

MEETING OF THE REGULATION HEARING COMMITTEE

TO THE CHAIRPERSON AND MEMBERS OF THE
COMMITTEE

MEMBERSHIP OF THE COMMITTEE

Cr A R McKay (Chairperson)
Cr R I R Little
Cr A G Neill

A meeting of the Committee will be held on
Friday, 23 November 2007 at 9.00 a.m.

VENUE: Council Chamber
First Floor
Pegasus Building
Environment Canterbury
58 Kilmore Street
CHRISTCHURCH

BUSINESS: As per Order Paper attached

Dr Bryan Jenkins
CHIEF EXECUTIVE

**RECOMMENDATIONS IN REPORTS ARE NOT TO BE TAKEN
AS COUNCIL POLICY UNTIL ADOPTED BY COUNCIL**

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COMPLIANCE WITH LOCAL GOVERNMENT ACT 2002 DECISION-MAKING REQUIREMENTS

Except as below, a statement of compliance and a completed decision checklist is required for any agenda item on a council committee or the council recommending that a decision be made. This will be the responsibility of the person signing off the agenda item.

The compliance statement and checklist will not be used for:

- Recommendations that information be received or that the Council make a decision.
- Decisions taken under the Resource Management Act 1991 or the Biosecurity Act 1993 in relation to resource consents, decisions required when following the procedures set out in Schedule 1 of the Resource Management Act 1991, other permissions, submissions on plans, or references to the Environment Court.
- Decisions taken to proceed with enforcement procedures under various primary or secondary legislation or regulations, including procedures under the Resource Management Act 1991, the Biosecurity Act 1993, the Local Government Act 2002, and Environment Canterbury Bylaws.
- Administrative and personnel decisions that are entirely internal to Environment Canterbury.
- Other decisions where the procedures to be followed are set out in Legislation.

COMPLIANCE STATEMENT

The council committee (or the council) must formally certify that:

- (a) It is satisfied that it has sufficient information about the options and their benefits and costs, in terms of the region's social, economic, environmental and cultural well-being and the effects on community outcomes, bearing in mind the significance of the decisions.
- (b) It is satisfied that it knows enough about and has given adequate consideration to the views and preferences of affected and interested parties bearing in mind the significance of the decision.

INFORMATION CHECKLIST

(a)	A Statement of the Proposed Decision
(b)	A Statement of the Objective of the Proposed Decision and the Issue or Problem being addressed
(c)	A list of all reasonably practicable options, (including doing nothing).
(d)	For each option in (c): An evaluation of the Benefits and Costs, in terms of the region's social, economic, environmental and cultural well-being.
(e)	For each option in (c): A statement of the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner.
(f)	For each option in (c): A statement of the Impact, if any, on Environment Canterbury's capacity to undertake its statutory responsibilities
(g)	If the Proposed Decision is a significant decision in relation to land or a body of water, a statement of how Maori values have been taken into account
(h)	A Statement of significant inconsistencies, if any, with any Existing Policy, Plan or Legislation arising from the Proposed Decision.
(i)	A statement how the views and preferences of affected or interested persons have been given adequate consideration during the definition of the problem or issue, the objective, the assessment of options and the development of the proposed decision, including the particular contribution of Maori to the decision-making process.

Notes:

The significance of proposals and decisions determines how much time, money and effort is put into exploring and evaluating options and obtaining the views of affected and interested parties. The significance of proposals and decisions is determined through reference to criteria contained in the policy on significance.

The policy on significance together with Section 76 of the Local Government Act 2002 set out the Council's requirements in relation to decisions. Some decisions can only be made through the Long-Term Council Community Plan, or after the Special Consultative Procedures set out in the Act have been used, (refer to the policy on significance and the Act).

All decisions of Environment Canterbury are subject to the decision-making requirements of section 76 of the Act unless inconsistent with specific requirements of other legislation.

ENVIRONMENT CANTERBURY

REGULATION HEARING COMMITTEE

ORDER PAPER

1. APOLOGIES
2. MINUTES OF PREVIOUS MEETING (to be tabled)
3. MATTERS ARISING
4. DEPUTATIONS AND PETITIONS

MATTERS FOR DECISION BY THE COMMITTEE

5. RESOURCE CONSENT APPLICATION FOR CONSIDERATION
6. APPOINTMENT OF COMMISSIONERS TO HEAR AND DECIDE RESOURCE CONSENT APPLICATIONS

7. QUESTIONS
8. EXTRAORDINARY AND URGENT BUSINESS
9. NEXT MEETING – to be confirmed
10. CLOSURE

5. RESOURCE CONSENT APPLICATION FOR CONSIDERATION BY THE COMMITTEE

The following resource consent application is submitted for consideration and decision by the Committee without formal hearing.

Applications
M M & S H McKenzie

Permit No.
CRC062085

Recommended

That the Committee acting pursuant to a delegation of the Council of 22 October 2004, having had regard to the requirements of Section 104 of the Resource Management Act 1991, grants consent, pursuant to Section 105 of the said Act, to the application subject to the conditions and duration, and for the reasons stated.

**Before the Regulation Hearing Committee appointed
by Canterbury Regional Council**

IN THE MATTER OF The Resource Management Act
1991

AND

IN THE MATTER OF Application CRC062085 by M N
& S H McKenzie for a Water
Permit to take and use
groundwater.

Section 42A Officer's Report

Date of Hearing: 23rd November 2007

Report of Anita Warnock

1. I am employed by the Canterbury Regional Council (CRC) as a Consents Investigating Officer. I hold the qualifications of Bachelor of Science (Environmental Science) from the University of Western Australia.
2. This report is prepared under the provisions of Section 42A of the Resource Management Act 1991 (RMA). This section allows a Council officer to provide a report to the decision-maker on a resource consent made to the Council, and allows the decision-maker to consider the report at the hearing. Section 41(4) of the RMA allows the decision-maker to request and receive from any person who makes a report under Section 42A "*any information or advice that is relevant and reasonably necessary to determine the application*". This report will provide the Commissioners with information and advice related to:
 - The background to the application;
 - Details of the notification of the application and any submissions received;
 - An outline of the relevant legal and planning provisions;
 - Comments on the assessment of environmental effects provided;
 - Details of Council policy relevant to the application;
 - Comments in relation to the matters specified in Part II of the RMA; and
 - Comments on the decision to be made.
3. This report presents the audit of the application and addresses the relevant information and issues raised. It should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Regulation Hearing Committee.

