

Date: 23/10/2020
REF: CRC200269

MEMORANDUM

From: Gillian Ensor

To: Decision Maker

SUBJECT: **NOTIFICATION RECOMMENDATION AND DECISION FOR
CRC200269 (review of consent CRC952441)**

EXECUTIVE SUMMARY

1. Mr & Mrs C D & L A Galloway hold consent CRC952441 to take water from the North Branch Ashburton River for the irrigation of up to 150 hectares at Ashburton Staveley Road, Ashburton. Consent CRC952441 was granted in 1995 and expires in 2030.
2. Consent CRC952441 is subject to the Hakatere / Ashburton River State Highway 1 minimum flow that requires partial and full restrictions of the taking of water when the flow in the river is at or below variable flow rates each month.
3. The Canterbury Land and Water Regional Plan (LWRP) sets minimum flows for the Hakatere / Ashburton River mainstem and tributaries that shall be met from 1 July 2023. The Canterbury Regional Council (CRC) is reviewing all resource consents within the Hakatere / Ashburton River catchment that authorise the taking of surface water or hydraulically connected groundwater to ensure that the minimum flows in the LWRP are applied to all consents from 1 July 2023.
4. Notice of Review was issued to the consent holder on 18 July 2019 to review consent CRC952441 to implement the minimum flows set in the LWRP (**Appendix A**). The review consent number is CRC200269. In accordance with section 129(1)(d) of the Resource Management Act 1991 (RMA), the consent holder was invited to propose alternative new conditions to implement the minimum flow provisions in the LWRP.
5. The consent holder proposes an alternative minimum flow condition, which is the Hakatere / Ashburton River mainstem minimum flow only, to be met from 1 July 2023. This will mean that the consent will not be subject to the minimum flow on the North Branch as set by the LWRP. The proposed alternative minimum flow is different to what is required by the LWRP and proposed by the CRC as part of the review of CRC952441.
6. I recommend that consent CRC200269 is publicly notified for because the potential adverse effects of the proposed alternative minimum flow on the environment may be more than minor.
7. I propose the following notification wording:

RESOURCE MANAGEMENT ACT 1991

Resource consent review:

Consent Holder: Mr & Mrs C D & L A Galloway
Address for service: 1982 Ashburton Staveley Road, RD1, Ashburton
7771

CRC200269 (review of consent CRC952441) – to take and use water at a rate of up to 240 litres per second from the North Branch Ashburton River for the irrigation of up to 150 hectares at Ashburton Staveley Road, Ashburton.

The Canterbury Regional Council issued a notice of review to the consent holder in July 2019, under section 128(1)(b) of the Resource Management Act 1991, to insert a new minimum flow condition for the North Branch of the Ashburton River and the Ashburton River mainstem at the State Highway 1 Bridge recorder site, which must be met from 1 July 2023, and which is set in the Canterbury Land and Water Regional Plan.

The consent holder proposes an alternative minimum flow condition that does not include the North Branch minimum flow. The proposed alternative minimum flow, to be met from 1 July 2023, will mean that whenever the flow in the Ashburton River mainstem, at the State Highway 1 Bridge recorder site, is:

- at or below 7,275 litres per second, the taking of water shall be subject to a reduction of take during the next succeeding day as set out in Table 1 below; and
- at or below 6,000 litres per second, there shall be no taking of water during the next succeeding day.

Table 1	
Flow in River (litres per second)	Reduction in take
At or below 7,275	25 %
At or below 6,850	50 %
At or below 6,425	75%

INTRODUCTION

1. Mr & Mrs C D & L A Galloway hold consent CRC952441 to take water from the North Branch Ashburton River, at a rate of up to 240 litres per second (l/s), for the irrigation of up to 150 hectares at Ashburton Staveley Road, Ashburton. Consent CRC952441 was granted in 1995 and expires in 2030.
2. Notice of Review was issued under section 128(1)(b) of the Resource Management Act (RMA), to the consent holder on 18 July 2019. The CRC is reviewing all water permits to abstract surface water from, or groundwater connected to, the Hakatere / Ashburton River mainstem or its tributaries. The purpose of the reviews is to implement the minimum flows, water metering and telemetry requirements set in the Canterbury Land and Water Regional Plan (LWRP).
3. The CRC proposes to insert a new minimum flow condition onto consent CRC952441, for the North Branch Ashburton River, which will apply from 1 July 2023. The new minimum flow condition (condition 7) will replace the existing minimum flow condition (condition 3) from that date. See **Appendix A** for a copy of the notice of review letter and consent conditions.
4. The consent holder proposes an amendment to the new minimum flow condition, which will mean that the consent will be subject to the Hakatere / Ashburton River mainstem minimum flow only, and not the North Branch minimum flow as well. This is referred to as the 'alternative minimum flow' throughout this report and it is the alternative minimum flow that is the subject of this notification recommendation.
5. The consent holder has engaged Mr Ross Poulson to provide advice relating to the consent reviews.
6. The following appendices are included in this notification recommendation:
 - a. **Appendix A** – copy of the notice of review letter served on the consent holder on 18 July 2019, which includes the existing consent conditions (conditions 1 – 6) and the proposed new consent conditions (conditions 7 – 10).
 - b. **Appendix B** – an Overview Report which includes background information on matters relating to the consent review process and which may be helpful for the notification decision. The report includes additional information and advice relating to:
 - i. The background to the consent reviews, including review scope, decision to review and review process;
 - ii. Legal and planning matters relevant to the consent reviews;
 - iii. The affected environment – the Hakatere / Ashburton River catchment;
 - iv. Information about the assessment of potentially affected parties and the actual and potential effects of the review.
 - c. **Appendix C** – list of affected parties/parties to serve notice on.

BACKGROUND TO THE CONSENT REVIEW

Review process information for all consents being reviewed in the Hakatere / Ashburton River catchment

7. The background to the consent reviews is set out in the Overview Report from paragraph 8 (refer to Appendix B), which includes information about the scope of the review, decision to review, information considered, review process and engagement (**Appendix B**). Of particular importance for this notification decision is the following:

- a. The scope of the review is to implement the minimum flows set in Table 13(b) of the LWRP, to be met from 1 July 2023 and the water metering and telemetry requirements.
- b. The priority outcomes for the Hakatere / Ashburton River and its tributaries are set out in section 13 of the LWRP and are:
 - i. Improved and protected natural character and mauri of the Hakatere / Ashburton River
 - ii. Ecosystem health and biodiversity are protected and improved
 - iii. Protect and improve water quality
 - iv. Efficiently used, secure and reliable supply of water.
- c. More than half of the consents in the catchment to take and use water are not subject to a minimum flow, and very few have a minimum flow that is compliant with the minimum flows in the LWRP.
- d. Hydrological modelling shows the benefits to the environment envisaged by the LWRP will only be realised when all resource consents for surface water takes and hydraulically connected groundwater takes are subject to the LWRP minimum flows.
- e. Reviewing all the consents at the same time to impose new minimum flow conditions is the best way to ensure equity in the catchment. Minimum flows can only be imposed on a new consent when a consent expires and is replaced, or as part of a consent review process. The expiry dates of consents in the catchment stretch until 2041 with very few consents expiring before 2030. Waiting to impose new minimum flows when consents expire and are replaced will mean that those whose consents expire later will benefit from improved water availability as the minimum flow regime is imposed on those whose consents expire earlier.
- f. The review is provided for by section 128(1)(b) of the RMA, which enables the review of water permits when a regional plan has been made operative which sets rules relating to minimum flows.

Review process information for CRC200269

8. The key matters relating to the consent review process for consent review CRC200269 are:
 - a. The CRC issued Notice of Review to the consent holder on 18 July 2019, to implement the minimum flow in the LWRP for the North Branch Ashburton River and the Ashburton River mainstem, as provided for by Section 128(1)(b) of the Resource Management Act (RMA).
 - b. Notice of review was issued in accordance with section 129 of the RMA. A copy of the Notice of Review letter for CRC200269 is included in **Appendix A**.
 - c. The consent holder was invited to propose new consent conditions, as provided by section 129(1)(d) of the RMA. The timeframes were doubled from 20 to 40 working days, meaning that the consent holder had until 12 September 2019 to propose alternative new consent conditions.
 - d. The consent holder requested two consecutive timeframe extensions, until 12 October 2020, to allow further time to fully consider the impact of the proposed new conditions on the consented activity (under section 37 of the RMA).
 - e. The consent holder proposes an alternative minimum flow condition that is the minimum flow for the Ashburton River mainstem only. The consent holder

proposes the consent to not be subject to the North Branch tributary minimum flow. The proposed alternative minimum flow is discussed in more detail later in this report. The consent holder does not propose any changes to the water metering and telemetry conditions.

