetation cover has been achieved.</p>					
57.	<p>The consent holder shall ensure that soil Olsen P values on the property are maintained at or below 30.</p>					
58.	<p>The consent holder shall ensure that all applications of N fertiliser are less than 50 kg/ha per application.</p>	<p>Need to specify kg <u>N</u>/ha.</p>				
59.	<p>The consent holder shall ensure that silage is made and stored on suitable grade concrete and to ensure that liquor is captured and reapplied to land.</p>	<p>This requires silage to be made and lack of silage would be a breach of conditions. Is this the intention?? Is the liquor discharge covered in an existing application?</p>				
60.	<p>The consent holder shall maintain a fertiliser, effluent and spray layback from all watercourses on the property.</p>	<p>Layback definition? Needs to be properly worded. Most FEMPs specified a minimum buffer of 20 m.</p>				
61.	<p>The consent holder shall maintain a 10m grass strip between arable or dooder breaks and watercourses where they are adjacent.</p>	<p>Dooder??</p>				
		<p>Missing basic 'administrative' conditions, i.e., lapsing, duration, and review.</p>				

**APPENDIX A****Table 1 – Proposed Total Farm Nutrient Loading**

Proposed Total N & P Discharge allowance from this Farm (with irrigation) (kg/year)
N = 55423
P = 1569

Table 2 – Sub Catchment Monitoring

	<b>Monitoring Type</b>	<b>Parameter to be measured</b>	<b>Sites to be monitored</b>	<b>Frequency of monitoring</b>
Groundwater	Quality	Total nitrogen, nitrate, ammonia, total Kjeldahl nitrogen, total phosphorous, dissolved reactive phosphorous	All groundwater monitoring bores at mid aquifer depth.	Quarterly. If after 2 years there is consistency between the quarterly samples this can be reduced to twice a year.
Surface water	Quality	Total nitrogen, nitrate, ammonia, total Kjeldahl nitrogen, total phosphorous, dissolved reactive phosphorous, suspended solids, pH, and temperature.	All sub catchment nodes	Monthly
	Quantity	Flow assessed when water quality sampling occurs.	All sub catchment nodes	Monthly with water quality sampling.
	Clarify FRE3	Flow	Stony River, Wairepo Creek, Tekapo River, Greys River	Continuous until FRE3 has been clarified
	Establish that FRE3 is sufficient to remove nuisance algal growths	Periphyton biomass before and after a FRE3 flow event	All sub catchment nodes	One off
	Ecology	Benthic invertebrates, periphyton, macrophytes, and fish. Canada geese (if deemed required in consultation with Fish and Game) and mammalian predators (if deemed required in consultation with Department of Conservation)	All major watercourses on farms.	Annually for macroinvertebrates, macrophytes and fish. Monthly from November – April for periphyton. Birds in consultation with Fish and Game. Mammalian predators in consultation with Department of Conservation.

**Table 3 –Sub Catchment Nutrient Threshold Limits for Ohau Downs**

<b>Node</b>	<b>Nitrate N</b>	<b>Total P</b>	<b>Total N</b>
Wairepo Creek River/Stream ANZECC	1278	69	
Ohau River Groundwater			16941

Table 4 – Upper Waitaki Lake Monitoring

Lake	Monitoring Type	Parameter to be measured	Sites to be monitored	Frequency of monitoring
Lake Benmore, Lake Ruataniwha, and Wairepo Arm	Water Quality	Vertical profile of temperature, dissolved oxygen, pH, total nitrogen, total phosphorus, ammonia, nitrate, nitrite, total Kjeldahl nitrogen, dissolved reactive phosphorus, Secchi depth, Chlorophyll-a	Lake Benmore, Ahuriri Arm, Northern Arm, and near Benmore Dam, Lake Ruataniwha and Wairepo Arm of Lake Ruataniwha.	Monthly
	Lake sediment	Total nitrogen, total phosphorus		Every 3 years
	Headwater Delta Ecology	Benthic invertebrates, macrophytes, periphyton, phytoplankton and fish.	Lacustrine delta	Late summer and late winter

**Table 5 – Lake Triggers**

<b>Lake</b>	<b>TLI – N</b>	<b>TLI - P</b>
Wairepo Arm Lake TLI	59484	2534

## APPENDIX B

### Method of Groundwater Variance Calculation

#### **Process for evaluating monitoring data relating to groundwater flow paths in lower Wairepo catchment**

Monitoring bores will be installed in the lower catchment as described in the Proposed Monitoring Programme report. Water level data and aquifer test results from existing and proposed bores will be used to estimate the proportion of groundwater flow from the catchment that discharges to Wairepo Arm.

