

Comments on Conditions		XXX	Killermont Comments	Killermont – Suggested Amendments to conditions																																												
1.	Consent is granted for a term expiring on the 30 th of April 2025.	Duration not generally included as a condition of consent.	Agree																																													
2.	Water shall only be taken and / or diverted from the Ahuriri River at or about map reference NZMS 260 H39:6133-3007 at the property referred to as Killermont Station.	This application is to take water only and not to divert water. Revised wording below: <i>“Water shall only be taken and/or diverted from the Ahuriri River ...”</i>	Agree Consent is not for a diversion	Water shall only be taken from the Ahuriri River at or about map reference NZMS 260 H39:6133-3007 at the property referred to as Killermont Station.																																												
3.	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. Table A – Maximum Rates & Volumes <table border="1" data-bbox="178 714 1068 1249"> <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>100 l/s</td> <td>8640 m³/day</td> <td>1,209,600 m³/annum</td> </tr> <tr> <td>1 September 2010 to 30 April 2011</td> <td>100l/s</td> <td>8640 m³/day</td> <td>1,209,600 m³/annum</td> </tr> <tr> <td>1 September 2011 to 30 April 2012</td> <td>100l/s</td> <td>8640 m³/day</td> <td>1,209,600 m³/annum</td> </tr> <tr> <td>1 September 2012 to 30 April 2013</td> <td>100l/s</td> <td>8640 m³/day</td> <td>1,209,600 m³/annum</td> </tr> <tr> <td>1 September 2013 to 30 April 2014 and every year thereafter</td> <td>100 l/s</td> <td>8640 m³/day</td> <td>1,209,600 m³/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	100 l/s	8640 m ³ /day	1,209,600 m ³ /annum	1 September 2010 to 30 April 2011	100l/s	8640 m ³ /day	1,209,600 m ³ /annum	1 September 2011 to 30 April 2012	100l/s	8640 m ³ /day	1,209,600 m ³ /annum	1 September 2012 to 30 April 2013	100l/s	8640 m ³ /day	1,209,600 m ³ /annum	1 September 2013 to 30 April 2014 and every year thereafter	100 l/s	8640 m ³ /day	1,209,600 m ³ /annum	One minute missing in the time period specified. Condition specifies measuring annual volume between 1 July and 30 June – Table has 1 Sept – 30 April. This is confusing. Period 1 Sept '09 – 30 April '10 passed. Not sure of necessity of table given volume doesn't change.	Suggest amending time to 12.00am to 11.59.59pm. Should be consistent reference in each consent. Do not consider that reference to two periods of time (i.e. 1 September to 30 April and 1 July to 30 June) is confusing. <i>First row of table has been deleted as this time has passed.</i>	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 11.59.59pm) and annual volume (measured between 1 July and the following 30 June) set out in Table A. Table A – Maximum Rates & Volumes <table border="1" data-bbox="2047 714 2908 1176"> <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 2010 to 30 April 2011</td> <td>100l/s</td> <td>8640 m³/day</td> <td>1,209,600 m³/annum</td> </tr> <tr> <td>1 September 2011 to 30 April 2012</td> <td>100l/s</td> <td>8640 m³/day</td> <td>1,209,600 m³/annum</td> </tr> <tr> <td>1 September 2012 to 30 April 2013</td> <td>100l/s</td> <td>8640 m³/day</td> <td>1,209,600 m³/annum</td> </tr> <tr> <td>1 September 2013 to 30 April 2014 and every year thereafter</td> <td>100 l/s</td> <td>8640 m³/day</td> <td>1,209,600 m³/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 2010 to 30 April 2011	100l/s	8640 m ³ /day	1,209,600 m ³ /annum	1 September 2011 to 30 April 2012	100l/s	8640 m ³ /day	1,209,600 m ³ /annum	1 September 2012 to 30 April 2013	100l/s	8640 m ³ /day	1,209,600 m ³ /annum	1 September 2013 to 30 April 2014 and every year thereafter	100 l/s	8640 m ³ /day	1,209,600 m ³ /annum
