

Original on  
COGC 121583  
Kilmermont.

4-RD4-K

Damara 9494

6 January 2011 [FI Graham]

FILED	COGC 11039
DATE	C114960
Cowan	
EC 202743-108603	

Consents Hearing Officer,  
Environment Canterbury  
P.O. Box 345  
Christchurch.

Dear Consents Hearing Officer,  
Waitaki First Incorporated - Comments  
on Applicant proposed conditions relating  
to applications to take and use water  
in the Upper Waitaki Catchment.

Please find enclosed and place  
before the Commissioners hearing 61  
applications to take and use water  
in the upper Waitaki Catchment, covered  
by Waitaki First Incorporated (WF).

The package contains WF comments  
on:

- SHL Killermont Station consent numbers  
CRC041788, CRC073115 and CRC041788.
- WTH Killermont Station consent numbers  
CRC073115, CRC041787 and CRC073113.

- Southdown Holdings limited consent numbers:  
CRC040835, CRC040836;
- Five Rivers Limited consent number(s):  
CRC061154;
- Deerstan Peaks Station consent numbers:  
CRC011361A, CRC011361, CRC011361C,  
CRC011361D, CRC011361E, CRC011363;
- Mr FI Graham consent number(s)  
CRC072363; and
- Godley Peaks consent numbers  
CRC073236, CRC031175.

Again, please note that I neither have a computer nor access to one at this point in time.

Accordingly, I seek leave of the Hearing Panel to present comments hand written on the hardcopies provided.

Yours faithfully,

Heleen Brookes

Chairwoman

Waitaki Trust Incorporated

11039  
 Revisited  
 23-12-2010  
 Mr F I Graham

Waitaki First.  
 Overall view -> there is considerable  
 similarity of wording with respect to  
 taking of water, measuring / use, feeding,  
 facilities & storage / use, irrigation structures  
 and administration matters. See W.F. Environment  
 our five rivers.

Conditions for Water Permit CRC072363

Condition No.	Applicant Proposed Condition	ECan Comments	Meridian Comments	Applicant Comments	Applicant Proposed Conditions	Final Conditions
1	Water may only be taken and / or diverted from Black Jack Stream located at or about map reference NZMS 260 139:956-25 at the property referred to as Te Akatarawa Station.	Water is diverted to small holding pond from where it is taken.  REVISED WORDING  "Water shall only be diverted into a holding pond at or about map reference NZMS 139:956-215 and taken from this pond in accordance with condition 3 at the property referred to as Te Akatarawa Station ..."		agreed		SH Land with Kilkerran and Southdown Holdings default conditions.
2	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 12.00am the following day) and annual volume (measured between 1 July and the following 30 June) set out in Table A.	Don't see need for table as no increase in volume.		We were only suggesting a table to comply with derogation issues associated with tranching but this is a renewal consent so not subject to MIC issues		

Table A - Maximum Rates & Volumes

Year	Maximum rate of abstraction (litres / second)	Maximum Daily Volume (cubic metres / day)	Maximum Annual Volume (cubic metres / year)
1 September	12 l/s	1,037	150,000



		<p><b>FISH SCREEN:</b></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</p>		<p>Applicant wants right to take as currently occurs</p>	
--	--	---	--	--	--

		<p>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) 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</p>			
--	--	---	--	--	--



	reference NZMS 260 139:967-215 is less than or equal to 80 litres per second.	<p>condition below.</p> <p>No flow graph. This is required as minimum flow of site is upstream of abstraction. Refer to recommended condition in s42A Report 2A (Attachment Four) and s42A addendum report of Claire Penman, paragraphs 15-21</p>			
		<p>Monitoring of the minimum flow:</p> <p>The consent holder shall, prior to exercising this consent, install a water meter measuring device at (map reference NZMS 260 NZMS 260 139:961-210) in the Sutton Stream 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</p>		<p>As this consent is for the renewal of 25 hectares – and is below the dams, the flow recorder requirement will be prohibitively expensive relating to this take – I know that feasibility of being able to exercise a consent is a matter for consent holder but is there any other method to be adopted here.</p>	