INTRODUCTION

4. This report describes resource consent application CRC062085 submitted by Mr. and Mrs. M. N. and S. H. McKenzie (hereon in 'the applicants') for a water permit to take and use water for irrigation.
5. The applicant has engaged Mr. Ian Lloyd of Aqualinc Research Limited to prepare the application.
6. This is an application for a new consent and there are no other consents being applied for.

Background

7. The applicants own a 360-hectare dryland mixed sheep and cropping farm on Main North Road between Darnley Road and Purchas Road, Glasnevin. The applicant seeks consent to take and use water to allow the property to be irrigated.
8. The applicant holds two other resource consents for the subject property; bore permit CRC051273 and water permit CRC052242 to take and use groundwater. This application is to supplement the water permitted under CRC052242 to have sufficient water to irrigate the applicant's property.
9. Since submitting the application, bore M34/5625 (the subject bore) has had an aquifer test. The test results indicated a lower long-term sustainable yield than assumed when preparing the application. As a result, the applicant has amended the application to reduce the maximum rate of take to 37 litres per second and the daily and seasonal volumes to 2,420 cubic metres and 376,000 cubic metres respectively.
10. This application was notified on the grounds that well-interference effects and cumulative effects were assessed as being more than minor.

Notification

11. The application was publicly notified in the Christchurch Press on Saturday 8 of April 2006, as follows:

Applicant: Mr & Mrs M N & S H McKenzie
Address: C/- Aqualinc Research Limited PO Box 20 462, Bishopdale, CHRISTCHURCH
Attn: Mr Ian Lloyd

CRC062085- to take and use groundwater at a maximum rate of 40 litres per second, with a volume not exceeding 3,450 cubic metres per day from bore M34/5625 (diameter: 200 millimetres, depth: 91 metres), at or about map references NZMS 260 M34:8682-9136. Water will be used for the spray irrigation of up to 360 hectares of crops, pasture and viticulture on Main North Road between Darnley Road and Purchas Road, Glasnevin.

A consent duration of 35 years is sought. This is an application for a new take.

Submissions

12. The application received 8 submissions (4 in support and 4 in opposition), all of which were received within the statutory timeframe. The submissions are summarised as follows:

13. Sally and Malcolm McKenzie support the application because the abstraction will add value to their property by increasing production. Sally and Malcolm McKenzie wish to be heard in support of their submission.
14. Rachael Mahan supports the application; however she is concerned that the proposed take may affect her well (M34/5633). Ms Mahan does not wish to be heard in support of her submissions.
15. E. C. and M. Orr support the application provided their well (M34/0773) is monitored during a pump test. They do not wish to be heard in support of their submission.
16. Tom Porter supports the application provided that there are no adverse effects on other wells in the area. He states that the rate of take should be set at a level that has no adverse effects on neighbouring wells. Mr. Porter does not wish to be heard in support of his submission.
17. C. Heesterbeek opposes the application on the grounds that the cumulative effects of many water permits drawing from the same resource may deplete the available water. C. Heesterbeek wishes the consent authority to grant the take for 10 years for 15 litres per second only, and not exceeding 1000 cubic metres per day. C. Heesterbeek wishes to be heard in support of the submission.
18. Ms. Patricia George is opposed to the application due to the potential for adverse effects on her bore (M34/5690). She requests that the application be declined unless an aquifer test can prove that there will be no effect. Ms. George wishes to be heard in support of her submission.
19. Mr. and Mrs. S. Jennings oppose the application due to concerns regarding the cumulative effects of many water permits in their area and the direct well interference effects from the new take. They would like an investigation into the effects this consent will have on neighbouring bores, including their own bore (M34/0799). Mr. and Mrs. Jennings do not wish to be heard in support of their submission.
20. Xenophon Limited is opposed to the application as they are concerned that the new take may affect their existing bore (M34/5652). They requested that a 48 hour pump test be carried out to demonstrate that there will be no adverse effects on their bore. Xenophon Limited wish to be heard in support of their submission.
21. The applicant has negotiated with the submitters to develop acceptable mitigation in the proposed conditions. All submitters have withdrawn their right to be heard based on these proposed conditions.

DESCRIPTION OF THE PROPOSED ACTIVITY

22. The applicant originally proposed to take and use water under the following conditions:
 - (a) Water shall only be taken only from bore M34/5625, 200mm diameter and 91m deep, located at or about map reference NZMS 260 M34:8682-9136.
 - (b) Water may be taken from bore M34/5625 at a rate not exceeding 40 litres per second, with a volume not exceeding 3,450 cubic metres per day, and 537,600 cubic metres between 1st July and the following 30th June.

- (c) Water shall only be used for irrigation of grape vines, crops and pasture for grazing stock, excluding milking dairy cows, as described in the application, on the area of land shown in attached plan CRC062085.
23. Section 2 of the application requested a consent duration of 35 years.
24. On 15th May 2007, the applicant amended the application to reduce the maximum rate of take to 37 litres per second, with a volume not exceeding 2,420 cubic metres per day and 376,000 cubic metres per year. The application was amended as aquifer testing had shown that bore M34/5625 would not be able to sustain the pumping rate or produce the amount of water originally applied for. The duration sought was also reduced to 10 years
25. A location plan showing the area to be irrigated and bore M34/5625 is attached as Appendix 1.

LEGAL AND PLANNING MATTERS

The Resource Management Act 1991 (RMA)

26. Part III of the RMA sets out duties and restrictions.

Section 14 – Restrictions relating to Water

27. Section 14(1)(a) of the RMA states that no person may take, use, dam, or divert any water, unless the taking, use, damming, or diversion is allowed by subsection (3).
28. Section 14(3) of the RMA sets out a number of situations where a person is not prohibited by subsection (1) from taking, using, damming, or diverting water, including where such activities are expressly allowed by a rule in a regional plan and in any relevant proposed regional plan or a resource consent, where water is taken or used for an individual's reasonable domestic needs or the reasonable needs of an individual's animals for drinking water, or for fire fighting purposes.
29. The proposed take is not permitted by section 14(3).

Regional Plans

Transitional Regional Plan (TRP)

30. The TRP contains a General Authorisation (GA) for the abstraction of natural water, excluding the West Melton/Yaldhurst area as defined in the GA. The GA is deemed to be a regional rule by the RMA, making activities that comply with the following conditions of the GA permitted:

“... that the volume of water abstracted shall not exceed 100 cubic metres per day, per property, at a rate not exceeding 10 litres per second from any bore, and:

the abstraction shall occur on a property greater than 20 hectares in area; and

the abstraction bore shall be further than 100 metres from any bore on a neighbouring property, or from any surface water resource.”