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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 216 hectares within a command area of 389 hectares on the area of land shown on attached Plan A at or about H39:617-296.	<i>Comment:</i> It would be better to name the plan “Plan CRC041331A, so it is tied to this consent. Also, the condition does not specify that irrigation will only be for crops and pasture grazed by sheep and non-dairy cows, as applied for in the application. <i>Recommended Condition:</i> Water taken from the Ahuriri River in accordance with Table A in Condition 3 shall be used only for spray irrigation of 216 hectares of crops and pasture for grazing sheep and beef cattle, within a command area of 389 hectares, as shown on Plan CRC041331A.	Agree with revised wording, with a minor amendment to the plan reference.	Water taken from the Ahuriri River in accordance with Table A of Condition (3) shall be used only for the spray irrigation of crops and pasture to irrigate 1,100 hectares within a command area of 1,200 hectares on the area of land shown on attached Plan CRC041331A.																																												
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<p>5.</p>	<p>The consent holder shall ensure that abstraction occurs such that the following minimum flows are achieved in the Ahuriri River at all times:</p> <table border="1" data-bbox="178 226 997 705"> <thead> <tr> <th>TIME PERIOD</th> <th>GORGE FLOW</th> <th>AHURIRI RIVER MINIMUM FLOW</th> </tr> </thead> <tbody> <tr> <td>At all times</td> <td>25m³/s</td> <td>3m³/s less than gorge flow</td> </tr> <tr> <td>At all times</td> <td>15m³/s – 25m³/s</td> <td>2m³/s less than gorge flow</td> </tr> <tr> <td>1 May to 31 January</td> <td><12m³/s</td> <td>Gorge flow</td> </tr> <tr> <td>1 May to 31 January</td> <td>12m³/s – 15m³/s</td> <td>South Diadem – SH8 – 0.6m³/s less than gorge flow SH8 – Benmore – 1.2m³/s less than gorge flow</td> </tr> <tr> <td>1 February to 30 April</td> <td><10m³/s</td> <td>Gorge flow</td> </tr> <tr> <td>1 February to 30 April</td> <td>10m³/s – 15m³/s</td> <td>South Diadem – SH8 – 0.6m³/s less than gorge flow SH8 – Benmore – 1.2m³/s</td> </tr> </tbody> </table>	TIME PERIOD	GORGE FLOW	AHURIRI RIVER MINIMUM FLOW	At all times	25m ³ /s	3m ³ /s less than gorge flow	At all times	15m ³ /s – 25m ³ /s	2m ³ /s less than gorge flow	1 May to 31 January	<12m ³ /s	Gorge flow	1 May to 31 January	12m ³ /s – 15m ³ /s	South Diadem – SH8 – 0.6m ³ /s less than gorge flow SH8 – Benmore – 1.2m ³ /s less than gorge flow	1 February to 30 April	<10m ³ /s	Gorge flow	1 February to 30 April	10m ³ /s – 15m ³ /s	South Diadem – SH8 – 0.6m ³ /s less than gorge flow SH8 – Benmore – 1.2m ³ /s	<p>No evidence provided how this will be complied with.</p> <p>See Attachment 4 of s42A report 2A for minimum flow condition and addendum s42A report of Claire Penman (paragraphs 24-27)</p>	<p>Consider that condition is appropriate and flows can be appropriately measured if required.</p>	
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		<p>No fish screen condition proposed.</p> <p>Recommended wording::</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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</p>	<p>Given that this is a Gallery intake, fish screening is not required as the intake structure is buried.</p>																						