		<p>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</p>			
--	--	--	--	--	--

		<p>(ii)</p> <p>device such that the oldest data will be automatically overwritten by the newest data (i.e. cyclic recording); and 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</p>			
--	--	--	--	--	--

		<p>person authorized by the Canterbury Regional Council: RMA Compliance and Enforcement Manager; and 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> <p>(iii)</p> <p>(d) The measuring and recording devices described in clauses (a) and (c) shall be available for inspection at all times by the</p>			
--	--	--	--	--	--

		<p>Canterbury Regional Council.</p> <p>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.</p>			
<b>Measuring &amp; Metering</b>					
5	<p>(a) The consent holder shall, within six months after the grant of this consent, install a water meter measuring device in a location that will enable the determination of the continuous rate of flow and volume of water being diverted to within an accuracy of 10 percent.</p> <p>(b) 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>Ensure that metering is installed before first exercise of the consent to ensure consistency with Resource Management (Measurement and Reporting of Water Takes) Regulations 2010</p>			

- (c) 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).
- (d) The recording device(s) shall:
- (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
  - (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
  - (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.
- (e) The measuring and recording devices

	<p>described in clauses (a) and (c) shall be available for inspection at all times by the Canterbury Regional Council, including access to the data recorded in accordance with clause (d).</p> <p>(f) 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.</p>				
6	<p>(a) The water meter installed in accordance with Condition 5 shall be an electromagnetic or ultrasonic meter; or</p> <p>(b) The consent holder shall, within 6 months of the first exercise 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>				
7	<p>Within one month of the installation of the measuring or recording device(s), specified in conditions 5 and 6 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</p>				

	<p>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 6.</p>				
8	<p>Within 6 months of the commencement date and 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>(c) the water meter(s) is measuring the rate of water taken as specified in condition 5; and</p> <p>(d) the tamper-proof electronic recording device is operating as specified in condition 5.</p>				
9	<p>The taking of water in terms of this permit shall cease for a period of up to 48 hours on notice from the Canterbury Regional Council, to allow measurement of the flow in Black Jet Stream.</p>	Correction to name – Black Jack Stream.			
<b>Nutrient Loading (NDA limits)</b>					
13	<p>The annual (1 July to 30 June) nutrient loading (the nutrient discharge allowances (NDAs)) to water from Te Akatarawa Station shall not exceed 26302 kg of nitrogen and 748 kg of phosphorus.</p>	Essential to define "Te Akatarawa Station" by reference to an area (X ha), legal description and/or a map, otherwise there is a		Agreed Te Akatarawa Station defined by legal description of whole property as contained in application	

				risk that the authorised nutrient load would be uncertain.		
<b>Overseer Modelling</b>						
<b>15</b>	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.			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.		
<b>Farm Environmental Management Plan</b>						
<b>16</b>	The consent holder shall implement, and update annually the Farm Environmental Management Plan (FEMP) for Te Akatarawa Station. The FEMP shall include:  (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			A FEMP including verification of NDA compliance is not the same as an actual requirement to comply with the		

	<p>outlined in clause (b), the consent holder shall use either weather records collected on-farm or from constructed data from the nearest weather station.</p> <p>(d) Implementation of Mandatory Good Agricultural Practices ("MGAPS") and requirements to manage in accordance with the Te Akatarawa Station Overseer® model inputs specified in the attached Appendix A - Te Akatarawa Station Overseer® parameter report. Appendix A forms part of this consent.</p> <p>(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.</p> <p>(f) A requirement to review the risk assessment if there are any significant changes in land use</p>	<p>NDA.</p> <p>As above.</p> <p>No Appendix A provided.</p>			
--	--	---	--	--	--