THE ACTIVITY THAT IS CONSENTED

9. Consent CRC952441 was granted in 1995 and expires 9 November 2030. The consent conditions are included in **Attachment A** and are conditions 1 – 6. The consent authorises the following activity:

- a. The taking of water from the North Branch, via an open channel, or from springs, at a rate not exceeding 240 l/s, with a volume not exceeding 111,750 cubic metres in any 21 consecutive days;
- b. Water is used for irrigation of up to 150 hectares, using a border-dyke irrigation system;
- c. The taking of water must cease when the flow in the Ashburton River, at the State Highway 1 Bridge recorder site, falls below the following flow rates:

Month	Jan	Feb	Mar	Apr-Jul	Aug	Sept	Oct	Nov	Dec
Flow	4.5	3.5	3.5	5.0	6.5	8.0	8.0	6.5	5.0

- d. The taking of water must be reduced to 50% of the allocation when the flow in the Ashburton River, at the State Highway 1 Bridge recorder site, falls below the following flow rates:

Month	Jan	Feb	Mar	Apr-Jul	Aug	Sept	Oct	Nov	Dec
Flow	5.0	4.0	4.0	5.5	7.0	8.5	8.5	7.0	5.5

10. The location of the property, the intake location on the North Branch, as well as the North Branch and Ashburton River mainstem minimum flow monitoring sites are shown in Figure 1.

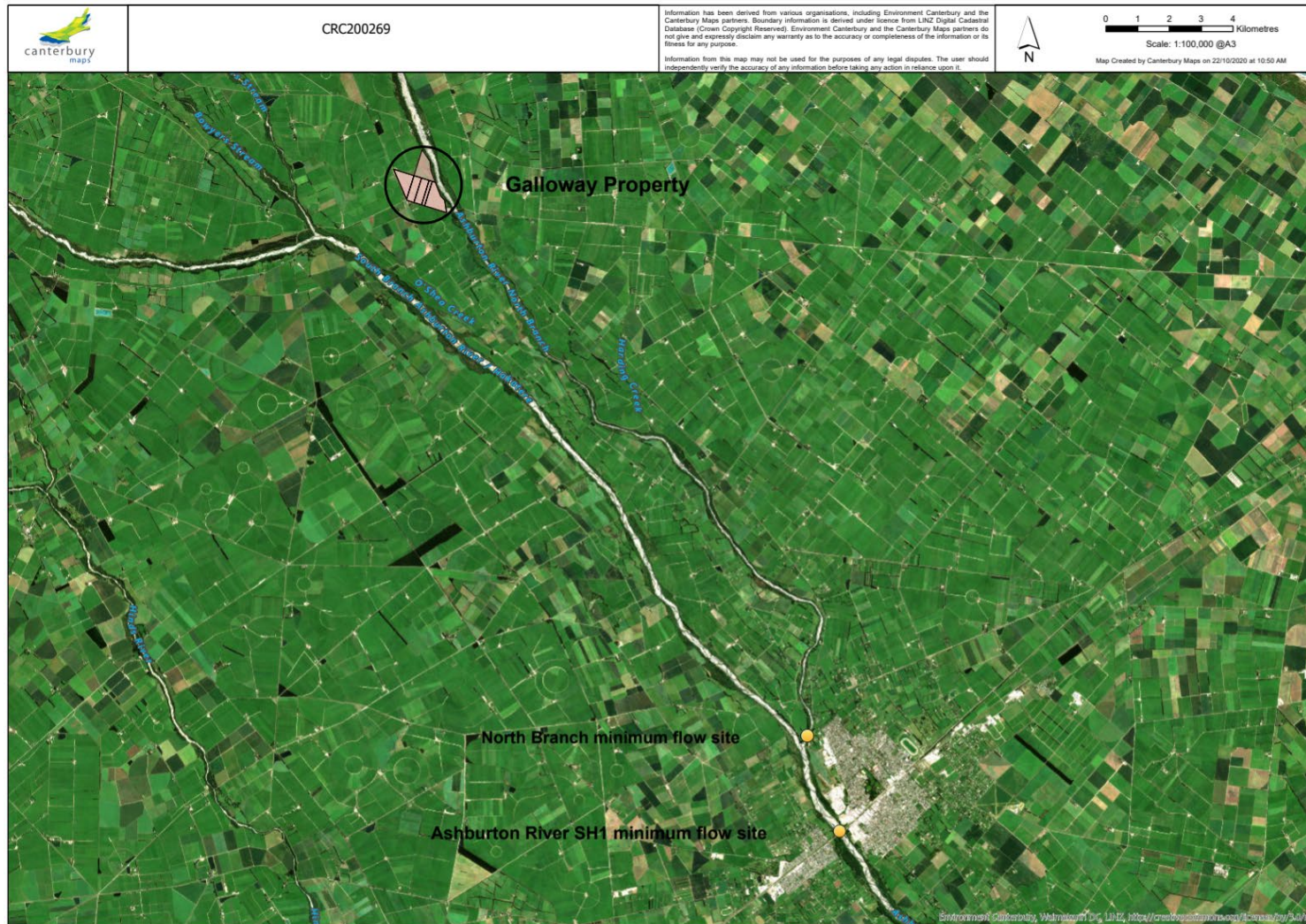


Figure 1: Map showing location of intake on North Branch of the Ashburton River, irrigation area and location of minimum flow monitoring sites for the North Branch and Ashburton River mainstem at State Highway 1.

THE NEW MINIMUM FLOW CONSENT CONDITION PROPOSED BY THE CRC

11. The CRC proposes to insert a new minimum flow condition onto consent CRC952441 to implement the minimum flow requirements of the LWRP for the North Branch sub-catchment.¹ The new consent number is CRC200269 and the proposed new condition is condition 7 (see **Attachment A**).

12. The proposed new minimum flow condition is:

“Notwithstanding any other flow restriction contained within the conditions of this consent, from July 1 2023:

- a. Whenever the flow in the North Branch of the Ashburton River, is at or below 1,000 litres per second, there shall be no taking of water in terms of this permit during the next succeeding day.*
- b. Whenever the flow in the mainstem of the Ashburton River is:*
 - i. at or below 7,275 litres per second, the taking of water shall be subject to a reduction of take during the next succeeding day as set in Table 1 below.*
 - ii. at or below 6,000 litres per second, there shall be no taking of water in terms of this permit during the next succeeding day.*
- c. For the purposes of this condition:*
 - i. the flow in the North Branch of the Ashburton River shall be the mean flow as estimated by the Canterbury Regional Council at the South Branch confluence at approximately map reference Topo50 BY21:976-401, for the 24 hour period ending at noon on any one day.*
 - ii. the flow in the mainstem of the Ashburton River shall be the mean flow as estimated by the Canterbury Regional Council in the Ashburton River at the State Highway 1 Bridge recorder site located at map reference Topo50 BY21:999-351, for the 24 hour period ending at noon on any one day.”*

Table 1	
<i>Flow in River (litres per second)</i>	<i>Reduction in take</i>
<i>At or below 7,275</i>	<i>25 %</i>
<i>At or below 6,850</i>	<i>50 %</i>
<i>At or below 6,425</i>	<i>75 %</i>

Advice Note: *The environmental flow regime specified in this condition takes effect from the 1st of July 2023. Until such time, the consent holder is subject to any existing restrictions on their consent that relates to minimum flow restrictions. As of this date, those conditions shall cease to apply and instead the abstraction will be managed on this flow regime. The allocation limits in this consent are not altered by this conditions.*

¹ As provided for by Policy 13.4.8(b) of the LWRP.
Ashburton Consent Reviews
CRC200269 Mr & Mrs C D & L A Galloway
Notification Recommendation

Advice Note 2: The minimum flow restrictions in clause (a) and (b) of this condition both apply. The consent holder must not take water when either of the minimum flow restrictions are triggered.

13. The proposed new consent condition will mean that from 1 July 2023, the consent will change from being subject to partial and full restrictions when the flow in the Ashburton River mainstem, at the State Highway 1 bridge recorder site, varies each month (condition 3), to being subject to full restrictions when the flow in the North Branch is at or below 1,000 l/s and when the flow in the Ashburton River mainstem is at or below 6,000 l/s, as well as partial restrictions when the flow in the Ashburton River mainstem is at or below 7,275 l/s (new condition 7).

