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Conditions for water permit CRC012047* (Otamatapaio Station (1993) Limited) Status of Consent: Renewal Catchment: Benmore South side of lake Expiry date sought – 35 years				
No.	Proposed Condition	ECan Comments	Meridian comments	Applicant Final Comments
1	Water shall only be taken from the Otamatapaio River at or about map reference NZMS 260 H40: 7868-2126	Agreed		
2	Water may be diverted , taken and used as follows: a) At a rate not exceeding 30 litres per second at any flow in the Otamatapaio River at Footbridge; b) At a rate not exceeding 200 litres per second when river flows in the Otamatapaio River at Footbridge are greater than 600 litres per second; and c) At a rate not exceeding 140 litres per second when flows in the Otamatapaio River at Footbridge is equal or less than 600 litres per second but greater than 450 litres per second d) at a rate not exceeding 140 litres per second when river flows in the Otamatapaio River at Footbridge are equal or less than 450 litres per second but greater than 200L/s; and a sharing regime that limits the combined rate of abstraction to ensure that the flow in the Otamatapaio River at Footbridge less the combined flow of CRC012047 (Otamatapaio) and CRC012019 (Bogroy), is equal to or greater than 200 litres per second e) when the flow in the Otamatapaio River is equal to or less than 200 litres per second taking of water in terms of this permit for irrigation purposes shall cease. f) With a volume not exceeding 2,442,080 cubic metres between 1 July and the following 30 June OR provided that the Canterbury Regional Council, in consultation with a Water Users Committee representing, but not limited to, surface water and hydraulically connected groundwater users, who are subject to the above minimum flow, has determined upon a water sharing regime which limits the total daily abstraction from the resource as referred to in (a) and (b) above then the taking of water in accordance with that determination shall be deemed to be in compliance with condition <x> of this consent.	Consider that this condition should be consistent with that on CRC012017 and include graph or table for clause (d). No conditions proposed that specify minimum setback distances of irrigation areas from surface water bodies. These should be specified in a condition e.g., minimum of 20 metres.		This condition should not be consistent with CRC012017 which is the Bogroy Corbies take as this is treated as an adjacent catchment, and does not contribute to the Mainstem Otamatapaio until the confluence just upstream of Bogroy take CRC012019. Otamatapaio at footbridge is a trigger site. Graphs now attached below. <u>The irrigation area here is defined and without surface water bodies within the defined area – so no need for this condition in this case – the applicant could comply with this condition – but imposition of this condition is not justified</u>
	<u>There shall be a 5 metre setback for all conversion to spray irrigation from any permanently flowing waterways within the irrigation area marked on Plan CRC012047.</u>			
3	Water shall be used for the border dyke and spray irrigation of 200 hectares of crops and pasture as described in the application, on the area of land shown in attached plans "CRC012047" which forms part of this consent.	Agreed		
4	An annual volume not exceeding 716,800 cubic metres per year shall be used on	Suggest amendment to the wording of this condition to		<u>agreed</u>

Deleted: for grazing of sheep, beef cattle, deer or non-milking dairy cows, storage, stock and domestic water

	<p>the 112ha area identified as "Crossover irrigation area" on attached plan "CRC012047" Attachment 1 in conjunction with CRC021330, if granted.</p>	<p>be more consistent with the recently granted consent CRC021330 as follows:</p> <p><u>"The combined seasonal volume on the area (112 hectares) identified as 'Crossover irrigation area' to be irrigated by either consent CRC021330 or CRC012047 in the attached Plan CRC012047A, shall not exceed 716,800 cubic metres between 1 July and the following 30 June."</u></p> <p>The attached plan needs to be either changed to that included with the s42A report, or updated to properly identify the "Crossover irrigation area".</p>		
<p>5</p>	<p>The consent holder shall take all practicable steps to:</p> <ul style="list-style-type: none"> a) Ensure that the volume of water used for irrigation does not exceed that required for the soil to reach field capacity; and b) Avoid leakage from pipes and structures; and c) Avoid the use of water onto non-productive land such as impermeable surfaces and river or stream riparian strips. 	<p>Agreed</p>		
<p>6</p>	<p>Water shall only be temporarily diverted within the bed of Otamatapaio Stream as follows:</p> <ul style="list-style-type: none"> (i) diversion shall only be for the purpose of re-installation and maintenance of the intake, in accordance with consent CRC012727*; (ii) diversion shall only be over a length of the bed of less than 50 metres, located in accordance with Condition 1; and (iii) diversion shall not impede fish passage or cause the stranding of fish in pools or channels. 	<p>Refer to para 70 & 71 of s42A addendum report of Claire Penman noting that this activity requires consent and suggests a consent number could be generated as all information regarding the activity was in the application. Commissioners need to make a decision on this.</p>		<p>Agree on wording of condition however:</p> <p>The issue is whether to include this condition to this existing consent or whether an entirely new consent is required. Either way agreement is reached on the condition itself. The applicant strongly prefers it to be added to this water permit rather than an entirely new consent generated for this minor water permit activity. Please refer to McCabe right of reply, para 28.</p>
<p>7</p>	<ul style="list-style-type: none"> (a) A fish exclusion device shall be installed, operated and maintained on the intake to ensure that fish are prevented from passing into the intake. (b) The fish exclusion device shall be positioned to avoid the entrapment of fish at the point of abstraction, and to minimise the risk of fish being damaged by contact with the fish screening device. (c) The fish exclusion device shall be designed or supplied by a person with experience in freshwater ecology and fish screening techniques, who shall ensure that the performance criteria specified in clauses (a) and (b) of this condition are achieved, and that the device is designed in accordance with best practice, as outlined in the document Fish Screening: Good Practice Guidelines for Canterbury, NIWA Client Report 2007-092, October 2007. (d) Prior to the installation of the fish screen, a report containing final design plans that demonstrate that the fish screen will meet the performance criteria specified in clauses (a) and (b) of this condition, and an operation and maintenance plan for the fish screen, shall be provided to Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager. (e) Before the taking of any water in terms of this permit, a certificate shall be provided to Canterbury Regional Council, by a person with experience in freshwater ecology and fish screening techniques, to certify that the design plans and operation and maintenance plan for the fish screen will meet performance criteria as outlined in this condition, 	<p>Agreed</p>		