	practice				
17	Detailed records shall be maintained of nutrient inputs to the nearest kilogram, types of crops (including winter feed/forage crops), cultivation methods, stock movements and yields, prediction of realistic crop yields that are used to determine crop requirements and all other inputs to the Overseer nutrient budgeting model. Such reports are to be used as inputs to the Overseer method as described in condition 16.	Incorrect condition number reference			
18	A report based on Overseer <sup>®</sup> modelling shall be provided within one month of completion 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 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.			
19	Significant Changes may be made to Appendix A Te Akatarawa Station Overseer <sup>®</sup> model inputs, provided that written certification is provided that the change is modelled using Overseer <sup>®</sup> , and that the result of that modelling demonstrates that the NDAs are not exceeded.				
20	A copy of that certification plus a copy of the resultant Overseer parameter report shall be provided to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, prior to the implementation of that				

	change.				
Advisory notes	# 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.	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.		agreed	
<b>Fertiliser</b>					
21	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.	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 many aspects of fertiliser use can be controlled via a consent condition and enforced			



	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.				
<b>24</b>	Nitrogen fertiliser shall not be 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				
<b>25</b>	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.				
<b>26</b>	Applications of nitrogen fertiliser shall not exceed 50 kg nitrogen / hectare per application.				
<b>27</b>	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				

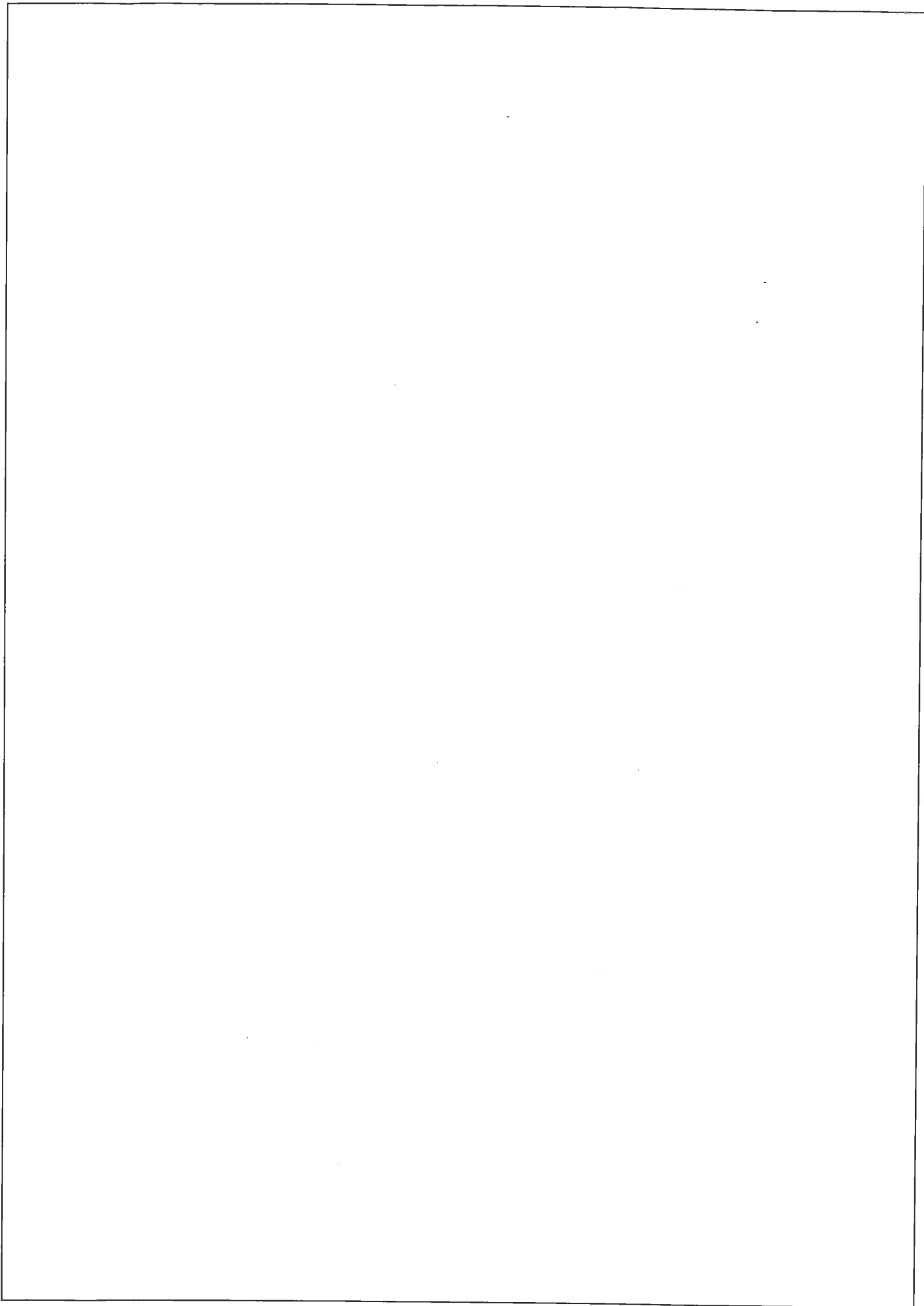
	groundwater and such that it is also protected from vehicle movements.				
<b>28</b>	Fertiliser filling areas shall not occur within 50 metres from a water course, spring or bore.				
<b>Irrigation Structures</b>					
<b>29</b>	<p>The consent holder shall ensure that all new (not on the property at the time of commencement of this consent) irrigation infrastructure is designed and certified by a suitably qualified independent expert, and installed in accordance with 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 exercise of this consent 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</p>	<p>Issued by who? NZWETA?</p> <p>What certified design? Certified by who?</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</p>		<p>Comments already made on other consents on these issues</p>	