31. As all of the proposed volumes and instantaneous rates are greater than those specified in the GA, the proposed abstractions require resource consent under Section 14 of the RMA for what are considered to be discretionary activities in accordance with Section 369(1)(b) of the RMA.

Proposed Natural Resources Regional Plan (PNRRP)

32. Chapters 4 to 8 of the PNRRP were publicly notified in July 2004. Chapter 5 relates to water quantity and sets out objectives, policies and rules to provide an adequate level of protection to sustain the life-supporting capacity of surface and groundwater systems and sustain Ngai Tahu and other instream values.
33. Rule WQN19 of the PNRRP defines the taking of water within an allocation block as a restricted discretionary activity.
34. Rule WQN25 of the PNRRP permits the use of water for irrigation on a property supplied entirely from private groundwater or surface water under certain conditions.

DESCRIPTION OF THE AFFECTED ENVIRONMENT

35. Alluvial deposits within the Canterbury region have been divided into 29 groundwater zones. These zones were primarily determined to represent areas of similar hydrogeology and recharge sources and, where possible, have followed previous groundwater zone boundaries. The zones are shown in Figure WQN11 on page 245 of the PNRRP.
36. The applicant's bore is located in the Waipara groundwater zone.
37. Bores in the area surrounding the applicants' property are screened between the ground surface and around 132 metres below ground level. There are 40 active bores within two kilometres of the subject bore.

Geology and Groundwater Availability

38. The Waipara Catchment has an area of approximately 740 km², consisting of foothills, an alluvial basin and coastal ranges (CRC 1993). The basin consists of folded and faulted Torlesse basement, overlain by Tertiary limestone, sandstone and mudstones, which are exposed on the hills and ridges along the eastern and western margins of the basin (Loris, 2000). The local folding and faulting resulted in the isolation of the Waipara Basin from the Canterbury Plains, giving rise to a distinct hydrogeologic environment (Brown, 2000).
39. The groundwater resources utilised in the area include wells penetrating the Quaternary Canterbury and Teviotdale gravels, and the late Pliocene/early Pleistocene Kowai formation (Loris, 2000). In general, aquifer thicknesses and lithologies show rapid and unpredictable variations over short distances. The hydrogeological system can be described as a complex network of discrete, lithologically and hydraulically heterogeneous anisotropic semi-permeable to permeable channels (Loris, 2000). Permeabilities and yields are correspondingly variable and unpredictable, though moderate to low overall. Recharge of the gravel aquifers by upwards movement of deeper groundwater is suspected to occur.
40. The Waipara River is a perennial river that flows across the alluvial basin. Other significant water ways in the basin include Weka Creek and Omihi Stream.

41. The Waipara Catchment is dominated by agricultural land uses, mainly horticulture (particularly vineyards) and cropping. Forestry, pastoral farming and some cattle farming also occurs.

Uses and Values

42. Water resources in the area are valued for domestic, stock water, public water supplies and irrigation for horticultural crops. The area also has some value for recreational users for swimming and some trout fishing in the middle and lower reaches of the Waipara River. The Waipara River is a statutory acknowledgment area, and has high values for Iwi.

Current Allocation

43. For water allocation management purposes, Waipara has been considered as one zone with an allocation limit set at 10.7 million cubic metres. This application, and those with a higher priority but not yet decided, takes allocation to 8.6 million cubic metres.

ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS

44. Taking groundwater results in a number of potential adverse effects on the environment. The following list of effects has been developed from my experience auditing similar groundwater applications and reference to relevant policies in the Regional Policy Statement (RPS) and PNRRP:
- Adverse effect of take on surrounding groundwater users
 - Cumulative effect of take on other groundwater users
 - Adverse effect of inefficient take on other groundwater users
 - Adverse effect of take on other users from seawater intrusion
 - Adverse effect of take on aquifer stability
 - Adverse effect from cross-connection on groundwater quality
 - Adverse effect of take on surface water flows
 - Adverse effect of use on water quality
 - Adverse effect of take and use on Tangata Whenua values.
45. Before addressing each of these effects I refer to the relevant RPS and PNRRP objectives and policies, for two main reasons. Firstly it provides a useful “scale and significance” test, in that if there is no relevant policy then its inclusion in this report should receive close scrutiny; secondly it provides a helpful framework against which to evaluate the significance of an effect.
46. The PNRRP has been notified and hearings are currently underway. As such the Plan has less statutory weight than the operative TRP. However given the operative TRP contains few objectives and policies relevant to this application, the PNRRP provides, in my view, a helpful source of information about community expectations related to the issues raised by this application.

Adverse Effects of Take on Surrounding Groundwater Users

47. Chapter 9 Policy 5 of the RPS states:

“Where a water flow, level, or allocation regime for a water body has not been specified, the granting of a permit for the taking, use, damming or diversion of water should not preclude the reasonable exercise of an existing resource consent to take, use, dam or divert water; except with the agreement of the holder of that existing consent”.

48. Chapter 9 Policy 6 of the RPS states:

“In considering a permit to take water, a consent authority should, as part of the requirements of s.104 of the Act, consider the need to: (c) provide for existing water permit holders to have priority for the term of their permits;

49. The abstraction of groundwater creates a drawdown cone that extends laterally from the pumping bore, which may result in a lowering of groundwater levels in neighbouring bores. Such lowering may have serious consequences for existing users by preventing them from taking their authorised amount, and may also result in increased costs for such users through having to lower their pump, change from a surface to a submersible pump, or by increasing the electricity required to abstract water.
50. Policy WQN20 of the PNRRP further refines these policies by establishing a threshold of acceptable interference. This policy requires that any new bore be located so that the abstraction from it does not cause any significant interference with abstractions from neighbouring bores, provided the neighbouring bores penetrate to an adequate depth that allows effective access to the resource.
51. Policy WQN20 of the PNRRP states that the extent of the direct cumulative interference effect on any neighbouring bore should not exceed 20% of the available drawdown in any other bore with an existing authorisation that is within two kilometres, unless the effect is mitigated.
52. Prior to making the application a step-discharge test was undertaken on the subject bore (M34/5625). The well was pumped at various rates up to 22.7 litres per second for six hours. During the step test, two neighbouring bores were monitored for changes in water levels, M34/5624 (87.5m deep, 1450m distant) and M34/5652 (96m deep and 1330m distant). From the test results, Mr. Lloyd concluded that there is no (or very minimal) hydraulic connection between the applicant’s bore and other neighbouring bores.
53. Mr. Lloyd also analysed the potential well interference effects using the Theis methodology as per Schedule WQN10 of the PNRRP. The analysis showed 35 affected bores. Mr Lloyd states that the drawdown predicted by the Theis analysis in the observation bores would be easily seen in the step-test data. He concludes that the Theis analysis is not appropriate for this application.
54. Mr. Russell Sanders, a Hydrogeologist with Environment Canterbury, reviewed the step test and concluded that well interference effects may not be evident given the duration of the test and the pump rate tested. Mr. Sanders recommended that a constant rate test at least 3 days long be undertaken to determine if the proposed take would adversely affect neighbouring bores.
55. Post-notification, an aquifer test was completed on the subject bore (M34/5625) and water levels in ten neighbouring bores were monitored. Mr Lloyd analysed the aquifer test results and concluded that there was no (or very minimal) connection between the subject bore and the ten observation bores.