THE ALTERNATIVE NEW CONSENT CONDITION PROPOSED BY THE CONSENT HOLDER

14. The consent holder states that the CRC proposed new minimum flow will mean that from 1 July 2023, the property will lose most of its existing right to irrigate out of the North Branch of the Ashburton River.
15. The consent holder requests an alternative minimum flow condition that is the 1 July 2023 minimum flow for the Ashburton River at the State Highway 1 Bridge only. The consent holder does not want the consent to be subject to the North Branch tributary minimum flow.
16. The proposed alternative new condition wording would be:

“Notwithstanding any other flow restriction contained within the conditions of this consent, from July 1 2023:

a. whenever the flow in the mainstem of the Ashburton River is at or below 7,275 litres per second, the taking of water shall be subject to a reduction of take during the next succeeding day as set in Table 1 below.

b. whenever the flow in the mainstem of the Ashburton River is at or below 6,000 litres per second, there shall be no taking of water in terms of this permit during the next succeeding day.

c. For the purposes of this condition the flow in the mainstem of the Ashburton River shall be the mean flow as estimated by the Canterbury Regional Council in the Ashburton River at the State Highway 1 Bridge recorder site located at map reference Topo50 BY21:999-351, for the 24 hour period ending at noon on any one day.”

Table 1	
<i>Flow in River (litres per second)</i>	<i>Reduction in take</i>
<i>At or below 7,275</i>	<i>25 %</i>
<i>At or below 6,850</i>	<i>50 %</i>
<i>At or below 6,425</i>	<i>75 %</i>

Advice Note: The environmental flow regime specified in this condition takes effect from the 1st of July 2023. Until such time, the consent holder is subject to any existing

restrictions on their consent that relates to minimum flow restrictions. As of this date, those conditions shall cease to apply and instead the abstraction will be managed on this flow regime. The allocation limits in this consent are not altered by this conditions.

DESCRIPTION OF THE AFFECTED ENVIRONMENT

17. The Hakatere / Ashburton River catchment is described generally in section 13 of the LWRP which includes an overview of the natural and physical resources and the communities within the catchment.
18. In summary:
 - a. The surface waterbodies in the catchment provide habitat for rare birds, fish, plants and other species, as well as supporting a wide range of recreational values.
 - b. The Ashburton Water Zone is bordered by two large braided rivers – the Rakaia and Rangitata – and divided by the Ashburton and Hinds Rivers.
 - c. Three rūnanga consider the Ashburton Water Zone part of their takiwā – Arowhenua, Taumutu and Ngāi Tūāhuriri. The rivers, lakes and wetlands that once covered large areas of the zone have always been an important place and food basket for Ngāi Tahu.
 - d. The Hakatere / Ashburton River is a statutory acknowledgement under the Ngāi Tahu Claims Settlement Act 1998.
 - e. Land within the catchment area has been extensively modified over the years to create one of the most productive agricultural regions in New Zealand and there are 88 resource consents authorising the taking of water from surface waterways, or groundwater connected to surface waterways, within the catchment.
 - f. The catchment is in the Department of Conservation (DoC) conservancy area of Ruapakupa and the Hakatere / Ashburton River is a DOC site of special wildlife significance, land of national significance and a recommended area of protection.

LEGAL AND PLANNING MATTERS

Resource Management Act 1991 (RMA)

19. Sections 128 – 132 of the RMA set out the relevant legal matters for the review of consent conditions by a consent authority and are discussed in the Overview Report and summarised below:
 - a. Section 128 sets out the circumstances when consent conditions can be reviewed. Consent CRC952441 is being reviewed as provided for by section 128(1)(b), to enable the minimum flows set in the rules in the LWRP to be applied.
 - b. Section 129 specifies the information that is to be included in a notice of review. It also sets out the time periods for consent holders to propose alternative new conditions and for the CRC to notify and decide a consent review. For consent CRC200269, the Notice of Review is in accordance with section 129 and included in **Appendix 1**.

- c. Section 130 sets out matters relating to public notification, submissions and hearings. Further discussion of section 130 is contained in the following paragraphs.
 - d. Section 131 sets out what matters can be considered when deciding whether to grant the review. Further discussion of section 131 is not required for the notification recommendation.
- 20. Section 130(1)(b) establishes that the notification provisions of the RMA apply as if the notice of review were an application for a resource consent, and the consent holder were the applicant.
- 21. Section 130(3) states that sections 95 to 95G apply with all necessary modifications, as if;
 - (a) *"The review of consent were an application for a resource consent for a discretionary activity; and*
 - (b) *The references to a resource consent and to the activity were referenes only to the review of the conditions and to the effects of the change of conditions respectively."*
- 22. In making a notification recommendation, the following interpretation has been made:
 - a. For the CRC proposed new minimum flow condition (as included in the notice of review), the 'environment' upon which the effects would be assessed would include the consent holders' current consented activity. The review should not consider the effects of the consented activity, just the effects of the change of conditions, as set out in clause 130(3)(b). In this instance, because the consent holder proposes an alternative minimum flow, the effects to be considered are those that would result from the consent holders' alternative minimum flow. This is compared to the CRC proposed new minimum flow, which is anticipated by the LWRP.
 - b. The CRC proposed new minimum flow condition will primarily adversely affect the consent holder through reducing their water availablilty. It is the minimum flows set in the LWRP that will affect water availability generally, and for this reason other people in the catchment are not considered to be adversely affected by a review where the CRC proposed minimum flow is accepted. In this instance, careful consideration is given to whether there will be other people in the catchment who may be adversely affected by the alternative minimum flow.
 - c. Because the consent holder is to be treated as the applicant, as set out in section 130(1)(b), the consent holder is not considered to be an affected person, for notification purposes.
 - d. The consent holders' involvement in the review process, and their rights, are as if they are an applicant for a consent. Any impact on the consent holder is addressed through the review decision, as provided for by section 131(1)(a).
- 23. Sections 128 to 132 provide clear guidance regarding other sections of the RMA that apply to a consent review. For example, section 130(1) states that *"sections 96 to 102 shall, with all necessary modifications, apply in respect of a review of any resource consent..."*. Where another section of the RMA is not explicitly mentioned within section sections 128 to 132, it does not apply to a consent review. Therefore the following matters are noted:

- a. In proposing an alternative minimum flow condition, as provided for by s129(1)(d), there is no requirement for the consent holder to provide information to support the proposed alternative minimum flow, to provide an assessment of effects of the proposed alternative minimum flow, or to provide an assessment against the relevant statutory planning documents, as would be required for an application for a resource consent.
- b. There is no mechanism available to the CRC to request further information from the consent holder relating to the proposed alternative minimum flow, as is provided for when processing a resource consent application.

Canterbury Land and Water Regional Plan (LWRP)

24. As provided for by section 128(1)(b), the RMA enables the review of the conditions of a resource consent when a regional plan has been made operative which sets rules relating to maximum or minimum levels or flows and in the regional council's opinion it is appropriate to review the conditions of the permit in order to enable the levels or flows set by the rule to be met.
25. Rule 5.123 is the region-wide rule that requires that consented takes do not result in any exceedance of any environmental flow limits set in sections 6 to 15 of the LWRP. The environmental flows (minimum flows) for the Hakatere / Ashburton River catchment are set in section 13 (Ashburton) and set out in Table 13(b) of the LWRP.
26. Policy 13.4.8(b) states that abstractions shall be subject to the Ashburton River mainstem State Highway 1 minimum flow in addition to the relevant tributary minimum flow. For consent CRC952441, which is in the North Branch sub-catchment, the relevant minimum flow is the North Branch minimum flow of 1,000 l/s and the Hakatere / Ashburton River mainstem State Highway 1 minimum flow of 6,000 l/s.

NOTIFICATION RECOMMENDATION

27. Because sections 95 to 95G apply to a consent review, as set out in s130(3), consideration must be given as to whether public or limited notification of the proposed alternative minimum flow is required. A notification assessment is included in the following sections of this report.

RECOMMENDATION ON PUBLIC NOTIFICATION (SECTIONS 95A, 95C & 95D)

28. Section 95A of the RMA specifies the steps the decision maker must follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

Step 1: Mandatory Public Notification in Certain Circumstances

29. Mandatory public notification is not required as:
 - a. The applicant has not requested that the application is publicly notified (Section 95A(3)(a) of the RMA);
 - b. There are no outstanding or refused requests for further information (Sections 95C and 95A(3)(b) of the RMA); and

- c. The application does not involve any exchange of recreation reserve land under Section 15AA of the Reserves Act 1977 (Section 95A(3)(c) of the RMA).

Step 2: If not Required by Step 1, Public Notification Precluded in Certain Circumstances

- 30. The application is not precluded from public notification as:
 - a. The activity is not subject to a rule or national environmental standard (NES) which precludes public notification (Section 95A(5)(a) of the RMA); and
 - b. The application does not involve one or more of the following activities exclusively:
 - i. A controlled activity;
 - ii. A restricted discretionary or discretionary activity for a residential activity (as defined in Section 95A of the RMA); or
 - iii. A prescribed activity (Section 95A(5)(b) of the RMA).