	<p>and that the fish screen has been installed in accordance with the details provided to Canterbury Regional Council in accordance with clause (d) of this condition.</p> <p>(f) The fish screen shall be maintained in good working order. Records shall be kept of all inspections and maintenance, and those records shall be provided to Canterbury Regional Council upon request.</p>			
8	The consent holder shall ensure water races used to convey water diverted in terms of this permit are well maintained to minimise losses.	Agreed		
9	The consent holder shall cease irrigation using border-dyke systems and convert the property to spray irrigation within 5 years from the date of commencement of this consent.	Agreed		
10	<p>The consent holder shall, within six months of the commencement date of this consent at the point of take:</p> <p>a.</p> <ul style="list-style-type: none"> (i) install a water meter(s) that has an international 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 [specify] is measured; and (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>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> <ul style="list-style-type: none"> (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 (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>c. The measuring device shall be installed at a site likely to retain 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>d. The water meter and recording device(s) shall be accessible to the Canterbury Regional Council at all times for inspection and/or data retrieval.</p> <p>e. 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.</p> <p>f. 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 10%.</p>	Agreed		

11	<p>(a) The water meter installed in accordance with Condition <10> shall be an electromagnetic or ultrasonic meter; or</p> <p>(b) The consent holder shall, within six months of the commencement date of this consent install or make available an easily accessible straight pipe(s) at a location where the total water take is passing through, with no fittings or obstructions that may create turbulent flow conditions, of a length at least 15 times the diameter of the pipe, as part of the pump outlet plumbing or within the mainline distribution system, to allow the Canterbury Regional Council to conduct independent measurements.</p>	Agreed		
12	<p>Within one month of the installation of the measuring or recording device(s), specified in conditions <10> or any subsequent replacement measuring or recording device(s), or at any time when requested by the Canterbury Regional Council, the consent holder shall 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 measuring and recording device(s) is installed in accordance with the manufacturers specifications; and</p> <p>(b) data from the recording device(s) can be readily accessed and/or retrieved in accordance with clauses (b) and (c) of condition <8>.</p>	Agreed but reference to condition numbers incorrect		
13	<p>At five yearly intervals or at any time when requested by the Canterbury Regional Council, the consent holder shall provide a certificate to the Canterbury Regional Council, attention: RMA Compliance and Enforcement Manager, signed by a suitably qualified person certifying that:</p> <p>(a) the water meter(s) is measuring the rate of water taken as specified in condition <10> and</p> <p>(b) the tamper-proof electronic recording device is operating as specified in condition <10></p>	Agree		
14	<p>The consent holder shall, prior to exercising this consent, install a water meter measuring device at (map reference NZMS 260 H40:759-168) in the Otamatapaio River that will enable the determination of the continuous rate of flow in the reach of the waterbody to within an accuracy of 10 percent.</p> <p>(a) The measuring device shall, as far as is practicable, be installed at a site likely to retain a stable relationship between flow and water level. The measuring device shall be installed in accordance with the manufacturer's instructions.</p> <p>(b) install a tamper-proof electronic recording device such as a data logger(s) that shall time stamp a pulse from the flow meter at least once every 15 minutes, and have the capacity to hold at least one season's data of water taken as specified in clauses (d)(i) and (d)(ii), and which is telemetered, as specified in clause (d)(iii).</p> <p>(c) The recording device(s) shall:</p> <p>(i) be set to wrap the data from the measuring device such that the oldest data will be automatically overwritten by the newest data (i.e. cyclic recording); and</p> <p>(ii) store the entire season's data in each 12 month period from 1 July to 30 June in the following year, which the consent holder shall then download and store and provide to the Canterbury Regional Council in a format and standard specified in the Canterbury Regional Councils form for Water Metering Data Collection; and be readily accessible to be downloaded by the Canterbury Regional Council or by a person authorized by the Canterbury Regional Council: RMA Compliance and Enforcement Manager; and</p> <p>(iii) shall 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.</p>	Agree		

	(d) The measuring and recording devices described in clauses (a) and (c) shall be available for inspection at all times by the Canterbury Regional Council. All data from the recording device described in clause (c), and the corresponding relationship between the water level and flow (b), shall be provided to the Canterbury Regional Council annually in the month of June, and shall be accessible and available for downloading at all times by the Canterbury Regional Council.			
15	The consent holder shall within a period of 5 years from the commencement date of this consent, convert to spray irrigation and advise the Canterbury Regional Council as to the staging of any conversion. Any rights to continue border dyke irrigation shall cease 5 years from the date of this consent The consent holder shall advise the Canterbury Regional Council of the completion of conversion prior to the commencement and use of the new spray system. For the avoidance of doubt, any conditions requiring testing as a precursor to the exercise of consent shall, with respect to the exercise of this replacement consent, occur prior to the next irrigation season following the commencement date.	Agree but should be separate clauses (a) to (d). Some of this already covered by condition 9 above.		
	<u>For the purposes of interpretation of the following conditions the Otamatapaio Station shall be defined as the areas in certificates of title and Pastoral Lease numbers OT235/735, OT15D/945 which total 6731 hectares</u>			
16	The consent holder shall prepare once per year, an Overseer® nutrient budgeting model report, and shall prepare, at least once per year <u>and not less than one month prior to the commencement of the irrigation season</u> , a report of the annual farm nutrient loading for the Bog Roy Station using the model Overseer® (AgResearch model version number 5.4.3 or later	When exactly do these have to be done? Need to specify dates.		
17	A copy of the report prepared in accordance with condition xx shall be given to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, upon request	Condition number? Condition xx = 14?		<u>Agreed – but preference to leave final conditions numbering to be determined on grant</u>
18	Following conversion the consent holder shall not commence annually irrigation under this consent unless the annual (1 July to 30 June) nutrient loading (the nutrient discharge allowances (NDAs)) as estimated in accordance with condition XX from Otamatapaio Station shall not exceed 19,459 kg of nitrogen and 975kg of phosphorus. The NDAs shall be complied with at the earlier of the first full year (1 July to 30 June) following completion of the irrigation conversion or 5 years from the commencement of consent.	Essential to define “Otamatapaio Station” by reference to an area (X ha), legal description and/or a map, otherwise there is a risk that authorised nutrient load would be uncertain The first clause of the proposed condition only requires compliance for commencement to occur, i.e., subsequent compliance would not be required. This is not appropriate. The condition should require ongoing compliance with the NDA. Needs to be “The annual (01 July to 30 June) nutrient loading (NDA) estimated in accordance with condition X, shall be less than...” Nutrient loads larger than needs plus buffer approach suggested by Christian Whata in ROR to address surplus nutrient issue. The final clause appears to be an attempt to broaden the compliance requirement but is missing some words and is not clear.		<u>The condition requires compliance and verification annually</u> <u>Not opposed to this wording</u> <u>Do not understand. There is no attempt to broaden wording.</u>