56. Mr. Matt Smith, a Hydrogeologist with Environment Canterbury, audited the aquifer test and confirmed that the test results are reliable and the testing and analyses are robust. With regard to the potential interference effects, Mr Smith states:

“The total lack of response in the observation wells strongly suggests that the neighbouring bores are not well connected hydraulically, and that direct interference due to abstracting from M34/5625 is unlikely to cause adverse effects, even after a full season of pumping.”

57. Given the advice from Mr. Smith, I agree that the effects of the proposed take on surrounding groundwater users is likely to be less than minor.

Cumulative Effects of Take on Other Groundwater Users

58. Policy WQN9 of the PNRRP seeks to prevent long-term decline in groundwater levels:

“Control the total amount of groundwater allocated for abstraction so that there is not a significant continuing long-term decline in mean annual groundwater levels and artesian pressures.”

59. This Policy focuses on the continuing long-term decline in groundwater levels and artesian pressures that are principally attributable to the abstraction of water.

60. Policy WQN14 of the PNRRP sets out the allocation regime for each of the Groundwater Allocation Zones. The limit is set as an annual volume, the size of which “shall be set using a precautionary approach” described in Schedule WQN4.

61. At the time this application was notified the allocation block for the Waipara groundwater zone was 7.8 million cubic metres and this application exceeded the allocation block. On 21 October 2006 the allocation for the Waipara groundwater zone was revised and increased to 10.7 million cubic metres. This was determined on the basis of 50% of the annual average land surface recharge for the time series of data available, and is referred to as the “second order approach”.

62. The volume of water currently allocated, including those applications with higher priority but not yet decided, has been determined using the formula set out in Schedule WQN4(c) of the PNRRP and is 8.26 million cubic metres per annum.

63. Should the application be granted, this would increase allocation to 8.60 million cubic metres per annum. Given this figure is less than 10.7 million cubic metres per annum, there is water available for allocation within the Waipara Groundwater Allocation Zone.

64. Mr Lloyd states that “no obvious decline in long-term groundwater levels has been observed” in monitoring bores. He concludes that it is unlikely that pumping from the subject bore will cause any significant effects on the aquifer.

65. I agree that the cumulative effects of the proposed abstraction are likely to be less than minor.

Adverse Effect of Inefficient Take on Other Groundwater Users

66. Policy 3 of Chapter 9 of the RPS aims to:

“Promote efficiency in the use of water.”

67. Supporting comments in the RPS refer to efficiency involving both a technical evaluation and evaluation of allocative efficiency.
68. Objective WQN5 and Policy WQN17 of the PNRRP give effect to the above Policy. Objective WQN5 seeks to:
- “achieve a high level of efficiency in terms of resource availability and the use of water”.*
69. Policy WQN17 of the PNRRP notes that the rates and volumes of abstraction shall be no more than reasonable for their intended use. Policy WQN17(3)(a) identifies Schedule WQN9 of the PNRRP as determining what is reasonable. Schedule WQN9 is based on actual soil moisture monitoring in Canterbury and is considered the best available information from which to determine actual water requirements to maintain soil moisture.
70. The applicant originally applied to take 3,450 cubic metres of water per day at a maximum rate of 40 litres per second, and not exceeding 537,600 cubic metres per year.
71. From the aquifer test results the long term sustainable yield of the bore was determined to be 28 litres per second. Accordingly, the applicant has reduced the amount of water sought to a maximum of 2,420 cubic metres of water per day, and 376,000 cubic metres per year. The maximum rate of take has been reduced to 37 litres per second.
72. Mr. Lloyd has assessed the reasonable and efficient use of water in section 7.4 of the AEE. His calculations are based the original volume of water requested (as described in paragraph 70 above) as well as the water used under consent CRC052242.
73. The applicant has not yet determined what crops will be irrigated, so Mr. Lloyd has considered two different scenarios. In the first scenario, he estimates an average application rate of 5 millimetres per day for approximately 131 hectares of pasture or crops. In the second scenario, the entire 360 hectares is converted into a vineyard and will be irrigated using an average application rate of 1.8 millimetres of water per day. Assuming an average plant density of 3,500 vines per hectare, this equates to 5.1 litres per vine per day.
74. I note that the efficiency calculations described above (paragraph 73) are based on the original volume of water applied for. However, as the application was amended to request less water than initially proposed, the calculations provided by Mr. Lloyd underestimate the irrigation efficiency.
75. The seasonal volume of water calculated using Schedule WQN9 of the PNRRP is 2,196,000 cubic metres of water per year. Should consent be granted, the total take of water for the applicant's property under this consent and consent CRC052242 will be 846,400 cubic metres per annum.
76. I agree with Mr Lloyd's conclusions that the volume of water applied for is reasonable and the use of water will be efficient.

Adverse effect of take on other users from seawater intrusion

77. Policy WQN 11 of the PNRRP addresses the management of semi-confined and confined aquifer systems. The purpose of the policy is to protect groundwater quality from the effects of groundwater abstraction, including the prevention of lateral and downward sea water contamination.

78. Mr Lloyd states that the subject bore is located approximately 9 kilometres from the coast and therefore there is very little potential for groundwater contamination by saltwater intrusion.
79. I agree that the effect of seawater intrusion is likely to be minor.

Adverse effect of take on aquifer stability

80. Policy WQN9 of the PNRRP states that the total amount of groundwater allocated for abstraction should be controlled so there is not a significant long-term decline in mean annual groundwater levels and artesian pressure. The explanatory notes for the policy states that one of the environmental effects of abstracting too much groundwater is land subsidence in some circumstances.
81. Mr. Lloyd states that the aquifer from which the subject bore will pump is deep and constructed from tightly packed alluvial deposits. He also states that in the history of groundwater abstraction in the area, no obvious ground subsidence or consolidation has occurred as a result of pumping groundwater from this depth. Mr. Lloyd concludes that it is unlikely that the alluvial deposits will consolidate if groundwater piezometric levels are lowered.
82. I agree that the effect of the proposed abstraction on aquifer stability is likely to be minor.