Step 3: If not Precluded by Step 2, Public Notification Required in Certain Circumstances

- 31. The application is not required to be publicly notified as the activity is not subject to any rule or a National Environmental Standard (NES) that requires public notification (Section 95A(8)(a) of the RMA).
- 32. The activity will have or is likely to have adverse effects on the environment that are more than minor (section 95A(8)(b) of the RMA). This is discussed further in the following paragraphs.

Assessment of Adverse Effects on the Environment (Sections 95A(8)(b) and 95D of the RMA)

- 33. As set out previously in this report, the environment incorporates the consent holders' existing consent and the effects to be considered are those of the proposed alternative minimum flow. This is compared against the CRC proposed new minimum flow, which is the minimum flow set in the LWRP.
- 34. The consent holder has not provided an assessment of the effects on the environment of the proposed alternative minimum flow and is not required to do so.
- 35. The CRC proposed new minimum flow, which is set by the LWRP, seeks to achieve a number of improvements to the environment, which are set out earlier in this report, and include:
 - a. Improved and protected natural character and mauri of the Hakatere / Ashburton River;
 - b. Ecosystem health and biodiversity are protected and improved;
 - c. Protect and improve water quality; and
 - d. Efficiently used, secure and reliable supply of water.
- 36. The alternative minimum flow proposed by the consent holder:
 - a. potentially undermines the improvements that would be realised if the minimum flows set in the LWRP are not fully implemented through the consent review of all consents to take water in the Hakatere / Ashburton River catchment;

- b. may result in adverse effects to ecosystem health and biodiversity, water quality and the natural character of the Hakatere / Ashburton River that are more than minor;
 - c. may not contribute to the above improvements to the environment to the extent anticipated by the community through the LWRP;
 - d. will potentially result in reduced recreation opportunities for the community through lower flows;
 - e. will result in less water available for all water permit holders who are subject to a minimum flow that is located downstream of consent CRC200269; and
 - f. will affect tangata whenua values to an unknown extent.
37. It is difficult to determine the extent and significance of the adverse effects of the proposed alternative minimum flow on the environment. The proposed alternative minimum flow may have adverse effects on the environment that will be or are likely to be more than minor.

Step 4: Public Notification in Special Circumstances

38. If an application has not been publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified (Section 95A(9) of the RMA).
39. Special circumstances are those that are:
- a. Exceptional, abnormal or unusual, but something less than extraordinary or unique;
 - b. Outside of the common run of applications of this nature; or
 - c. Circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.
40. I have considered whether there are any special circumstances and it is my view that no special circumstances exist for consent CRC200269.

Public notification conclusion

41. Having undertaken the Section 95A public notification tests, I recommended that this application be processed with public notification because the proposed alternative minimum flow may have adverse effects that will be or are likely to be more than minor.

OVERALL NOTIFICATION RECOMMENDATION

42. For the above reasons I recommend that this application is publicly notified.

ASSESSMENT OF AFFECTED PERSONS

43. The consent holder has not undertaken any consultation with any potentially affected parties regarding the proposed alternative minimum flow.
44. It's my view that without an assessment of the effects of the proposed alternative minimum flow it's not possible to identify all persons and organisations that are affected by the proposal with any certainty. However, given what we know about the affected environment and the environmental outcomes that the proposed new minimum flow set in the LWRP seeks to achieve, the following easily identifiable persons and organisations are identified by me as potentially affected and their details are included in **Appendix C**:

- a. All consent holders who are subject to a minimum flow on waterways within the Hakatere / Ashburton River catchment, including all consent holders whose water permits are being reviewed to implement the minimum flows in the LWRP
- b. Te Rūnanga o Ngāi Tahu and Te Rūnanga O Arowhenua, because the Hakatere / Ashburton River is a statutory acknowledgement area
- c. Department of Conservation, because of the conservation values within the catchment
- d. Fish and Game New Zealand and NZ Salmon Anglers Association, because of the fishery values within the waterways in the catchment
- e. Royal Forest and Bird Protection Society, because of the ecological values within the waterways and river margins
- f. Save the Rivers, mid Canterbury
- g. South Canterbury Farmers Irrigation Society and Federated Farmers of New Zealand
- h. Ashburton District Council.

Signed:



Date:

23 October 2020

Name:

Gillian Ensor,
Consultant Consents Planner

NOTIFICATION DECISION

1. Mr and Mrs Galloway hold resource consent CRC952441 to take water from the North Branch Ashburton River for the irrigation of up to 150 hectares at Ashburton Staveley Road, Ashburton. A notice of review was issued to the consent holder on 18 July 2019 to implement the minimum flows set in the LWRP and in accordance with section 129(1)(d) of the Resource Management Act 1991 (RMA), the consent holder was invited to propose alternative new conditions to implement the minimum flow provisions in the LWRP.
2. To determine whether this alternative proposal needs to be publicly or limited notified (pursuant to s95A or s95B of the RMA) a panel of three delegated RMA decision-makers (Ms Tania Harris, Ms Jacqui Todd and Dr Philip Burge) have considered the proposal.
3. To assist the panel in making the decisions delegated to us by Council, a s42A report, including a recommendation on the notification and grant/refuse decision, has been drafted by Ms Gillian Ensor, acting as the reporting officer on behalf of the Canterbury Regional Council.

Section 42A Officer Recommendation

4. Ms Ensor has provided a summary of the proposal, a description of the environment, and a consideration of the effects of the proposed alternative minimum flow. Section 113(3)(b) of the RMA provides for decision makers to adopt parts of that report in their written decision rather than repeating information. This decision should therefore be read in conjunction with the recommendations in that report (above).
5. Having reviewed the applicant's proposal, Ms Ensor's recommendation, and having considered s95A to 95C of the RMA, we concur with Ms Ensor's recommendation. Rather than repeat that assessment, we therefore adopt it (pursuant to s113(3)(b) RMA) as the reasoning for this decision.
6. Under the authority delegated to us by Council, we have decided under s95A to publicly notify the application. The potential effects of the proposed activity on the environment, and other users of the water resource, are more than minor as outlined in the memo above. We also consider it appropriate to serve notice on those affected parties listed in Appendix C as effects on those parties may be minor or more than minor (as outlined in the memo above).

Signed:



Date:

30/10/20

Name:

Tania Harris, Senior Manager
Operational Support

Signed:



Date:

30/10/2020

Name:

Philip Burge, Principal Consents
Advisor

Signed:



Date:

30/10/2020

Name:

Jacqui Todd, Principal Planner.

APPENDIX A – Notice of Review Letter

July 18, 2019

Mr & Mrs C
D & L A
Galloway
1982
Ashburton
Staveley
Road RD 1
Ashburton 7771



Dear Sir/Madam

Notice of Review under s128(1)(b) of the Resource Management Act (RMA)

Applicant Name: Mr & Mrs C
D & L A Galloway **Resource consent**
number: CRC952441

Overview

I hope that you are aware of the proposals of the Ashburton Zone Committee and now of my council to review some 93 resource consents in the Hakatere / Ashburton River catchment. I hope accordingly that it does not come as a surprise that we are now commencing a final consent review process as set out below.

The Canterbury Land and Water Regional Plan (LWRP) sets minimum flows for the Hakatere / Ashburton River mainstem and tributaries that must be met from 1 July 2023. It also requires water permits with minimum flow conditions to be measured and monitored using water meters and telemetry.

You have received this letter because the water permit listed above allows you to abstract surface water from, or groundwater connected to, the Hakatere / Ashburton River or its tributaries. All water permits of this kind are being reviewed to implement the minimum flow and water metering and telemetry requirements of the LWRP. If you do not have

minimum flow conditions, then new minimum flow conditions will be added to your consent through the review. These will take effect from 1 July 2023. Only minimum flow and water metering and telemetry conditions are being reviewed; all other conditions will remain unchanged.

Attachment 1 includes a copy of your resource consent, which includes the proposed new minimum flow and water metering conditions that are proposed by this review. You do have an opportunity to propose alternative conditions for your water permit. The process for this is outlined later in this letter.

Section 128(1)(b) of the Resource Management Act 1991 (RMA) provides for conditions of resource consents to be reviewed so that the consents align with the provisions of an operative plan.

This is a notice in accordance with sections 128 and 129 of the RMA that the minimum flow and telemetry conditions of your consent listed above are to be reviewed.