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19	<p>Overseer Modelling:</p> <p>Where Overseer, or Overseer modelling, is referred for the purposes of determining compliance with the NDA limits associated with activities on the property it shall undertaken by an independent person with an Intermediate or Advanced Sustainable Nutrient Management Certificate issued by Massey University or an equivalent qualification.</p>	<p>Don't consider that the three day intermediate course is adequate. Should require the more intensive Advanced Certificate. Majority of fertiliser representatives have this qualification and an increasing number of agricultural consultants.</p>		
20	<ol style="list-style-type: none"> 1. The Farm Environmental Management Plan prepared for the Otamatapaio Station and supplied to Environment Canterbury on an annual basis within two months of the irrigation season on request 2. The consent holder shall implement, and update annually the Farm Environmental Management Plan (FEMP) for Otamatapaio Station. The FEMP shall include <ol style="list-style-type: none"> (b) Verification of compliance with NDA's by farm nutrient modelling using the model Overseer® (AgResearch model version number 5.4.3 or later). (c) When undertaking the modelling outlined in clause (b), the consent holder shall use either weather records collected on-farm or from constructed data from the nearest weather station. (d) Implementation of Mandatory Good Agricultural Practices ("MGAPS") and requirements to manage in accordance with the Otamatapaio Station Overseer® model inputs specified in the attached Appendix A <u>of the FEMP</u> – Otamatapaio Station Overseer® parameter report. Appendix A forms part of this consent. (e) A property specific environmental risk assessment (including a description of the risks to water quality arising from the physical layout of the property and its operation which are not factored in as an Overseer parameter) prepared by a suitably qualified person which identifies any farm specific environmental risks along with measures to mitigate the farm specific environmental risks. (f) A requirement to review the risk assessment if there are any significant changes in land use practice 3. Detailed records shall be maintained of fertilizer application rates, types of crops (including winter feed/forage crops), cultivation methods, stock units by reference to type, breed and age, prediction of realistic crop yields that are used to determine crop requirements and all other inputs to the Overseer nutrient budgeting model. 4. A report based on Overseer® modelling shall be provided within one month of completion of the Overseer modelling by the <u>person with the qualifications</u> described in condition 13 and no later than two months prior to the start of the next irrigation season to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager. The consent holder shall supply to the Canterbury Regional Council all model inputs relied upon for the annual Overseer® modelling. 5. Changes may be made to Appendix A Otamatapaio Station Overseer® model inputs, provided that written certification is provided that the change is modelled using Overseer®, and that the result of that modelling demonstrates that the NDAs are not exceeded. 6. A copy of that certification plus a copy of the resultant Overseer parameter report shall be provided to the Canterbury Regional Council, Attention: RMA 	<p>Condition is missing some wording. It appears to be some form of statement rather than a requirement. A final FEMP should be submitted prior to making a decision.</p> <p>A FEMP including verification of NDA compliance is not the same as an actual requirement to comply with the NDA.</p> <p>As above.</p> <p>No Appendix A provided.</p> <p>Should be a person "with the qualifications described...".</p> <p>The full Overseer output and input reports should be provided not a report "based on Overseer modelling". These should include the "Current farm" calculated total N and total P leaching/runoff.</p> <p>Not clear who can undertake this certification. Condition X may not apply.</p>		<p><u>Final FEMPS have been sent to Ecan: Com: Phillips -Warnock</u></p> <p><u>Applicant thought that with difficulties in opening and reading Overseer that Ecan wanted a report from the person in 13. We're happy to provide whatever form Ecan wants</u></p> <p><u>Do not see issue – 13 applies to all references to Overseer</u></p>

Deleted: person

	<p>Compliance and Enforcement Manager, prior to the implementation of that change.</p>	<p>Advisory note condition references appear to be incorrect.</p> <p>Not clear why this is needed. Conditions should allow for any change provided that the NDA is complied with and annual Overseer modelling is carried out.</p>		<p><u>Agreed and delete</u></p>
<p>21</p>	<p>Fertiliser</p> <ol style="list-style-type: none"> 1. Fertiliser shall be managed and applied in accordance with 'The Code of Practice for Nutrient Management (With Emphasis on Fertiliser Use) NZFMRA 07' or any subsequent updates. 2. The consent holder shall keep a record of all fertiliser applications applied to the property, including fertiliser type, concentration, date and location of application, climatic conditions, mode of application and any report of the fertiliser contractor regarding the calibration of the spreader. 3. For land based spreading of fertiliser an independent fertiliser spreading contractor shall be used to spread any fertiliser on the property except as provided for by clause (b) below. <ol style="list-style-type: none"> (a) Where an independent fertiliser spreading contractor is used the consent holder shall keep a record of the contractor used which can be supplied to the Canterbury Regional Council upon request. (b) Where the applicant's own fertiliser spreaders are used, the consent holder shall test and calibrate the fertiliser spreaders at least annually, and every 5 years the fertiliser spreader will be certified by a suitably qualified person in accordance with 'The Code of Practice for Nutrient Management (With Emphasis on Fertiliser Use) NZFMRA 07' or any subsequent updates and the results of testing shall be provided to the Canterbury Regional Council upon request. 4. Nitrogen fertiliser shall not be applied to land between 31st May and 1st September in any year except for the use of nitrification inhibitors 5. 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. 6. Applications of nitrogen fertiliser shall not exceed 50 kg nitrogen / hectare per application. 7. If liquid fertilisers, excluding liquid effluent, are stored on-site for more than three working days, 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. 8. Fertiliser filling areas shall not occur within 50 metres from a water course, spring or bore. 	<p>This code of practice is generally not written as an enforceable document, which means that this condition could not be enforced, doesn't provide any assurance about effects and is therefore not necessary. Retention may give an impression that many aspects of fertiliser use can be controlled via a consent condition and enforced when they cannot. Therefore recommend deletion unless specific and enforceable components could be separated out and applied.</p> <p>Not clear what use could be made of "a record of the contractor".</p>		<p><u>Fertiliser clause to be read as a whole. It has specific controls but in addition this overarching Code control provides for best overall practices to be adopted – as they may be developed from time to time.</u></p> <p><u>The issue was to avoid requirement for calibration to occur for every separate spreading operation – where it is not within applicant's control to request calibration.</u></p> <p><u>Subclause 2 requirements for record keeping and calibration record the information. Ecan may wish this information to be supplied upon request</u></p>
<p>22</p>	<ol style="list-style-type: none"> 1. The consent holder shall ensure that all new (not on the property at the time of commencement of this consent) irrigation infrastructure is designed and certified by a suitably qualified independent expert holding National Certificate in Irrigation Evaluation Level 4, and installed in accordance with 	<p>Issued by who? NZWETA? What certified design? Certified by who?</p>		<p><u>NZQA</u></p>

Deleted: Advisory notes (Conditions 8 and 9)¶
 # for the purposes of this consent "Significant changes" constitutes a major change in the stock ratios between sheep, cattle, and deer or a major change in the farming systems for the property. . For example going from extensive sheep and beef farming to dairy farming or cropping. It does not include changes in stock numbers as would be expected to deal with inter seasonal variations arising from climatic conditions or changes in stocking rates due to market demand.