	<p>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>components could be separated out and applied.</p>			
<p>30</p>	<p>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</p>				

	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 forwarded to the Canterbury Regional Council within 3 months of the report being completed.				
<b>Ferriqation</b>					
31	i. Gravity feed system				
32					
33					
34					
35					
36					
<b>Subdivision</b>					
37	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 AJ]*. The recalculated NDAs shall replace the NDAs specified in condition 15. The recalculatation 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	No Appendix A provided. Condition 15 does not specify the NDA. Suggest add after "The recalculated NDAs..." "...shall be undertaken accurately redistribute the NDA between the resultant properties		Agreed substitute	

	or transfer.		and....” Also need to add: “The new NDAs may be recalculated on any proportionment as long as the total of all the NDAs does not exceed the NDAs of the parent title as set out in condition X.			
<b>Soil Management</b>						
<b>38</b>	The consent holder shall use, where practicable, direct drilling as the principal method for establishing pastures  On the irrigation area the consent holder shall sow and irrigate all ploughed areas as soon as possible following ground disturbance.		Agree			
<b>Administrative Conditions</b>						
<b>39</b>	The Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, shall be informed immediately on first exercise of this consent by the consent holder.					
<b>40</b>	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 which it is appropriate to deal with at a later stage, including  (a) any cumulative adverse effect on a waterway		Agree			

	<p>arising from abstractors;</p> <p>(b) amending the flow in Black Jet Stream at which abstraction is required to be reduced or discontinued as set out in condition [X]</p>	<p>"Black Jack Stream"</p>			
--	--	----------------------------	--	--	--



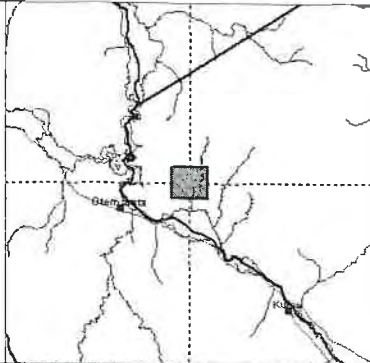
Area to be irrigated (includes area irrigated under CRC001883)



**Plan CRC072363**  
**F. I. Graham**

Produced by: susannah  
Date: 23/04/2009 12:27:33 p.m.  
Environment Canterbury  
58 Kinross Street  
PO Box 345  
Christchurch  
Ph: (03) 365-3828  
Fax: (03) 365-3194

This plan was created using information from Environment Canterbury's records. It is supplied in good faith and every effort has been made to ensure the accuracy of the information shown. However its accuracy and completeness is not guaranteed. If the information shown is relied on in support of a resource consent application it should be verified independently.



Shaded area indicates 45 of 80 hectares to be irrigated