I hope you have been able to attend one of our two public meetings to date. There will be two additional meetings for consent holders on **Tuesday 30 July** and I encourage you to attend one of the following meetings:

- ☐ Tuesday 30 July, Hotel Ashburton, Racecourse Road, Ashburton from 2 pm – 4 pm
- ☐ Tuesday 30 July, Mt Hutt Memorial Hall, Main Street, Methven from 6.30 pm – 8.30 pm

At these meetings, Environment Canterbury staff will present consent holders with further background to the reviews and provide more detailed information on the consent review process. You will also be able to discuss the review process one-to-one with Environment Canterbury staff.

Please RSVP to consentsreviews@ecan.govt.nz or phone 0800 324 636 so that we can confirm room and catering requirements for the meetings.

Reasons for Review

Minimum flows

The outcomes for the catchment are guided by the Ashburton Zone Committee and regulated through the LWRP. The LWRP became operative in 2016 and Section 13 of the plan sets minimum flow limits for the Hakatere / Ashburton River mainstem and its tributaries. The following sustainable water management priority outcomes for the Hakatere / Ashburton River catchment have been identified by the Ashburton Zone Committee:

- ☐ Improved and protected natural character and mauri of the Hakatere / Ashburton River
- ☐ Ecosystem health and biodiversity are protected and improved
- ☐ Protect and improve water quality
- ☐ Efficiently used, secure and reliable supply of water.

To achieve these outcomes, the flow regime set in the LWRP establishes minimum flows for the Hakatere / Ashburton River mainstem and tributaries that must be met from 1 July 2023 (see Table 13(b) under section 13.7). Policy 13.4.9 of the LWRP indicates that the Council may complete a review of all existing water permits to implement these minimum flow requirements.

Environment Canterbury has decided, with the support of the Zone Committee, to review the conditions of resource consents to align them with the minimum flows set out in the LWRP as provided for by s128(1)(b) of the RMA. This review applies to all resource consents to take and use surface water and stream depleting groundwater, along with some consents to divert water, from the Hakatere / Ashburton River and its tributaries.

Water metering

The Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 (the Regulations) came into effect in 2010 to ensure accurate, complete and current water information is available to manage water use and environmental flows. While the water metering regulations apply directly to consent holders and do not require regional councils to review conditions of consents to impose water metering conditions, Environment Canterbury has more stringent water metering requirements than set out in the Resource Management Regulations. Policy 4.54 of the LWRP requires all water permits with a minimum flow or flow restriction condition to also include a condition

requiring water use records to be telemetered to Environment Canterbury or its nominated agent.

Environment Canterbury has decided to include water metering and telemetry conditions as part of the consent review to ensure that the minimum flow requirements set by the LWRP are met and to implement the water metering requirements of the LWRP.

Information considered in deciding to review consents

The following information was considered when making the decision to review the consents:

- ☐ Priority outcomes sought for the Hakatere / Ashburton River catchment by the Ashburton Water Zone Committee under the Canterbury Water Management Strategy
- ☐ The relevant provisions of the LWRP, the RMA and the Regulations
- ☐ Technical advice regarding hydrology, including availability and reliability of supply
- ☐ Environmental benefits
- ☐ Environment Canterbury's Long-Term Plan (page 18)
- ☐ The effects of the new consent conditions on consent holders
- ☐ Costs to ratepayers.

You can view the LWRP on Environment Canterbury's website using the new ePlan tool:

<https://www.ecan.govt.nz/your-region/plans-strategies-and-bylaws/eplan/>.

Conditions which are the subject of the review

Any existing condition on your water permit which restricts the rate of take during times of low flows in the Hakatere / Ashburton River or its tributaries will be replaced with new minimum flow conditions that will apply from 1 July 2023. The existing minimum flow condition(s) will apply until 30 June 2023.

If your water permit currently does not have a minimum flow condition, new minimum flow conditions will be added to your consent and these will apply from 1 July 2023. You will continue to have no minimum flow condition until 30 June 2023.

Regardless of whether you have an existing minimum flow condition or not, new or updated water metering conditions will be added to your consent and these will apply from 1 July 2023. All other conditions on your consent will remain unchanged.

Your water permit, including the new or amended conditions, is included as **Attachment 1**. You should have a copy of your original water permit in your records, however if not, you can find a copy online at <https://www.ecan.govt.nz/data/consent-search> or contact our Customer Services team.

Can I propose alternative conditions?

If you wish to propose alternative new conditions, you can do so under section 129(1)(d) of the RMA. It is important to note that any new conditions that you propose ~~proposed~~ will need to give effect to the minimum flow and water metering requirements of the LWRP. These will need to be received by Environment Canterbury in writing no later than **Thursday 12 September**¹. A diagram of the consent review process is provided in **Attachment 2**.

New consent number

Your existing consent number will be replaced with a new consent number, as well as new conditions being added. Your new consent number is located at the top of the attached proposed conditions. Please note these proposed conditions are not your formal consent documents. Your formal consent document will be sent to you once the review has been decided.

What does the review cost?

There is no cost to you associated with the review. However, should you decide to engage a consultant to assist you, these costs will need to be met by you.

Other changes to my consent

Should you wish to make additional changes to your water permit, you are welcome to do so, however additional changes cannot be made through the review process and must be sought through a separate consenting process at your cost. Please note you are entitled to an hour free pre-application advisory time with one of our Consent Planners which I recommend you consider should you wish to pursue additional changes.

Email address

We send correspondence by post as well as email (if we have your email address on file), however we prefer to correspond with you via email as this is much faster when it comes to getting important documents such as your new consent documents to you.

This is a good opportunity for us to ensure our records are up to date with your contact details. We would appreciate it if you could please send an email from the account you use, quoting the CRC number on either this letter or your draft conditions then we can update our records. You can email this to: consentsreviews@ecan.govt.nz.

How do I get advice on the review process and proposed conditions?

Attachment 3 includes some frequently asked questions to help you understand this process. If you have any questions or would like to discuss the changes to your conditions, there are several options available to you.

1. Attend one of the consent holder meetings on Tuesday, 30 July. The details of these meetings are provided in the first section of this letter. Please remember to RSVP.
2. We are more than happy to discuss the review and your consent conditions on the phone, or meet with you in person (at Environment Canterbury's office in Ashburton or Christchurch) at no cost to you. Please email us at consentsreviews@ecan.govt.nz to arrange a convenient time.
3. You may wish to seek independent advice about the review. If you have a consultant who helps with your resource consent matters, they would be a good place to start.

Please remember you have until **Thursday, 12 September** to propose alternative conditions. With this in mind, should you wish to meet with us we recommend you get in touch as soon as possible so that you have sufficient time to make an informed decision. We look forward to working with you through this process that your Zone Committee has decided is needed, to ensure we all meet water goals for Ashburton.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bill Bayfield', written in a cursive style.

Bill Bayfield
Chief Executive

Attachment 1: Copy of consent document, including proposed new conditions

Attachment 2: Consent review process diagram

Attachment 3: Frequently asked questions

SUBJECT TO THE FOLLOWING CONDITIONS:

- 1 The rate at which water is taken shall not exceed 240 litres per second, with a volume not exceeding 111750 cubic metres in any 21 consecutive day period.
- 2 A fish screen shall be operated and maintained on the intake to ensure that fish are prevented from passing into the intake.
- 3
 - a. Whenever the mean flow (expressed in cubic metres per second) in the Ashburton River, as estimated by the Canterbury Regional Council, at the State Highway One Bridge recorder site (map reference K37:087-989), for the 24 hour period ending at noon on any one day falls below the following flows there shall be no taking of water in terms of this permit during the next succeeding day.

Month: JAN FEB MAR APR to JUL AUG SEP OCT NOV DEC

Flow: 4.5 3.5 3.5 5.0 6.5 8.0 8.0 6.5 5.0

- a. The taking of water in terms of this permit shall be reduced to 50% of the allocation whenever the mean flow in the Ashburton River, as estimated by the Canterbury Regional Council, at the State Highway One Bridge recorder site (map reference K37:087-989), for the 24 hour period ending at noon on any one day falls below the following flows.

Month: JAN FEB MAR APR to JUL AUG SEP OCT NOV DEC

Flow: 5.0 4.0 4.0 5.5 7.0 8.5 8.5 7.0 5.5

- 4 The hours and rate at which water is taken shall be measured to within an accuracy of 10 percent and recorded daily in a log kept for that purpose, and a copy of the records submitted to the Canterbury Regional Council before 31 January each year for the previous period August-December inclusive and before 31 May each year for the previous period January-April inclusive.
- 5 The Canterbury Regional Council may annually, on the last working day of June, serve notice of its intention to review the conditions of this consent for the purposes of:
 - a. dealing with any adverse effect on the environment which may arise from the exercise of the consent which was not for seen at the time of granting the consent and is therefore appropriate to deal with later; or
 - b. requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment; or
 - c. requiring compliance with any relevant rule of an operative regional plan including a rule on a financial contribution payable by consent holders toward the cost of restoration of any natural or physical resources of the Ashburton River adversely affected by the exercise of consents.
- 6 Charges, set in accordance with section 36 of the Resource Management Act 1991, shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of resource consents and for the carrying out of its functions under section 35 of the Act.