	<p>the certified design.</p> <p>(a) Copies of certified design documents shall be provided to the Canterbury Regional Council upon request.</p> <p>(b) All irrigation infrastructure shall be tested within 12 months of the first installation of the new irrigation infrastructure and afterwards every five years in accordance with the 'Irrigation Code of Practice and Irrigation Design Standards, Irrigation NZ, March 2007' (code of practice) by a suitably qualified independent expert.</p> <p>(c) The expert shall prepare a report within two months of the testing, outlining their findings and shall identify any changes needed to comply with the code of practice.</p> <p>(d) Any changes needed to comply with this code of practice shall be implemented within five years from the date of the report. A copy of the report shall be provided to the Canterbury Regional Council Attention: RMA Compliance and Enforcement Manager, within three months of the report being completed.</p> <p>2. If existing irrigation infrastructure is being used, the consent holder shall obtain an evaluation report prepared by a suitably qualified person, on the following terms:</p> <p>(a) The evaluation shall determine the system's current performance in accordance with the Code of Practice for Irrigation Evaluation.</p> <p>(b) This report shall be obtained within three months of the first exercise of the consent.</p> <p>(c) Any recommendations identified in the report shall be implemented within five years from the date of receipt of the report.</p> <p>A copy of the report shall be forwarded to the Canterbury Regional Council within 3 months of the report being completed.</p>	<p>This code of practice is not written as an enforceable document, which means that this condition could not be enforced, doesn't provide any assurance about effects and is therefore not necessary. Retention may give an impression that aspects of irrigation design can be controlled via conditions and enforced when they cannot. Therefore recommend deletion unless specific and enforceable components could be separated out and applied.</p> <p>Why not the person referred to above?</p>		<p><u>This clause provides a cross check on water efficiency requirements in that the certification parameters of the design could not be signed off unless the irrigation "as built" structures meet the efficiency parameters – Applicants consider it appropriate that a check within first 12 months should be a condition</u></p>
		<p>No fertigation - backflow prevention condition.</p>		
<p>23</p>	<p>Subdivision</p> <p>The NDAs shall be recalculated if there is a sale or transfer of any part, but not the whole, of the total farm area specified in Appendix [should be Appendix A]*. The recalculated NDAs shall replace the NDAs specified in condition 12. The recalculation of the NDAs shall be undertaken and certified using Overseer, completed and provided to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager together with a copy of the full Parameter report, within one month of the sale or transfer.</p>	<p>No Appendix A provided.</p> <p>Condition 12 does not specify the NDA.</p> <p>Suggest add after "The recalculated NDAs..." "...shall be undertaken to accurately redistribute the NDA between the resultant properties and...". Also need to add: "The new NDAs may be recalculated on any <u>apportionment</u>, as long as the total of all the NDAs does not exceed the NDAs of the parent title as set out in condition X.</p>		<p><u>Agreed new condition defining Otamatapaio see above</u></p> <p><u>Agreed to altered wording</u></p>
<p>24</p>	<p>Soil Management</p> <p>(a) The consent holder shall use, where practicable, direct drilling as the principal method for establishing pastures; and</p> <p>(b) On the irrigation area the consent holder shall, where practicable, sow and irrigate all cultivated areas as soon as possible following ground disturbance.</p>	<p>Agree</p>		
<p>25</p>	<p>SUB-CATCHMENT SURFACEWATER MONITORING AND MITIGATION</p>			

Deleted: proportionment

	<p>The water quality of the Otamatapaio River and Clarkes Creek shall be monitored <u>within 6 months of first exercise of consent</u> as follows:</p> <p>(a) Location: Map reference:H40: 774-195 co-ordinates immediately upstream of all irrigation takes on Otamatapaio River Map reference: H39: 784-249 co-ordinates downstream of the discharge (Clarkes Creek)</p> <p>Note: Unless otherwise agreed the coordinates for Otamatapaio River and Clarkes Creek monitoring shall be as specified – but provided the two characteristics of the monitoring points are adhered to (being upstream of all intakes and downstream of all intakes) then within those parameters the consent holder may vary the actual coordinates with the prior agreement of Ecan so as to more appropriately monitor the localised river effects arising from the exercise of this take consent</p> <p>(b) Water quality variables to include: (a)dissolved inorganic nitrogen (b)dissolved reactive phosphorous (c)Dissolved oxygen (d) conductivity (e)conductivity (f) turbidity; (g) periphyton biomass as chlorophyll a per square metre;(h) ecoli</p> <p>(c) This monitoring may be carried out on an individual basis, or may be prepared in collaboration with other consent holders, or on a collective basis by a suitable independent body appointed by all relevant consent holders in the sub catchment.</p> <p>(d) Frequency of monitoring: Once per month from 01 December to 30 April each year, with a minimum of three weeks between sampling.</p> <p>(e) Methods: The methods of sampling and analysis shall be those that are generally accepted by the scientific community as appropriate for monitoring river water quality and periphyton biomass. The methods of sampling shall be documented and made available to the Canterbury Regional Council on request.</p> <p>(f) The water quality monitoring shall be undertaken by a suitably qualified and/or experienced person who demonstrates that they understand the appropriate methods to use for surface water quality sampling, including preservation of samples. That person shall certify in writing that each batch of samples has been sampled and preserved in accordance with generally accepted scientific methods. A copy of those certifications and the person’s qualifications shall be provided to the Canterbury Regional Council on request.</p> <p>(g) The laboratory undertaking analyses shall be accredited for those analyses by International Accreditation New Zealand (IANZ) or an equivalent accreditation organisation that has Mutual Recognition Agreement with IANZ.</p> <p>The results of all sampling shall be provided to the Canterbury Regional Council Attention: RMA Compliance and Enforcement Manager by 30 May each year. This shall include copies of reports from the laboratory that undertook the analyses.</p>	<p>Needs to clearly state when this should start.</p> <p>A map should be provided to show locations. Full eight digit map references preferable. Ideally map reference s should also include current NZTopo map references.</p> <p>Don’t consider that a secondary approval is appropriate, but an alternative approach would be to state “at or about” to give some flexibility. Locations should be specific to the irrigation areas.</p> <p>phosphorus E. coli</p>		<p><u>Map is in the FEMP and has been supplied</u></p>
26	<p>The initial monitoring shall be carried out in the first calendar year following the grant of consent using the methodology set out above to determine the</p>	<p>What initial monitoring?</p>		