Adverse effect from cross-connection on groundwater quality

83. Policy WQN11(7) of the PNRRP seeks to protect groundwater quality by ensuring that bores are screened only in one aquifer unless the taking from more than one aquifer is provided for in Schedule WQN 3, water from each aquifer can be pumped independently without the risk of cross contamination or the applicant can demonstrate that the risk of contamination or water loss is low.
84. Section 7.7 of the AEE states that the subject bore is only screened in one aquifer. Mr. Lloyd concludes that adverse effects on groundwater quality from cross-connection are unlikely.
85. I agree that the effect from cross-connection on groundwater quality is likely to be minor.

Adverse effect of take on surface water flows

86. Chapter 9 Policy 1 of the RPS requires that water flow, level or allocation regimes should be set and managed in accordance with specified values within objective 1. Policy 2 states that:
- “Subject to Policy 1, all water flow, and level, and allocation regimes should be set and managed with the aim of: (a) maximising the wellbeing obtained by people and communities from Canterbury’s water resources through taking account of its value both instream and out of stream;”*
87. Taking hydraulically linked groundwater can deplete surface flow as effectively as a direct take, depending on distance and the degree of connection. As the Policy indicates, this can affect both instream values and values to other users out of stream by reducing their reliability of supply.

88. Mr. Lloyd advises that the subject bore is screened between 86.4 to 91 metres below ground level and due to the depth of the bore a hydraulic connection to any surface water resource is highly unlikely.
89. I agree that the effect of the proposed take on surface water flows is likely to be less than minor.

Adverse Effect of Use on Water Quality

90. Chapter 9, Policy 9 of the RPS contains provisions to establish water quality standards in plans to ensure that Objective 3 is met – this sets the lowest acceptable standards, although protection could be set at a higher level.
91. Chapter 9, Objective 3 of the RPS aims to:
- Enable people to gain benefits from the water quality in Canterbury water bodies while safeguarding: drinking water sources, life supporting capacity of water, Maori cultural values, preserving natural character, protecting habitat of trout and salmon.*
92. Chapter 9, Policy 11 of the RPS promotes land use practices that maintain and enhance water quality, both groundwater and surface water replenished by groundwater.
93. Section 7.9 of the AEE addresses the effects that the proposed change in land use will have on groundwater quality using two future scenarios. In the first scenario the entire property is developed for viticulture and in the second scenario half of the property is developed for viticulture and the other half is a combination of irrigated and dryland sheep farming. Water used under consent CRC052242 was also factored into these calculations.
94. In both scenarios the concentration of nitrate-nitrogen in water draining from the property decreased. Mr Lloyd concludes that the change in land use will improve groundwater quality in the area.
95. I agree that the effect of the proposed activity on groundwater quality is likely to be less than minor.

Adverse Effect of Take and Use on Tangata Whenua values

96. Chapter 6 Policy 3 of the RPS dealing with the provision for relationship of Tangata Whenua with resources states:
- “Specific aspects of the relationship of Tangata Whenua, their culture and their traditions with their ancestral lands, water, sites, wahi tapu and other taonga should be recognised and provided for through resource management and planning including provisions in plans, decisions on resource consents and monitoring the state of the environment”.*
97. The site of the proposed abstraction is within the rohe of Tuahiwi Runanga. Te Runanga O Tuahiwi was advised of the application on 13 December 2005, with a request to respond by 12 January, 2006. To date, no response has been received.
98. The applicant concludes that because the effects on surface water flows and groundwater quality have been assessed as minor, the Runanga are unlikely to be adversely affected by the proposed abstraction.

99. Given the lack of response from Tuahiwi Runanga, I agree that the effects on Tangata Whenua values are likely to be less than minor.

POLICIES AND OBJECTIVES

Regional Policy Statement (RPS)

100. Under Section 104(1)(b)(iii) of the RMA, the consent authority shall have regard to any relevant regional policy statement. The Canterbury RPS has been operative since 26 June 1998.
101. Of significance to this application is Chapter 9 of the RPS, which relates to the management of the Region's water resources. Policies relevant to these applications have been considered earlier as part of the assessment of actual and potential effects. Other relevant policies include –
102. Policy 2(b) of Chapter 9 of the RPS which states:
- “Subject to Policy 1, water flow, level and allocation regimes should be set and managed with the aim of where appropriate enhancing the availability of water for present and future generations through increased efficiency of use, augmentation or storage.”*
103. In my view annual allocation limits and auditing the efficiency of the applicant's water use give effect to this policy.

Proposed Natural Resources Regional Plan (PNRRP)

104. Objective WQN1 of Chapter 5 of the PNRRP and Objective 1 of Chapter 9 of the RPS are identical and define the management framework within which sustainable management of water resources involving enabling people and communities to provide for their wellbeing, subject to achieving or maintaining certain environmental outcomes can occur.
105. Most of the PNRRP relevant to this application have been referred to in earlier sections dealing with the particular adverse effect each policy addresses.
106. Of additional relevance to this application is Chapter 1 of the PNRRP, which relates to the duration of resource consents. Resource consents (other than for land use or subdivision) can be granted for a maximum duration of 35 years. Section 1.3.5 outlines a number of factors that must be taken into account when considering the duration of any resource consent to be granted. These are as follows:
- “(a) the nature and sensitivity of the affected environment, including:*
- (i) the degree to which the sensitivity of the affected environment may become more sensitive over time; and*
- (ii) the risk of unforeseen adverse effects arising from the consented activity; and*
- (iii) the level of knowledge about the affected environment; and*
- (b) the nature of the activity, including:*
- (i) the degree to which the methods used to control the adverse effects of the consented activity are of a temporary nature or inconsistent*

- with the requirements of the RMA and the time that is practicable for the consent holder to implement other options; and*
 - (ii) the level of compliance monitoring, environmental impact monitoring, reporting and action required by the conditions on the resource consent; and*
 - (iii) the significance of the activity relative to the existing situation and the capacity of the affected environment; and*
 - (iv) the duration of consent sought by the applicant; and*
 - (v) the rate of change in technology that may mitigate adverse effects resulting from the activity; and*
 - (vi) the permanence and the economic life of the activity; and*
 - (vii) the costs and benefits of the activity to the community; and*
 - (viii) the consent holder's capital investment in a pre existing activity; and*
 - (ix) any documented history of non-compliance with the requirements of the RMA; and*
 - (x) guidance from resource management case law; and*
- (c) any other relevant matters."*

107. The Commissioners are invited to take these matters into consideration when determining the duration of any consent granted.