Notwithstanding any other flow restriction contained within the conditions of this consent, from 1 July 2023:

- a. Whenever the flow in the North Branch of the Ashburton River, is at or below 1,000 litres per second, there shall be no taking of water in terms of this permit during the next succeeding day.
- b. Whenever the flow in the mainstem of the Ashburton River is:
 - i. at or below 7,275 litres per second, the taking of water shall be subject to a reduction of take during the next succeeding day as set in Table 1 below.
 - ii. at or below 6,000 litres per second, there shall be no taking of water in terms of this permit during the next succeeding day.
- c. For the purposes of this condition:
 - i. the flow in the North Branch of the Ashburton River shall be the mean flow as estimated by the Canterbury Regional Council at the South Branch confluence at approximately map reference Topo50 BY21:976-401, for the 24 hour period ending at noon on any one day.
 - ii. the flow in the mainstem of the Ashburton River shall be the mean flow as estimated by the Canterbury Regional Council in the Ashburton River at the State Highway 1 Bridge recorder site located at map reference Topo50 BY21:999-351, for the 24 hour period ending at noon on any one day.

Table 1	
Flow in River (litres per	Reduction in
At or below 7,275	25 %
At or below 6,850	50 %
At or below 6,425	75%

Advice Note: The environmental flow regime specified in this condition takes effect from the 1st of July 2023. Until such time, the consent holder is subject to any existing restrictions on their consent that relates to minimum flow restrictions. As of this date, those conditions shall cease to apply and instead the abstraction will be managed on this flow regime. The allocation limits in this consent are not altered by this condition.

Advice Note 2: The minimum flow restrictions in clause (a) and (b) of this condition both apply. The consent holder must not take water when either of the minimum flow restrictions are triggered.

Notwithstanding any other conditions on this consent, in addition to adhering to the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010, or any subsequent revision, the consent holder shall, no later than 1 July 2023:

- a. Install, operate and maintain a flow and water level measurement device which will measure the rate at the abstraction point to demonstrate compliance with all consented rates and volumes.

- b. install a data logger(s) to record the measurement with a time stamp a pulse from the flow measuring device; and
- c. All flow and water level measurement and recording including equipment, systems and procedures shall be installed, operated and maintained at all times in accordance with the National Environmental Monitoring Standards (or any updated versions):
 - i. in order to meet the accuracy set in the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010; and
 - ii. the time stamp from the flow measuring device shall be at least once every 15 minutes; and
- d. connect the measuring and recording device to a telemetry system which continually collects and stores the data; and
- e. make the data available, as described in the "Environment Canterbury Data Management Guidelines", at all times to the Canterbury Regional Council; and
- f. provide an end of year report containing modified use data for the preceding season with detailing reasons for the modifications, including by not limited to any changes to rating curves:
 - i. The report detailed in clause (e) of this condition shall be provided to the Canterbury Regional Council, attention: RMA Compliance and Enforcement Manager; no later than 31 July each year, and when requested in writing by the Canterbury Regional Council; and
- g. The water measuring device described in clauses (a) and (b) shall be available for inspection at all times by the Canterbury Regional Council, including access to the data recorded in accordance with clause (c).
- h. Archive and store the data and provide to the Canterbury Regional Council upon request.

Advice note:

The following National Environmental Monitoring Standards can be located at:
<http://www.nems.org.nz/>.

The Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 can be located on the New Zealand Legislation website:
<http://www.legislation.govt.nz>

Guidance on practices which are considered acceptable by the Canterbury Regional Council can be found in Environment Canterbury's report "Data Management Guidelines – Water Use" R17/23 6100, or any revision of that report, which is available on the Environment Canterbury website and stored at Environment Canterbury as (C19C/39863)

These conditions are to ensure the consent holder has a telemetered water metering system in place for when the minimum flow regime takes effect on 1 July 2023. Should the consent holder already comply with these conditions then no further work will be required.

Where a consent does not currently require telemetry and none is installed, the consent holder has a number of years to upgrade their systems.

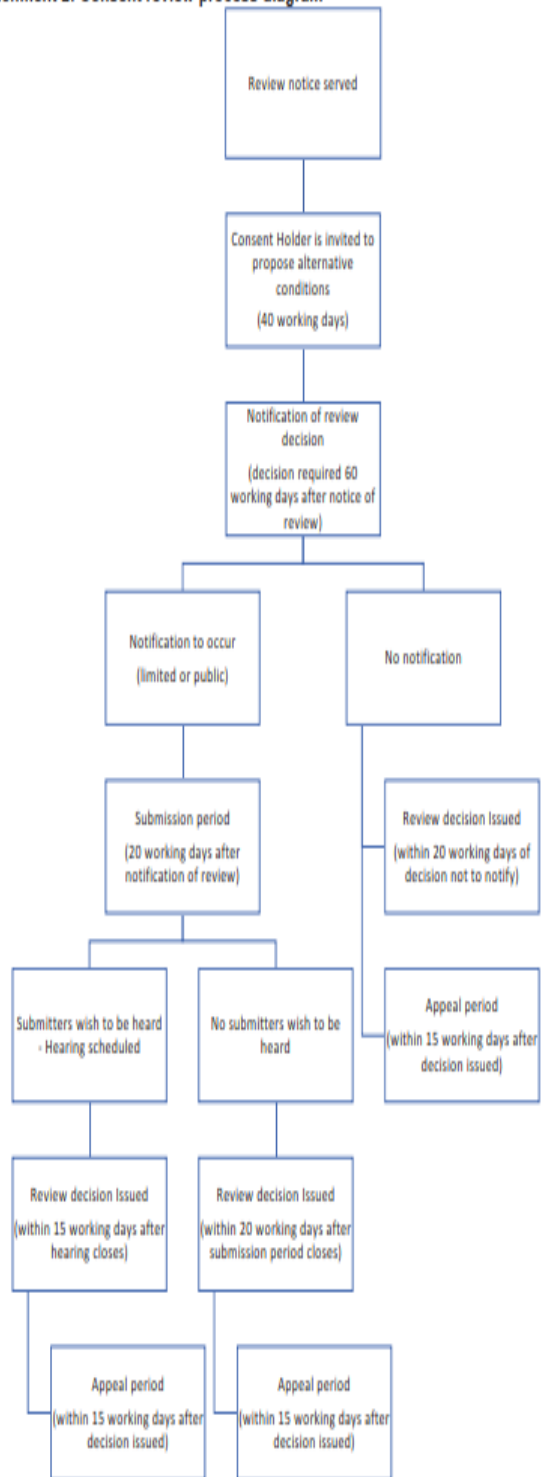
- 9 Notwithstanding any other conditions on this consent, by no later than 1 July 2023 and in addition to adhering to the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010, or any subsequent revision, for verification of the measuring and recording device(s):
- a. the consent holder shall provide an Open Channel and Partially Filled Pipe Installation and Commissioning Form to the Canterbury Regional Council, attention: RMA Compliance and Enforcement Manager, signed by a suitably qualified hydrologist.
 - b. The form in clause (a) of this condition shall be provided within one month of the installation of the measuring or recording device(s), or any subsequent replacement measuring or recording device(s), and
 - c. A review of the site shall be carried out every five years by a qualified hydrologist with their findings provided in the form in clause (a) of this condition, and at any time when requested by the Canterbury Regional Council.

Advice note:

The installation and commissioning form is available on the Environment Canterbury website www.ecan.govt.nz

These conditions are to ensure the consent holder has a telemetered water metering system in place for when the minimum flow regime takes effect on 1 July 2023. Should the consent holder already comply with these conditions then no further work will be required. Where a consent does not currently require telemetry and none is installed, the consent holder has a number of years to upgrade their systems.

Attachment 2: Consent review process diagram



□



Information sheet for consent holders

Frequently asked questions

What is the scope of the resource consent review?

Resource consents to take water in the Hakatere/Ashburton River catchment will be reviewed to ensure they are consistent with the minimum flow, water metering and telemetry requirements set in the Land and Water Regional Plan (LWRP).

How many resource consents need to be reviewed?