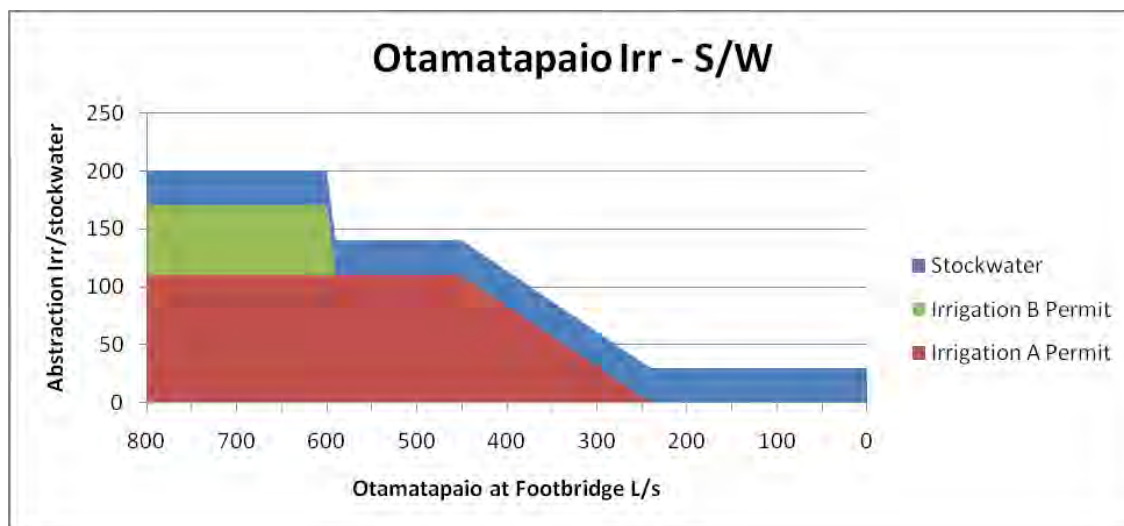
	environmental trigger levels for condition 21 which shall either be the trigger levels set out below or the initial annual average sample results for DIN/DRP levels whichever is the higher	Where is this specified? Are some proposed conditions missing or is this left over from an earlier conceptual approach?		
27	<p>TRIGGER RESPONSE CONDITION: EXCEEDANCE OF SURFACE WATER EARLY WARNING TRIGGER – OTAMATAPAI RIVER</p> <p>(a) If the monitoring undertaken in accordance with condition 20 shows that the average sample result for any of the Otamatapaio River and Clarkes Creek monitoring sites located at H40: 774-195 and H39: 784-249 (as shown on the attached map (Appendix E), over the annual period (November to August test results as above) in any year is greater than 0.14 mg/l of DIN; or 0.006 mg/l DRP; or 90 mg chl a/ m² (early warning trigger) but does not exceed 0.18 mg/l of DIN; or 0.007 mg/l DRP; or 120 mg chl a/ m²) ,(OR if the initial monitoring shows that the DIN/DRP levels are higher than the ANZECC guidelines then initial actual annual average sample results shall be substituted for the trigger levels) (environmental standard trigger), the consent holder shall prepare a report into the cause of the breach of the early warning trigger. The report shall be prepared by an expert review panel consisting of two qualified and experienced independent scientists. One of the scientists shall be nominated by the Canterbury Regional Council, and the other shall be appointed by the consent holder.</p> <p>(b) The report shall:</p> <ol style="list-style-type: none"> i. include the experts' conclusion on whether the exceedance(s) were as a result of natural influences, one off events, or in whole or part by nutrient loss associated with the irrigation authorised by this consent; and ii. include an assessment as to whether there is likely to be a continuation of the monitored results; iii. be completed by 30 July following the sampling; and iv. be provided to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, by 30 August following the sampling. <p>(c) If the authors of the report prepared in accordance with clauses (a) and (b) conclude, after considering all the relevant available information, including on-site monitoring, sub-catchment monitoring, and catchment resource consent compliance and audit reports made available by the Canterbury Regional Council, that the cause of the breach of the early warning trigger was unlikely to have been caused in whole or in part by nutrient loss associated with the irrigation authorised by this consent, or if the report concludes that it is unlikely that there is a trend towards exceedance of the environmental standard trigger pertaining to the Otamatapaio River and Clarkes Creek monitoring sites, then no further action needs to be undertaken by the consent holder, and no nutrient load reductions and investigations shall be required, if.</p> <p>(d) If the monitoring undertaken in accordance with condition 20 shows that the average sample result for any of the Otamatapaio River and Clarkes Creek monitoring sites, located at H40: 774-195 and H39: 784-249 (as shown on the attached map (Appendix E), over the period December to April is greater than 0.14 mg/l of DIN; or 0.006 mg/l DRP; or 90 mg chl a/ m² (early warning trigger) but does not</p>	<p>No Appendix E provided.</p> <p>What initial monitoring? Would be inappropriate to use observed nutrient concentrations from one 12 month unknown sampling programme..</p> <p>Should clarify "If both authors of the report..."</p> <p>No Appendix E provided.</p>		<p><u>It specifies the plural – if only one concludes then the applicant is not meeting condition</u></p>