PART 2 MATTERS

Purpose of the RMA (s5)

108. Under Section 104(1) of the RMA, the consent authority must consider applications "subject to Part 2" of the RMA. The Purpose of the RMA (Section 5) is to:

"promote the sustainable management of natural and physical resources."

and the purpose is achieved by the guidance provided by the Principles of the RMA (i.e. s.6, s.7, and s.8).

109. Section 5(2) of the RMA states that:

"In this Act, "sustainable management" means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment."

110. The framework set out in the RPS and PNRRP addresses the sustainable management of groundwater. I consider the purpose of the RMA is not compromised by this application.

Matters of National Importance (s6)

111. The matters of national importance are set out in Section 6 of the RMA as follows, which all persons exercising functions and powers under the RMA shall recognise and provide for:

“(a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

(e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

(f) The protection of historic heritage from inappropriate subdivision, use, and development.

(g) The protection of recognised customary activities.”

112. In my view these matters will not be compromised by the proposed activity.

Other Matters (s7)

113. In achieving the purpose of the RMA, all persons exercising functions and powers under the RMA are directed to have particular regard to –

“(a) Kaitiakitanga:

[(aa) The ethic of stewardship:]

(b) The efficient use and development of natural and physical resources:

(c) The maintenance and enhancement of amenity values:

(d) Intrinsic values of ecosystems:

(e) Recognition and protection of the heritage values of sites, buildings, places, or areas:

(f) Maintenance and enhancement of the quality of the environment:

(g) Any finite characteristics of natural and physical resources:

(h) The protection of the habitat of trout and salmon.”

114. Clauses (b) and (g) above are specifically relevant to these applications. Given that this application seeks water that is within the limits established in the RPS and PNRRP, I consider that the application is consistent with clauses (b) and (g).

Principles of the Treaty of Waitangi (s8)

115. Section 8 of the RMA requires all persons exercising functions and powers under the Act to take into account the principles of the Treaty of Waitangi.
116. The applications are within the rohe of Te Runanga O Tuahiwi.
117. Environment Canterbury informed Te Runanga O Tuahiwi when the application was received and again when it was publicly notified. At the time this report was written, no response has been received from Tuahiwi Runanga.

OTHER RELEVANT MATTERS

Decisions of the Environment Court

118. I am not aware if any previous Environment Court decisions that would preclude the granting of this consent.

Previous Council Decisions

119. I am not aware of any previous Council decisions that would preclude the granting of this consent.

RECOMMENDATION

Grant or Decline

120. Section 104(1) of the RMA states the matters that the consent authority must have regard to when considering an application. These include (a) any actual and potential effects on the environment, (b)(iii) a regional policy statement, (b)(iv) plans or proposed plans and any (c) other matter considered relevant.
121. Section 104B of the RMA states that –

“After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority ... - may grant or refuse the application; and if it grants the application, may impose conditions under section 108”
122. Based on the audit of the applicant’s information, and having considered all relevant matters under s104 of the RMA, I consider that application CRC062085 for a water permit to take and use groundwater can be granted.

Duration

123. Should consent be granted I recommend a 10 year duration.

RECOMMENDED CONDITIONS

124. Non- standard conditions were negotiated between the applicant and the submitters. The conditions were then reviewed by Ms. Faye Collins, a Solicitor with CRC, and Ms. Lucy Bowker, an Environmental Protection Officer with CRC, to ensure that they

were *intra-vires*, monitorable and enforceable. The applicant has given their approval for these conditions.

125. Should the Commissioners decide to grant consent, I recommend that the following wording be used. With the exception of conditions 4 and 12, these conditions are consistent with conditions used on other large applications to take groundwater.

CRC062085 to take and use groundwater

- 1) Water may be taken only from bore M34/5625, 200 millimetres diameter and 91 metres deep, at map reference NZMS 260 M34:8682-9136.
- 2) Water may be taken at a rate not exceeding 37 litres per second, with a volume not exceeding 2,420 cubic metres per day, and 376,000 cubic metres between 1st July and the following 30th June.
- 3) Water shall only be used for irrigation of viticulture, tree crops, horticulture, arable crops, greenfeed crops and pasture for grazing stock, excluding milking dairy cows, as described in the application, on the area of land shown in attached plan CRC062085A.
- 4) Prior to 31 December 2008 the consent holder shall undertake aquifer testing and monitoring in accordance with the attached schedule CRC062085 to assess whether an hydraulic connection exists between bore M34/5625 and bore M34/5652 and whether the exercise of this consent induces drawdown greater than 0.1 metres in bore M34/5652.
- 5) The consent holder shall, before the first exercise of this consent, install an easily accessible straight pipe(s), 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.
- 6) The Canterbury Regional Council, Attn: RMA Compliance and Enforcement Manager, shall be informed immediately on first exercise of this consent by the consent holder.
- 7) The consent holder shall before the first exercise of this consent:
 - (a)
 - (i) install a water meter(s) that has an international accreditation or equivalent New Zealand calibration endorsement, and has pulse output, suitable for use with an electronic recording device, which will measure the rate and the volume of water taken to within an accuracy of plus or minus five percent as part of the pump outlet plumbing, or within the mainline distribution system, at a location(s) that will ensure the total take of water is measured; and
 - (ii) 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 60 minutes, and have the capacity to hold at least one season's data of water taken as specified in clauses (b) (i) and (b) (ii), or which is telemetered, as specified in clause (b).
 - (b) The recording device(s) shall:
 - (i) 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); or
 - (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 in a commonly used format and provide to the Canterbury Regional Council upon

request in a form and to a standard specified in writing by the Canterbury Regional Council; or

- (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. No data in the recording device(s) shall be deliberately changed or deleted.
 - (c) The water meter and recording device(s) shall be accessible to the Canterbury Regional Council at all times for inspection and/or data retrieval.
 - (d) 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.
 - (e) All practicable measures shall be taken to ensure that the water meter and recording device(s) are fully functional at all times.
- 8) Within one month of the installation of the measuring or recording device(s), or any subsequent replacement measuring or recording device(s), and at five-yearly intervals thereafter, and 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:
- (a) The measuring and recording device(s) is installed in accordance with the manufacturers specifications; and
 - (b) Data from the recording device(s) can be readily accessed and/or retrieved in accordance with clauses (b) and (c) of condition (7).
- 9) 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 natural groundwater levels.
- 10) (a) If the irrigation system used to distribute water taken in terms of this permit is used to distribute effluent, fertiliser or any other added contaminant, a backflow preventer manufactured in accordance with AS 2845.1 (1998) or the American Society of Sanitary Engineers standards shall be installed within the pump outlet plumbing or within the mainline, to prevent the backflow of water into the bore.
- (b) The backflow preventer shall be tested to the standard set out in AS 2845.3 (1993) or an equivalent method within one month of its installation and annually thereafter by a suitably qualified person. A test report shall be provided to the Canterbury Regional Council, attention RMA Compliance and Enforcement Manager within two weeks of each inspection.
- 11) The consent holder shall take all practicable steps to:
- (a) Ensure that the volume of water used for irrigation does not exceed that required for the soil to reach field capacity; 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.
- 12) The Canterbury Regional Council may, once per year, on any of the last 5 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; and includes reviewing the rate and volume of abstraction as set out in condition 2, to deal with adverse effects indicated by the results of testing undertaken in accordance with condition 4.