There are about 90 resource consents that need to be reviewed to implement the LWRP minimum flow requirements. This includes consents to take and use surface water or groundwater that is hydraulically connected to the Hakatere/Ashburton River mainstem or tributaries. Of these approximately half have no existing minimum flow condition.

Who pays for the resource consent review?

The cost will be met by Environment Canterbury, however, if a consent holder decides to engage a consultant to assist them with the process then they will have to pay for the consultant's costs.

There are Resource Management Regulations that address water metering.

Why is Environment Canterbury reviewing my consent to put new water metering conditions on it?

The Resource Management (Measurement and Reporting of Water Takes) Regulations came into effect in 2010 to enable water users and regulators to easily determine compliance with water take consents and provide accurate water use information. The Regulations apply to holders of resource consents which allow fresh water to be taken at a rate of 5 litres per second or more.

While the Regulations apply directly to resource consent holders, Environment Canterbury has more stringent water metering requirements than set out in the Regulations. This means that these can only be applied to resource consents when they expire and are replaced, or if they are reviewed.

The LWRP (Policy 4.54) requires all resource consents with a minimum flow or trigger level that signifies a restriction on take, to include a condition requiring water use records to be telemetered to Environment Canterbury.

This means that for all resource consents with a minimum flow condition, regardless of the rate of take, water use records must be recorded and telemetered to the Canterbury Regional Council or its nominated agent to enable compliance with the minimum flow conditions.

Telemetry is an essential requirement for consent holders wishing to form a water user group, as it provides real-time data of who is taking and at what rate.

What information was considered in making the decision to review consents?

The following information was considered when making the decision to review the consents:

- Priority outcomes sought for the Hakatere/Ashburton River catchment developed by the Ashburton Water Zone Committee with the community
- The relevant provisions of the Land and Water Regional Plan, the Resource Management Act 1991 and Resource Management (Measurement and Reporting of Water Takes) Regulations 2010
- Technical advice regarding hydrology, including water availability
- Environmental benefits to the waterbodies
- Environment Canterbury's Long-Term Plan (page 18)
- The impact on consent holders.

The resource consent review will mean that I have new conditions on my resource consent.

When will they apply from?

The minimum flow provisions in the LWRP apply from 1 July 2023.

If a resource consent currently does not have a minimum flow condition, new minimum flow conditions will be added and these will apply from 1 July 2023. The consent will continue to have no minimum flow condition until 30 June 2023.

If your resource consent currently does have a minimum flow condition, new updated minimum flow conditions will be added and these will apply from 1 July 2023. Your existing minimum flow condition will apply until 30 June 2023.

The new water metering and telemetry condition will also apply from 1 July 2023 to align with the new minimum flow conditions. Many consent holders will already have telemetry operating on their abstractions and will be considering installing it. If this is something you are considering, you are welcome to install telemetry before this date.

I already have a minimum flow condition on my resource consent.

Why is Environment Canterbury reviewing my consent to put a new minimum flow condition on it?

The LWRP sets minimum flows for the Hakatere/Ashburton River mainstem and some tributaries that must be met from 1 July 2023. The LWRP was developed through a public process under the Resource Management Act and there is an expectation that its provisions are implemented. The minimum flows set in the LWRP can only be applied to resource consents if they expire and are replaced, if they are reviewed, or if resource consent holders voluntarily add them by changing their consent conditions.

The resource consents in this catchment have a variety of minimum flow conditions on them; few of these are compliant with the LWRP minimum flows and many have no minimum flow condition. Most resource consents in the catchment expire between 2028 and 2040, and it won't be until all resource consents have the LWRP minimum flows that the benefits envisaged for the catchment will be realised. In addition, applying the minimum flows to all resource consents at the same time ensures equitable access to water for all users.

I have a resource consent to take groundwater. Environment Canterbury has said it is connected to a surface water body. How was the stream depletion calculated?

Actual stream depletion can only be determined using an aquifer (bore) test which is designed to calculate aquifer parameters unique to the abstraction location. Without an understanding of location specific bore parameters, Environment Canterbury uses a desktop assessment to determine the potential stream depletion classification on surface water bodies. This is undertaken in accordance with Schedule 9 of the LWRP.



If you think that your groundwater take is not a stream depleting groundwater take, we recommend that you seek independent advice from your consultant. They would review the stream depletion calculation undertaken by Environment Canterbury and advise you what action you could take. They may recommend undertaking an aquifer test, but there is considerable cost associated with this approach. There may be alternative options for you before undertaking an aquifer test.

Can I object to my resource consent being reviewed?

Can I object/disagree to the new conditions that are proposed by Environment Canterbury?

Environment Canterbury has extended the time period for consent holders to propose alternative conditions from 20 to 40 working days. This provides more time for consent holders to understand the review conditions and seek advice if they choose. The date that any proposed alternative conditions must be provided to Environment Canterbury is Thursday 12 September.

While the costs of the consent review process will be met by Environment Canterbury, a consent holder will need to meet the costs of any independent experts they choose to engage.

- Engaging a service provider to provide advice and installation of a suitable water metering and/or telemetry system, as well as ongoing metering and data management services;
- Engaging a consultant to provide advice on water use efficiency in order to adapt farming practices to respond to any changes in water availability.

There may also be costs to the consent holder if they wish to pursue alternative water source options, such as deep groundwater or water storage.

There are many environmental benefits that will be gained from implementing the minimum flows set in the LWRP. The minimum flows will ensure that an open river mouth will be maintained. This will result in free migration for fish and other biota, as well as improved water quality, particularly at the mouth or hāpua reach. There will be improvements in water quality throughout all the waterbodies in the catchment and improved habitat for indigenous species and sports fish.

The proposed new water metering condition has been determined for the type of intake system that we have in our records for your water intake. The condition will be for either a piped or open channel intake system. If the proposed new water metering conditions will not work with the type of intake system that you have, please get in touch with us and we will update our records and replace the proposed new condition with the correct one for your intake system.

I have a resource consent to take water from a tributary of the Hakatere/Ashburton River. What will the proposed new minimum flow condition look like?

A resource consent to take water from a tributary of the Hakatere/Ashburton River will be subject to the minimum flow on the tributary water body and the minimum flow for the Hakatere/Ashburton River mainstem. This means that you will be subject to restriction as soon as either of the tributary or mainstem minimum flows are triggered.

How do I know if the flow in the river is low and I'm meant to be on restriction?

River flow and restriction information is available on Environment Canterbury's website at <https://ecan.govt.nz/data/irrigation-restrictions/>. Restriction information for the following day becomes available at 3pm for rivers that have a flow calculated via a telemetered system, and at 5pm for rivers that have a flow gauged or assessed by staff in the field.

The information on the website is collated from a number of Environment Canterbury's databases that record resource consent and river flow information. On our website you can search for your resource consent number, then click on the flow restrictions tab. This will show you the flow at the low flow site today, as well as the expected flow for tomorrow. This page will tell you the level of restriction you are on (if any applies at that time), as well as what tomorrow's expected restriction may be.

During the irrigation season you will need to check the website daily to see if you need to restrict your rate of take.

What changes can consent holders expect to their ability to take water?

There are eight Surface Water Abstraction Zones (SWAZ) in the Hakatere/Ashburton River catchment. The new minimum flow conditions will impact consent holders in every SWAZ by changing the availability of water. For most, this means that consent holders will be on full or partial restriction during the irrigation season more frequently and for longer periods of time. Further information will be available at the consent holder meeting on 30 July (see details in letter).

My farm is affected by *Mycoplasma bovis*. Do I have to go through a consent review at the moment?

We understand the significant effect and stress the *Mycoplasma bovis* outbreak has had on affected farmers. It is likely that the consent review process may apply to some properties that have been infected or that are under MPI restrictions.

We have issued the Notice of Review to all relevant resource consents to take water in the Hakatere/Ashburton River catchment. As we do not have a record of the farms affected by *Mycoplasma bovis*, please get in touch and let us know if you are affected by the *Mycoplasma bovis* outbreak so we can discuss the consent review process with you directly. We will keep your details confidential and no other agencies will be provided with this information.

Our primary concern at this time is to support farms to limit the spread of the disease and to rebuild healthy herds.

How can I find out more?

Details of meetings for resource consent holders are included in your review letter. We encourage you to come along to one of these meetings to find out more about the review process and how it will affect your resource consent. Environment Canterbury staff will be available to discuss with you how the new minimum flows will affect your water availability.

Further information can also be found on Environment Canterbury's website. Go to www.ecan.govt.nz/ashburton.

Who should I contact if I have further questions about the review?

Please email Environment Canterbury at consentsreviews@ecan.govt.nz in the first instance with your query so that we can work out the best person to correspond with you either by phone, email or in person. This may be a Consent Planner or one of our Science Team if your question is about a technical matter.