		<p>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.</p> <p>(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, 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>		
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		Mr Glasson stated that this consent would result in significant landscape effects. See pg 57 of Mr Glasson's s42A report and page 8 of his addendum report.		
	Metering			
6.	<p>Prior to the taking 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 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 the Ahuriri River 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 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>Refer Appendix 6, Introductory s42A report) and the addendum s42A report of Susannah Vesey, paragraphs 135-142.</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>	Our expert advice is that the condition, as proposed, is appropriate.	
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 in condition 4 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.	Agree	Delete Condition 11
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.			
		Review condition missing: “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.”	Agree to general review condition, however should specifically reference s.128 of the RMA.	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, pursuant to Section 128 of the RMA , 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.
		Lapse date condition missing: “The lapsing date for the purposes of section 125 shall be [between 5 years and 5 years three months, date set for each quarter].”	Agree to standard lapsing condition and this should refer to a 10 year time frame.	For the purposes of Section 125 of the Resource Management Act (1991), this consent shall lapse 10 years from the date it is granted.

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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 300 hectares within a command area of 600 hectares on the area of land shown on attached Plan A at or about H39:574-263.	<p><i>Comment:</i> It would be better to name the plan “Plan CRC041331A, so it is tied to this consent. Also, the condition does not specify that irrigation will only be for crops and pasture grazed by sheep and non-dairy cows, as applied for in the application.</p> <p><i>Recommended Condition:</i> <i>Water taken from the Ahuriri River in accordance with Table A in Condition 3 shall be used</i></p>	Agree with revised wording, with a minor amendment to the plan reference.	Water taken from the Ahuriri River in accordance with Table A of Condition (3) shall be used only for the spray irrigation of crops and pasture to irrigate 1,100 hectares within a command area of 1,200 hectares on the area of land shown on attached Plan CRC041331A.																																												

		<p><i>only for spray irrigation of 300 hectares of crops and pasture for grazing sheep and beef cattle, within a command area of 600 hectares, as shown on Plan CRC041331A.</i></p>																							
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<p>5.</p>	<p>The consent holder shall ensure that abstraction occurs such that the following minimum flows are achieved in the Ahuriri River at all times:</p> <table border="1" data-bbox="166 478 1145 932"> <thead> <tr> <th>TIME PERIOD</th> <th>GORGE FLOW</th> <th>AHURIRI RIVER MINIMUM FLOW</th> </tr> </thead> <tbody> <tr> <td>At all times</td> <td>25m³/s</td> <td>3m³/s less than gorge flow</td> </tr> <tr> <td>At all times</td> <td>15m³/s – 25m³/s</td> <td>2m³/s less than gorge flow</td> </tr> <tr> <td>1 May to 31 January</td> <td><12m³/s</td> <td>Gorge flow</td> </tr> <tr> <td>1 May to 31 January</td> <td>12m³/s – 15m³/s</td> <td>South Diadem – SH8 – 0.6m³/s less than gorge flow SH8 – Benmore – 1.2m³/s less than gorge flow</td> </tr> <tr> <td>1 February to 30 April</td> <td><10m³/s</td> <td>Gorge flow</td> </tr> <tr> <td>1 February to 30 April</td> <td>10m³/s – 15m³/s</td> <td>South Diadem – SH8 – 0.6m³/s less than gorge flow SH8 – Benmore – 1.2m³/s</td> </tr> </tbody> </table>	TIME PERIOD	GORGE FLOW	AHURIRI RIVER MINIMUM FLOW	At all times	25m ³ /s	3m ³ /s less than gorge flow	At all times	15m ³ /s – 25m ³ /s	2m ³ /s less than gorge flow	1 May to 31 January	<12m ³ /s	Gorge flow	1 May to 31 January	12m ³ /s – 15m ³ /s	South Diadem – SH8 – 0.6m ³ /s less than gorge flow SH8 – Benmore – 1.2m ³ /s less than gorge flow	1 February to 30 April	<10m ³ /s	Gorge flow	1 February to 30 April	10m ³ /s – 15m ³ /s	South Diadem – SH8 – 0.6m ³ /s less than gorge flow SH8 – Benmore – 1.2m ³ /s	<p>No evidence provided how this will be complied with.</p> <p>See Attachment 4 of s42A report 2A for minimum flow condition and addendum s42A report of Claire Penman (paragraphs 24-27).</p>	<p>Consider that condition is appropriate and flows can be appropriately measured if required.</p>	
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		<p>No fish screen condition proposed. Recommended wording::</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	<p>Given that this is a Gallery intake, fish screening is not required as the intake structure is buried.</p>																						

		<p>(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.</p> <p>(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, 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>		
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	Metering			
6.	<p>Prior to the taking of any 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 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 the Ahuriri River 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 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 am unsure as to why these conditions (6-10) are different from the standard conditions that have been developed within Environment Canterbury (refer Appendix 6, Introductory s42A report) and discussed in the addendum s42A report of Susannah Vesey, paragraphs 135-142.</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>	<p>Our expert advice is that the condition, as proposed, is appropriate.</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> <p>(b) (b) data from the recording device can be readily accessed and/or retrieved in accordance with conditions 6 and 7.</p>			
11.	The water allocated for irrigation in condition 4 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.	No need for this condition as provided for in	Delete Condition 11

			conditions 6-10.	
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.			
		Review condition missing: “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.”	Agree to general review condition, however should specifically reference s.128 of the RMA.	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, pursuant to Section 128 of the RMA, 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.
		Lapse date condition missing: “The lapsing date for the purposes of section 125 shall be [between 5 years and 5 years three months, date set for each quarter].”	Agree to standard lapsing condition and this should refer to a 10 year time frame.	For the purposes of Section 125 of the Resource Management Act (1991), this consent shall lapse 10 years from the date it is granted.