13) The lapsing date for the purposes of section 125 shall be 31 December 2012.

Signed: _____

Date: _____

Anita Warnock
Consents Investigating Officer

Reviewer's comments:

Signed: _____

Date: _____

Don Vattala
Consents Investigating Officer II

REFERENCES

Brown, L. J, 2000, '*Groundwaters of the Canterbury Region*' Environment Canterbury Report R00/10

Canterbury Regional Council 2004. Proposed Natural Resources Regional Plan – Chapter 5: Water Quantity.

Canterbury Regional Council 200. Guidelines for Assessment of Groundwater Abstraction Effects on Stream Flow. Report No. ROO/11. ISBN 1-86937-387-1.

Canterbury Regional Council 1998. Regional Policy Statement. Report No R98/4. ISBN 1-86937-337-5.

Canterbury Regional Council 1991. Transitional Regional Plan. October 1991.

Lloyd, I, 2002, '*Groundwater in the Waipara Alluvial Basin: Recharge and Allocation*' Environment Canterbury unpublished technical report U02/27.

Loris. P., 2000, '*Hydrogeology of the Waipara Alluvial Basin*'. MSc thesis, University of Canterbury, Christchurch, New Zealand.

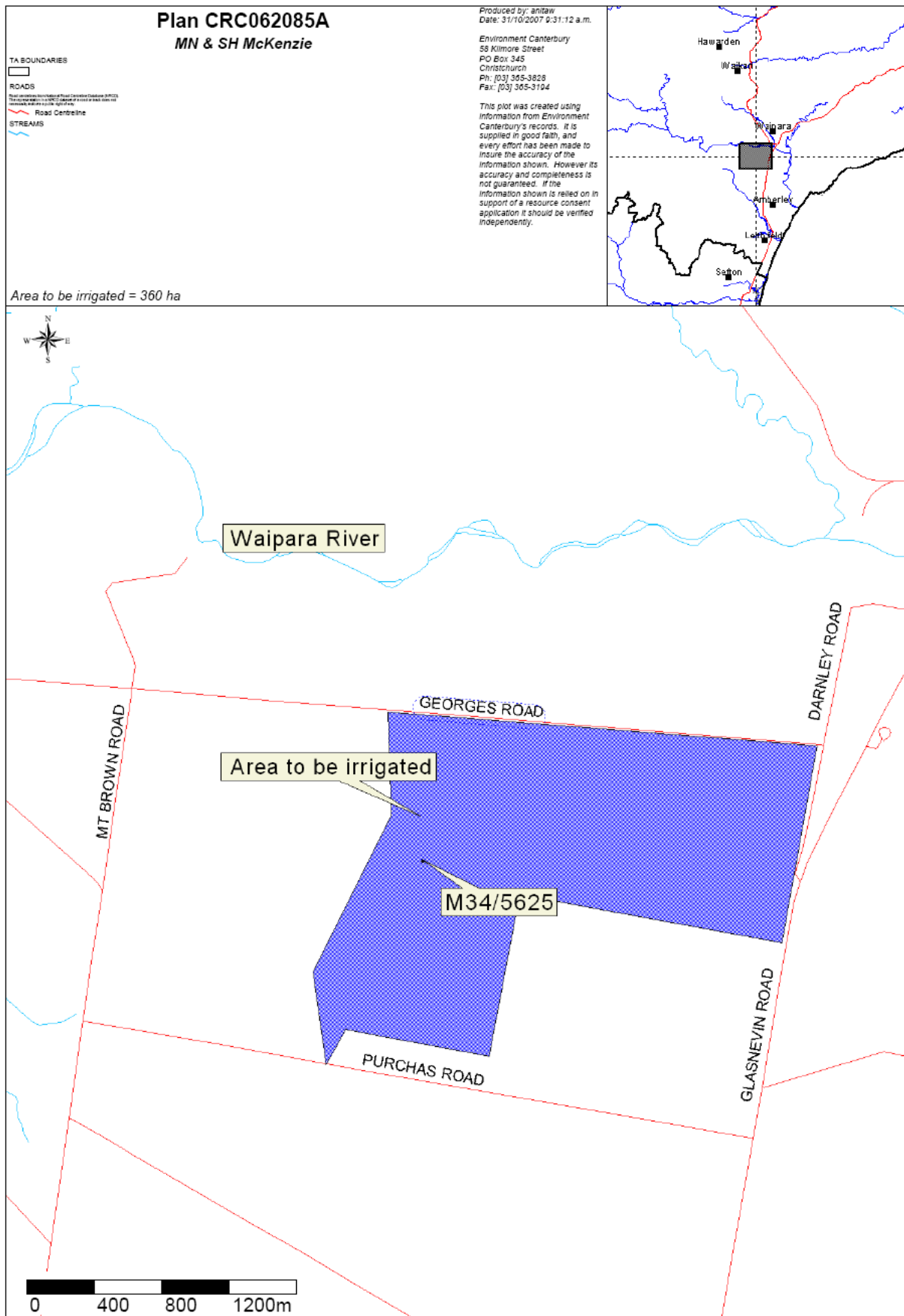
The Resource Management Act 1991. Consolidated version including the Resource Management Amendment Act 1995. August 2005.