	<p>exceed 0.18 mg/l of DIN; or 0.007 mg/l DRP; or 120 mg chl a/ m² (environmental standard trigger), then the property nutrient load (NDA), as specified in condition 19, shall be reduced by 5% x Irrigation Proportion Factor (IPF) for the irrigation season subsequent to the monitoring period. The IPF shall be the proportion of the total authorised irrigation area developed for irrigation at the time of the exceedance under this resource consent divided by the total farm area (being 200 hectares on a total farm area of 6,732 ha</p> <p>(e) Unless the experts conclude that the exceedance was caused by an event or activity other than nutrient loss associated with the irrigation authorised by this consent or if the experts conclude that it is unlikely that there is a trend towards exceedance of the environmental standard trigger pertaining to the Otamatapaio River and Clarkes Creek monitoring sites, then the consent holder shall prepare a Remedial Action Plan.</p> <p>(f) The Remedial Action Plan shall set out the methods and timeframes for altering and/or adapting farm land use practices to ensure that the exceedance in the early warning trigger pertaining to the Otamatapaio River and Clarkes Creek monitoring site, is returned <u>as soon as practicable</u> to and maintained below the average sample results of 0.14 mg/l of DIN; or 0.006 mg/l of DRP; or 90 mg chl a/ m² (early warning trigger) for the Otamatapaio River and Clarkes Creek monitoring site, over the period December to April.</p> <p>(g) The Remedial Action Plan shall be prepared by a suitably qualified and experienced person using <u>Overseer or an equivalent method to demonstrate</u> that the actions to be undertaken will achieve the necessary nutrient reductions <u>as soon as practicable</u>;</p> <ol style="list-style-type: none"> i. If the Remedial Action Plan outlined in clauses (e) and (f) is prepared in collaboration with other consent holders who are required to prepare a Remedial Action Plan for this sub catchment the Remedial Action Plan shall be deemed to comply with this condition ii. Any actions required by the Remedial Action Plan shall be incorporated into the consent holders FEMP. The amended FEMP shall be immediately implemented. iii. The consent holder shall provide the Canterbury Regional Council with the Remedial Action Plan and an amended FEMP upon request. <p>If a required reduction in nutrient load is in effect under clause (d) and monitoring for that period shows that the average sample results for the Otamatapaio River monitoring site over the period December to April is less than 0.14 mg/l of DIN; or 0.006 mg/l of DRP; or 90 mg chl a/ m² (early warning trigger), then for the subsequent season no property NDA reduction shall be required under this condition.</p>	<p>Needs to be a compounding requirement for continuing breach e.g., "The NDA reduction shall compound on any currently reduced NDA."</p> <p>Should be ..."both conclude..."</p> <p>Need to add "as soon as practicable" after "... is returned..."</p> <p>"approved" should be deleted and the sentence changed to "...using Overseer or an equivalent method..." Change "show" to "demonstrate". Add "as soon as practicable" after "...reductions..."</p> <p>Needs a condition number.</p>		<p>Comment as above</p> <p>Agreed see tracked changes</p> <p>Should record full year period</p> <p>See tracked changes</p>
<p>28</p>	<p>Monitoring of Ahuriri Arm of Lake Benmore and Lower Lake Benmore</p> <p>The water quality of the Ahuriri Arm of Lake Benmore and Lower Lake Benmore shall be monitored <u>from commencement of the consent</u> as follows:</p> <p>(a) Locations:</p> <p>Ahuriri Arm, Map reference: NZMS 260 [] (NZTopo50 CA16:7828-7366) (as shown on the attached map (Appendix F)</p> <p>Lower Lake Benmore, Map reference: NZMS 260 H39:8802-2371</p>	<p>Needs to clearly state when this should start.</p> <p>Incorrect map reference.</p> <p>No Appendix F provided.</p>	<p>From commencement of consent</p>	

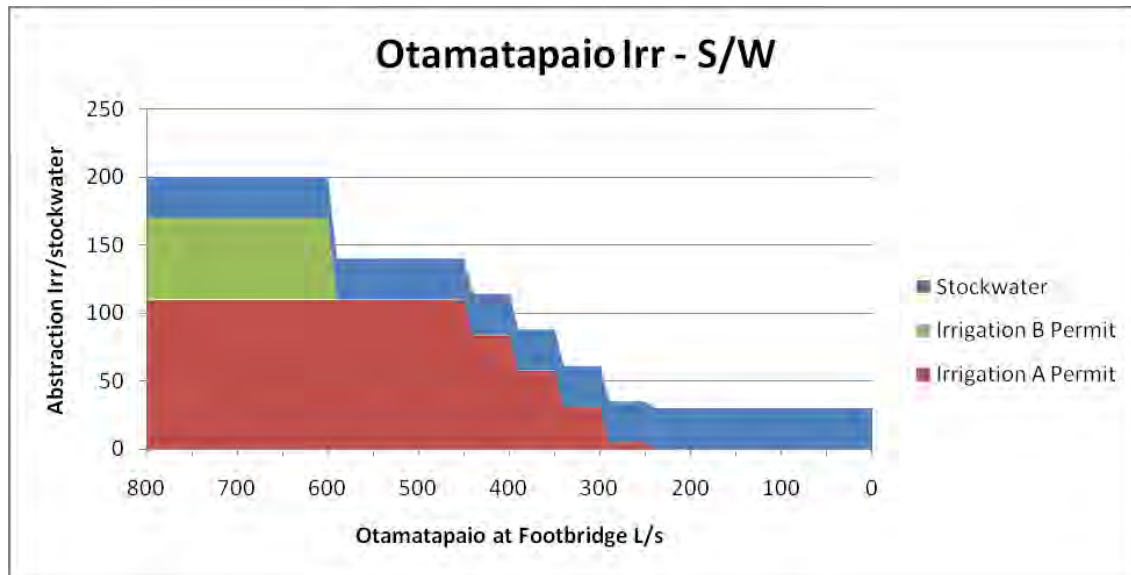
Deleted: approved methods, such as Overseer® to show