If it is estimated from hydraulic gradients, groundwater depths and aquifer test results that more than 90% of the catchment's groundwater outflow discharges to Wairepo Arm, then the baseline assumption will be confirmed. If it is calculated that 75 – 90% of the groundwater discharges to Wairepo Arm, this would be considered a minor variance. Less than 75% of the groundwater discharging from the catchment to Wairepo Arm would be considered a significant variance.

#### **Process for evaluating monitoring data relating to location of catchment boundaries.**

Where it is necessary to confirm the location of a catchment boundary, monitoring bores / piezometers will be installed as described in the Proposed Monitoring Programme report, and the well-head elevations accurately determined by surveying. Water level measurements from these bores / piezometers will be used to estimate groundwater flow directions, and therefore the location of the catchment boundary.

If the catchment boundary location determined from monitoring moves less than 0.5 km in either direction from the assumed location the baseline assumption is confirmed. If the boundary moves 0.5 – 1.5 km the variance will be considered minor. A change of more than 1.5 km in either direction will be considered a significant variance.

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**APPENDIX C**

1. Monitoring of compliance with the Proposed Total Farm Nutrient Loading identified in Table 1, Appendix A shall be undertaken by the consent holder by:
  - (a) To benchmark OVERSEER modelled losses from current practices as set out in condition 4(f)(i): An approved method (such as OVERSEER) which shall be used to model the annual average nutrient leaching on the farm for current practices by preparing a nutrient budget for the farm based on typical practices over the previous 3 years minimum. This modelling shall be supported by farm management records on practices including cultivation, nutrient inputs, stock movements and yields and associated data where available. Typical annual average climatic data should be constructed from data from the nearest weather station.
  - (b) To assess compliance with the Proposed Total Farm Nutrient Loading in Table 1, Appendix A: An approved method (such as OVERSEER) which shall be used to model the nutrient leaching on the farm and to prepare a nutrient budget for the farm for that prior 12 month period. This modelling shall be supported by maintaining farm management records throughout the year on practices including cultivation, nutrient inputs, stock movements and yields and associated data. Weather records can be collected on farm or can be constructed from data from the nearest weather station.
  - (b) A nutrient budget to estimate nutrient losses for Ohau Downs shall be:
    - (i) Prepared by 31 August each year by a suitably qualified person; or
    - (ii) Certified as an accurate record by a suitably qualified independent person; and
    - (iii) Constructed using accurate farm records for the previous 12 months and typical annual average climatic data construction from date from the nearest weather station; and
    - (iv) Maintained for the property for the duration of the consent; and
    - (v) Provided to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, by 30 September each year, or upon request.
2. The consent holder shall prepare a suitable monitoring plan for the purpose of providing sufficient information to calibrate and improve the OVERSEER (or other approved method) modelling predictions for nutrient loss for Ohau Downs. This plan shall be submitted to Environment Canterbury for certification.
3. The consent holder shall apply the method established by the plan required by Condition 2 above to ensure that the OVERSEER (or other approved method) modelling is accurately representing MacKenzie Basin conditions. This process shall be repeated at 3 yearly intervals commencing from the third anniversary of the date upon which this consent is implemented, and shall continue for the duration of this consent, or until the Canterbury Regional Council advises that it is satisfied that OVERSEER (or other approved method) modelling is accurately

representing the Mackenzie Basin conditions, at which time the use of the method by the Consent Holder can cease.

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**APPENDIX D**

**Ohau Downs FEMP**

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