ATTACHMENTS

Appendix 1 – Location Plan CRC062085A

Appendix 2 – Schedule CRC062085

APPENDIX 1 – LOCATION PLAN CRC062085A



APPENDIX 2 – SCHEDULE CRC062085

Prior to 31 December 2008, the holder of resource consent CRC062085 (MN and SH McKenzie) shall complete the following tasks:

1. A water level monitoring device with an accuracy of ± 1 cm and which electronically records a water level every 15 minutes shall be installed within bore M34/5652 (Xenophon Ltd).
2. Once the water level monitoring device has been installed within bore M34/5652 the consent holder shall undertake a period of 30 days of normal irrigation pumping. Where possible the pumping shall be scheduled to occur when bore M34/5652 is not being used for irrigation. During the pumping period water shall be discharged via an irrigation system which as far as is practicable eliminates potential for the pumped water to artificially recharge the water bearing layer tapped by either bore M34/5625 or bore M34/5652.
3. Following the period of pumping the water level monitoring device will be removed and the data retrieved and analysed by a suitable qualified and experienced person using appropriate methods to determine the hydraulic connection between bore M34/5625 and M34/5652. If there is a hydraulic connection the data will be used to predict the interference in bore M34/5652 due to pumping bore M34/5625 under the following scenarios:
 - (i) Normal irrigation pumping over a 30 day period.
 - (ii) Normal irrigation pumping over a 150 day irrigation season.
4. A summary report describing the data, the analysis undertaken and the conclusions reached shall be prepared.
5. A copy of the raw data and the summary report shall be submitted to Environment Canterbury's Groundwater Section to allow a peer review of the conclusions reached.
6. A copy of the summary report along with any comments from Environment Canterbury's Groundwater Section shall be provided to Xenophon Ltd.

6. APPOINTMENT OF COMMISSIONERS TO HEAR AND DECIDE RESOURCE CONSENT APPLICATIONS

6.1 SYNLAIT LIMITED – CRC054384, CRC070525, CRC054385, CRC054383 AND CRC064154

Applications

CRC054384 - to divert, take, dam, and use water from the Rakaia River at a maximum rate of 6,000 litres per second.

Water will be diverted between map references NZMS 260 L36:1333-3251 and L36:1528-3082. Water will be taken from five proposed galleries positioned within the Rakaia Riverbed, all adjacent to the northern bank, at the end of Steeles Rd, Te Pirita, at or about map reference NZMS 260 L36:1521-3137.

Water will be used for the spray irrigation of up to 9,000 hectares of crops and pasture within an area bounded by the Rakaia River in the south and the Hororata and Selwyn Rivers in the north, and between Windwhistle, Rakaia Gorge, in the west and Rakaia Selwyn Road, Bankside in the east.

Note: This proposed take is “Band 5” water. These consents will be used concurrently with recently notified applications CRC062685, CRC062686, CRC062680, and CRC063823, which include an application to take Band 2 and 3 water.

CRC070525 – to dam water in a storage pond that has a surface area of 1.5 hectares and is 2 metres deep, and located immediately south of Steeles Road at or about map reference NZMS 260 L36:1530-3140.

CRC054385 - to discharge unused water and natural sediment back into the Rakaia River at a combined maximum rate of 6,000 litres per second, at or about map reference NZMS 260 L36:1521-3137, at the end of Steeles Road, Te Pirita.

CRC054383 - to disturb the bed and banks of the Rakaia River to excavate and construct up to 5 galleries and associated pipelines, each gallery being up to 11 metres long, up to 12 metres wide and up to four metres deep, positioned within the Rakaia River bed, adjacent to the river bank, at the end of Steeles Rd, Te Pirita, at or about map reference NZMS 260 L36:1521-3137.

To disturb the bed and banks of the Rakaia River to erect diversion weirs and form diversion channels to divert water away from the gallery construction area during construction, and to divert water from the Rakaia River towards galleries to facilitate the taking of water after construction, at the end of Steeles Rd Te Pirita, between map references NZMS 260 L36:1333-3251 and L36:1528-3082.

CRC064154 - to use land to remove vegetation and disturb and deposit soil, whilst excavating and placing pipelines within 7.5 metres of the Rakaia Riverbank at or about map reference NZMS 260 L36:1521-3137, at the end of Steeles Rd, Te Pirita.

A 20 year duration is sought for all applications.

A hearing will be scheduled for 28 – 30 January 2008 to hear and decide the applications.

The Commissioners recommended have satisfied Council staff they have the necessary criteria, including technical ability and RMA Accreditation Certification to carry out the duties required.

The Commissioners recommended have also been previously appointed as Commissioners who heard and decided previous applications by Synlait Limited to take and use water from the Rakaia River.

Report prepared by Donald Fraser, Consents Hearings Officer.
Report endorsed by Don Rule, Consents Manager.

Recommended

- (a) *That the Committee appoint Alec Neill and Emma Christmas as Commissioners to hear and decide resource consent applications CRC054384, CRC070525, CRC054385, CRC054383 and CRC064154 by Synlait Limited with the full powers of the Council as a consent authority.*
- (b) *That the Committee appoint Alec Neill and Emma Christmas to deal with any preliminary matters associated with (a) with the full powers of the Council as a consent authority.*

6.2 CANTERBURY REGIONAL COUNCIL – CRC081331

Application

To install one bore for monitoring purposes or investigation purposes at Two Chain Road, Swannanoa at or about map reference NZMS 260 M35:6702-5671.

It is Council policy to appoint a Commissioner when applications are lodged by the Council.

The Commissioner recommended has satisfied Council staff he has the necessary criteria, including technical ability and RMA Accreditation Certification to carry out the duties required.

Report prepared by Donald Fraser, Consents Hearings Officer.
Report endorsed by Don Rule, Consents Manager.

Recommended

That the Committee appoint Robert Nixon as a Commissioner in respect of resource consent application CRC081331 by Canterbury Regional Council to:

- (a) *decide whether the resource consent application shall be processed with or without notification;*

- (b) *determine any preliminary matters associated with the resource consent application; and*
- (c) *decide the resource consent application with or without a hearing.*

6.3 CANTERBURY REGIONAL COUNCIL – CRC081212

Application

To install four bores for monitoring or irrigation purposes at Locheads Road, Southbridge at or about map reference NZMS 260 M36:5355-1163.

It is Council policy to appoint a Commissioner when applications are lodged by the Council.

The Commissioner recommended has satisfied Council staff he has the necessary criteria, including technical ability and RMA Accreditation Certification to carry out the duties required.

Report prepared by Donald Fraser, Consents Hearings Officer.
Report endorsed by Don Rule, Consents Manager.

Recommended

That the Committee appoint Robert Nixon as a Commissioner in respect of resource consent application CRC081212 by Canterbury Regional Council to:

- (a) *decide whether the resource consent application shall be processed with or without notification;*
- (b) *determine any preliminary matters associated with the resource consent application; and*
- (c) *decide the resource consent application with or without a hearing.*