<p>that the average TLI for the 1 - 10 m depth integrated samples for the Ahuriri Arm site over the period December to April is greater than 2.75 (early warning trigger) but does not exceed 3.0 (environmental standard trigger), then the property nutrient loads, as specified in condition (xx), shall be reduced temporarily by 5% x the Irrigation Proportion Factor (IPF) for the irrigation season subsequent to the monitoring period. The IPF shall be the proportion of the area developed for irrigation under this resource consent divided by the total farm area being 200 hectares on a total farm area of 6,732 ha</p> <p>(b) If the monitoring undertaken in accordance with condition (28) shows that the average TLI for the 1 - 10 m depth integrated samples over the period December to April is greater than 2.75 but does not exceed 3.0, then a report into the cause of the breach of the early warning trigger shall be prepared by a person with an appropriate post-graduate science qualification, by 30 July following the sampling. A copy of this report shall be provided to the Canterbury Regional Council Attention: RMA Compliance and Enforcement Manager, by 30 August following the sampling.</p> <p>(c) If a reduction in nutrient loading is required under any part of this condition and monitoring in the period that that reduction applies shows that the average TLI for the 1 – 10 m depth integrated samples for the monitoring site over the period December to April continues to be greater than 2.75 but does not exceed 3.0 then there shall be a further property nutrient load reduction of 5% x IPF for the subsequent irrigation season.</p> <p>(d) The above nutrient load reductions and investigation (condition 29 (a)-(c)) shall not be required if a two person expert panel with one expert nominated by the Canterbury Regional Council both conclude after considering all the relevant available information including catchment resource consent compliance, FEMP compliance monitoring pertaining to this consent and audit reports made available by the Canterbury Regional Council, that the cause of the breach of the early warning trigger was unlikely to have been caused in whole or in part by nutrient loss associated with the irrigation authorised by this consent.</p> <p>(e) If a required reduction in nutrient load is in effect under this condition and monitoring for that period shows that the average TLI for the 1 – 10 m depth integrated samples for the monitoring site over the period December to April is less than 2.75, then for the subsequent season the full NDA for the property, as specified in condition (17) shall be restored.</p> <p>(f) If the monitoring undertaken in accordance with condition (28) shows that the average TLI for the 1 - 10 m depth integrated samples for the Ahuriri Arm monitoring site over the period December to April is greater than 3.0 (environmental standard trigger), then the property nutrient load, as specified in condition (17), shall be reduced by 10% x Irrigation Proportion Factor (IPF) for the irrigation season subsequent to the monitoring period. The IPF shall be the proportion of the area authorised for irrigation under this resource consent divided by the total farm area, as specified in Appendix C.</p> <p>(g) If the monitoring undertaken in accordance with condition (28) shows that the average TLI for the 1 - 10 m depth integrated samples over the period December to April is greater than 3.0 for either the Ahuriri Arm or the Lower Benmore monitoring sites, then a report into the cause of the breach of the environmental standard trigger shall be prepared by a person with an appropriate post-graduate science qualification, by 30 July following the</p>	<p>warning trigger of 2.8 on the basis that existing data indicates current summer mean TLI could be as high as 2.9. Refer to Second Addendum S42A of Dr Freeman.</p> <p>There is no condition 28. Needs to refer to both monitoring sites.</p> <p>Reference to TLI of 2.75 incorrect.</p> <p>Condition number reference incorrect.</p> <p>Needs to refer to both monitoring sites. Reference to condition 17 is incorrect. Should refer to a re-written condition currently unnumbered between conditions 12 and 13. Reference to TLI of 2.75 incorrect. Condition number references incorrect. Reference to condition 17 is incorrect.</p> <p>No Appendix C provided Condition number reference incorrect.</p>		
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	<p>sampling. A copy of this report shall be provided to the Canterbury Regional Council Attention: RMA Compliance and Enforcement Manager, by 30 August following the sampling.</p> <p>(h) If a reduction in nutrient loading is required under any part of this condition and monitoring in the period that that reduction applies shows that the average TLI for the 1 – 10 m depth integrated samples for the Ahuriri Arm monitoring site over the period December to April continues to be greater than 3.0 then there shall be a further property nutrient load reduction of 15% x IPF for the subsequent irrigation season and rising to 20% for any further irrigation season</p> <p>(i) The above nutrient load reductions and investigation (condition 30 (a)-(c)) shall not be required if a two person expert panel with one expert nominated by the Canterbury Regional Council both agree that the cause of the breach of the environmental standard was unlikely to have been caused in whole or in part by nutrient loss associated with the irrigation authorised by this consent.</p> <p>If a required reduction in nutrient load is in effect under this condition and monitoring for that period shows that the average TLI for the 1 – 10 m depth integrated samples for the Ahuriri Arm monitoring site over the period December to April is less than 3.0, then for the subsequent season no property nutrient load reduction shall be required under this condition.</p>	<p>10%, 15% 20% reduction approach would mean a relatively slow response, compared to a standard 20% reduction approach.</p> <p>Condition number reference incorrect.</p> <p>Condition clause number?</p>		
31	<p>The Canterbury Regional Council may, once per year, on any of the last 5 working days of March or July serve notice of its intention to review the conditions of this resource consent for the purposes of dealing with any adverse effect on the environment which may arise from the exercise of the resource consent and which it is appropriate to deal with at a later stage, including (a) any cumulative adverse effect on a waterway arising from abstractions; and amending the flow in the Otamatapaio River and tributaries at which abstraction is required to be reduced or discontinued as set out in condition 2.</p>	<p>Agreed</p>		
32	<p>The lapsing date for the purposes of section 125 shall be [between 5 years and 5 years three months, date set for each quarter].</p>	<p>From when?</p>		



Sharing rule scenario



Managed Plan

Conditions for land use permit CRC012727 (Otamatapaio Station (1993) Limited)		
Expiry date sought – 35 years		
No.	Proposed Conditions	ECan Comments
1	The works shall be limited to (a) Maintain and reconstruct a twin pipe intake structure in the bed of Otamatapaio River, including excavation of gravel and sediments, (b) Including to maintain adequate flow of water to irrigation intake.	Agreed
2	The works carried out in accordance with condition (1) shall be located at the Otamatapaio River, within the area outlined on Plan CRC012727 at or about map reference(s) NZMS 260 H40:774-195	Agreed

3	Any gravel, sand and other natural material excavated as part of the works authorised by this consent during the disturbance of the bed of Otamatapaio River, must be deposited on, or near to, the excavation site, and shall be reshaped and formed to a state consistent with the surrounding natural riverbed.	Agreed
4	Maintenance works shall be carried out as soon as practicable after a flood or fresh event when sediment levels in the Otamatapaio River are naturally high and shall take no more than one day to complete	Agreed
6	If complete replacement of the intake is required, the stream shall be diverted around the works site for a period of up to 3 days to minimise the work required in flowing water.	Agree – but may be covered by water permit as discussed above for condition (6) of CRC012047
		<p>ECan and the Applicant had both agreed on the following condition except that the above ECan comments also apply: <i>“Any works to divert water shall not result in a diversion of more than 50 metres in length”.</i></p> <p>Applicant comment: The reason this condition had been proposed was to avoid requiring consent to divert if the distance was less than 50mtrs as per pNRRP. It has now become apparent that consent is required as per condition 6 in CRC012047. Therefore this condition has potentially be superseded by Condition 6 and therefore could potentially be deleted</p>
7		<p>ECan Comment: As no mitigation measures in the form of sediment control have been proposed by the applicant in evidence, I recommend a condition as follows to ensure that any sediment control measures are constructed appropriately:</p> <p><u>“Erosion and sediment control measures shall be constructed and maintained in accordance with the Environment Canterbury Erosion and Sediment Control Guidelines, and any amendments to that document.”</u></p> <p>Applicant Comment: Disagree that the works proposed warrants such a condition when LU18 (now condition 16 below) is proposed. The intake is already installed so the area of concern is for maintenance of the intake mainly. The intake was installed prior to 2000 and has only required minor maintenance during this period. Any sediment discharged during maintenance or if the intake is blown out by flood shall be minor (usually after flood events when sediment is still high) as per the evidence of McCabe</p>
8	All practicable measures shall be undertaken to ensure that works do not deflect floodwaters into the berm.	Agreed
9	Works shall not cause erosion of the banks and bed of the Otamatapaio River	Agreed
10	Erosion controls shall be installed on all earthworks to prevent sediment from flowing into any surface water body	Agreed
11	Works shall not be undertaken in any manner likely to cause erosion of or instability to, the banks or bed of Otamatapaio River; or reduce the flood-carrying capacity of the waterway	Agreed
12	Prior to commencing excavation, a copy of this resource consent shall be given to all persons undertaking activities authorised by this consent	Agreed
13	The Canterbury Regional Council Compliance Monitoring Officer shall be notified of the intention to carry out works and their intended type and scope at least 48 hours prior to the	Agreed

	commencement of work.	
14	<p>(a) Vehicles/and or machinery shall not operate within 100 metres of birds which are nesting or rearing their young in the bed of the river.</p> <p>(b) For the purposes of this condition, birds are defined as those bird species listed below:</p> <p>South Island Pied Oystercatcher</p> <p>Black Stilt</p> <p>Pied Stilt</p> <p>Wrybill</p> <p>Banded Dotterel</p> <p>Black-fronted Dotterel</p> <p>Spur-winged Plover</p> <p>Paradise Shelduck</p> <p>Grey Duck</p> <p>NZ Shoveler</p> <p>Grey Teal</p> <p>NZ Scaup</p> <p>Black-billed Gull</p> <p>Red-billed Gull</p> <p>Caspian Tern</p> <p>White-fronted Tern</p> <p>Black-fronted Tern</p> <p>White-winged Black Tern</p> <p>Australasian Bittern</p> <p>Marsh Crake</p> <p>Spotless Crake</p> <p>Cormorant/shag colonies</p>	Agreed
15	All practical measures shall be taken to minimise the disturbance of the bed of the Otamatapaio River	Agreed
16	<p>The consent holder shall adopt the best practicable options to:</p> <p>a) Minimise soil disturbance and prevent soil erosion;</p> <p>b) Prevent sediment from flowing into any surface water; and</p> <p>c) Avoid placing cut or cleared vegetation, debris, or excavated material in a position such that it may enter surface water.</p>	Agreed

17	To prevent the spread of Didymo or any other aquatic pest, the consent holder shall ensure that activities authorised by this consent are undertaken in accordance with the Biosecurity New Zealand's hygiene procedures. Note: You can access the most current version of these procedures from the Biosecurity New Zealand website http://www.biosecurity.govt.nz or Environment Canterbury Customer Services.	Agreed
18	All practicable measures shall be undertaken to minimise vehicles and machinery entering Otamatapaio River.	Agreed
19	<ul style="list-style-type: none"> a) All practicable measures shall be undertaken to prevent oil and fuel leaks from vehicles and machinery. b) There shall be no storage of fuel or refuelling of vehicles and machinery within 20 metres of the bed of a river. c) Fuel shall be stored securely or removed from site overnight. 	Agreed
20	Machinery shall be free of plants and plant seeds prior to use in the riverbed	Agreed
21	All practicable measures shall be undertaken to minimise adverse effects on property, amenity values, wildlife, vegetation, and ecological values	Agreed
22	The works shall not prevent the passage of fish, or cause the stranding of fish in pools or channels	Agreed
23	In the event of any disturbance of Koiwi Tangata (human bones) or taonga (treasured artefacts), the consent holder shall immediately: <ul style="list-style-type: none"> (a) Advise the Canterbury Regional Council of the disturbance; (b) Advise the Upoko Runanga of [Runanga], or their representative, and the New Zealand Historic Places Trust, of the disturbance; and (c) Cease earthmoving operations in the affected area until an area has been marked off around the site, and Kaumatua and archaeologists have given approval for the earthmoving to recommence. Note: This condition is in addition to any agreements that are in place between the consent holder and the Upoko Runanga (Cultural Site Accidental Discovery Protocol) or the New Zealand Historic Places Trust. 	Agreed
24	All spoil and other waste material from the works shall be removed from site on completion of works	Agreed
25	On completion of works, the area shall be restored to its original condition as far as practicable.	Agreed
26	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.	Agreed

27	The lapsing date for the purposes of section 125 shall be [between 5 years and 5 years three months, date set for each quarter].	Agreed
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Conditions for discharge permit CRC012049 (Otamatapaio Station (1993) Limited)		
Expiry date sought – 35 years		
No.	Proposed Conditions	Comments
1	(a) Water shall only be discharged from the irrigation race to Clarks Creek at or about map reference NZMS 260 H40:783-233 as shown on Plans "CRC012047*" (b) The water shall be irrigation bywash, excess stock and domestic water. (c) Water shall only be discharged at a rate not exceeding 200 litres per second.	Agreed
2	(a) All practicable measures shall be undertaken to avoid erosion of the bed or banks of Clarks Creek occurring as a result of the discharge. (b) In the event of any erosion occurring to the bed or banks of the unnamed water channel, as a result of the discharge, the consent holder shall be responsible for rectifying the situation as soon as practicable.	Insert "Clarks Creek" into clause (b) as well.
3	The discharge shall not occur in a manner likely to cause erosion of, or instability to, the banks or bed of Clarks Creek; or reduce the flood-carrying capacity of the waterway	Agreed
4	The discharge, after reasonable mixing, shall not cause a change in the colour or a reduction of the clarity of the receiving water body.	Agreed
5	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.	Agreed
6	The lapsing date for the purposes of section 125 shall be [between 5 years and 5 years three months, date set for each quarter].	Agreed

Plan "CRC012047**" (Revised Plan with Cross-Over Irrigation Area)