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Appendix B: Overview Report - Information about the review of resource consent conditions of water permits in the Hakatere / Ashburton River catchment

INTRODUCTION

1. Notices of review have been issued under section 128(1)(b) of the Resource Management Act 1991 (RMA), for water permits to abstract surface water from, or groundwater connected to, the Hakatere / Ashburton River mainstem or its tributaries. The consents are being reviewed to implement the minimum flows, water metering and telemetry requirements set in the Canterbury Land and Water Regional Plan (LWRP).
2. This Overview Report provides the decision maker with information and advice relating to:
 - a. The background to the consent reviews, including review scope, decision to review and review process;
 - b. Legal and planning matters relevant to the consent reviews, including notification and review decision;
 - c. The affected environment – the Hakatere / Ashburton River catchment;
 - d. Information about the assessment of potentially affected parties and the actual and potential effects of the review; and
3. The conclusions reached or recommendations made in these reports are not binding on the decision maker.
4. The following appendices are included with this Overview Report:
 - a. **Attachment 1** – List of consents subject to review;
 - b. **Attachment 2** – Canterbury Land and Water Regional Plan minimum flows to be met from 1 July 2023.

BACKGROUND TO THE CONSENT REVIEWS

Scope of review

5. The scope of the review is to implement:
 - a. The minimum flows set in Table 13(b) of the LWRP to be met from 1 July 2023; and
 - b. The water metering and telemetry provisions in the LWRP.
6. The review applies to all resource consents to take and use surface water and stream depleting groundwater, along with some consents to divert water, from the Hakatere / Ashburton River and its tributaries.
7. This review does not address water allocation. A key reason for this is that, while the consented allocation exceeds the LWRP allocation limits in some parts of the catchment, the actual use, determined by water metering data, is within the allocation limits of the LWRP.

Decision to review consents

8. Environment Canterbury has decided, on the recommendation of the Zone Committee, to review the conditions of resource consents to implement the planning provisions relevant to minimum flows, water metering and telemetry as provided for by section 128(1)(b) of the RMA. The reasons for the review are:
- a. The LWRP was made operative in 2016 and includes minimum flows for the Hakatere / Ashburton River and its tributaries² to achieve the following priority outcomes for the catchment that are stated in the Zone Implementation Programme (ZIP):
 - i. Improved and protected natural character and mauri of the Hakatere / Ashburton River;
 - ii. Ecosystem health and biodiversity are protected and improved;
 - iii. Protect and improve water quality; and
 - iv. Efficiently used, secure and reliable supply of water.
 - b. More than half of the consents in the catchment have no minimum flow condition and there are very few that have a minimum flow that is compliant with the LWRP minimum flows.³
 - c. Hydrological modelling shows the benefits to the environment envisaged by the LWRP will only be realised when all resource consents for surface water takes and hydraulically connected groundwater are subject to the LWRP minimum flows at the same time.
 - d. Reviewing all the consents at the same time to impose new minimum flow conditions is the best way to ensure equity in the catchment.⁴ Minimum flows can only be imposed on a new consent, when a consent expires and is replaced, or as part of a consent review process. The expiry dates for consents in the catchment stretch until 2041, with very few consents expiring in the next 10 years. Waiting to impose new minimum flow conditions when consents expire and are replaced will mean that those whose consents expire later will benefit from improved reliability of supply as the minimum flow regime is imposed on those whose consents expire earlier.
9. Updating water metering and telemetry conditions are also included in the review because the LWRP requires all water permits with a minimum flow or flow restriction condition to also include a condition requiring water use records to be telemetered to Environment Canterbury or its nominated agent.⁵ This is to enable more accurate and real-time management of abstractions when the river flows are approaching or at the minimum flows.

Information considered

² Land and Water Regional Plan, Table 13(b) – minimum flows for Hakatere / Ashburton River and tributaries must be met from 1 July 2023.

³ Resource Consent Inventory (RCI) for the Hakatere / Ashburton River Catchment, November 2018, from page 27. Prepared by Enviser Ltd for Environment Canterbury.

⁴ Policy 13.4.9 of the LWRP provides for the review of all existing water permits prior to 1 July 2023 to ensure abstractions comply with the minimum flow requirements specified in the LWRP.

⁵ Policy 4.54 of the LWRP.

10. The following information was considered when making the decision to review the consents:

- a. Priority outcomes sought for the Hakatere / Ashburton River catchment by the Ashburton Water Zone Committee under the Canterbury Water Management Strategy;
- b. The relevant provisions of the LWRP, the RMA and the Regulations;
- c. Technical advice regarding hydrology, including water availability;
- d. Environmental benefits;
- e. Environment Canterbury's Long-Term Plan;
- f. The impact of the new consent conditions on consent holders; and
- g. Costs to ratepayers.

Review process

11. Environment Canterbury has been preparing for the consent reviews for a period of 18-months, prior to the notice of reviews being issued. This has included:

- a. Working with the Ashburton Zone Committee to ensure that the review of consents in the catchment would meet the outcomes anticipated by the LWRP. This involved a series of workshops which covered:
 - i. Review scope;
 - ii. Impacts on consent holder's ability to take water;
 - iii. Hydrological modelling – methods and results;
 - iv. Timing of review; and
 - v. Communication and engagement with consent holders and the community.
- b. Developing a comprehensive engagement strategy to determine when and how to engage with consent holders and the community throughout the reviews. Key components of the strategy were:
 - i. Community engagement;
 - ii. The timing of issuing notices of review on consent holders;
 - iii. Consent holder engagement; and
 - iv. Individual meetings with consent holders.

12. Formal notice of review letters were served on consent holders on 18 July 2019.

13. All consent holders, except ten, requested timeframes to be extended to give them more time to fully consider the impact of the proposed new conditions on their consented activity in order to determine if they wish to propose alternative new conditions.

Engagement

14. The following engagement with consent holders and the community has occurred:

- a. Prior to notices of review being served, two community meetings were held on 16 July, one in Ashburton and one in Methven. The meetings were hosted by the Zone Committee to discuss the key values of the catchment and the reasons the Zone Committee supports the review of consents. Environment Canterbury staff attended the meetings and introduced the review process. Meetings were well attended by community group representatives, individuals and consent holders.

- b. After notices of review was served, two consent holder meetings were held on 30 July, one in Ashburton and one in Methven. The meetings were hosted by Environment Canterbury and staff presented more detailed information about the review process and the impacts of the minimum flows on water availability. The meetings were well attended by 62 consent holders.
- c. After the consent holder meetings staff met with consent holders as required. There were quite a few meetings and site visits as well as other correspondence with consent holders.
- d. Staff have contacted consent holders who did not attend one of the consent holder meetings to ensure that they had received the notice of review and that they understand the consent review process and impacts on water availability.
- e. Two consent holder meeting were held in December 2019 at Greenstreet Hall. The meetings were hosted by Environment Canterbury and the project team provided an update on the review process and responded to questions from consent holders that had been asked in the previous few months.
- f. Several drop-in sessions were held at various locations in the catchment in July and August 2020 which provided an opportunity for consent holders to discuss the consent review with staff.
- g. A number of consent holders have joined with Ashburton River Irrigators Association (ARIA) who have been established to work collaboratively with Environment Canterbury on matters that are common to all consent holders.

Consideration of which consents to review

15. The following steps were undertaken to determine which consents to review:

- a. A comprehensive search of Environment Canterbury's resource consent database to identify all water permits within the Hakatere / Ashburton River catchment.
- b. For groundwater consents, a desktop assessment of stream depletion effect was undertaken to classify degrees of connection in accordance with Schedule 9 of LWRP.⁶
- c. For surface water consents, where there was uncertainty about whether a consent should be included in the review, for example consent to divert water or where multiple uses are authorised, additional consent documentation was reviewed (original application, as well as officer report and decision document).

16. A list of all consents included in the review, by sub-catchment, is provided in **Attachment 1**.

LEGAL AND PLANNING MATTERS

17. The following sections set out the legal and planning matters relevant to a consent review.

⁶ Information about methodology used and assessment results can be found on Environment Canterbury website at <https://www.ecan.govt.nz/your-region/your-environment/water/whats-happening-in-my-water-zone/ashburton-water-zone/water-consents-review/>

Resource Management Act 1991 (RMA)

Consents being reviewed

18. All consents being reviewed have been issued in accordance with section 14 of the RMA.

Circumstances when consent conditions can be reviewed

19. Section 128 of the RMA specifies the circumstances under which consent conditions can be reviewed. The consent conditions are being reviewed under section 128(1)(b) to enable the minimum flows for the Hakatere / Ashburton River catchment that are set in the LWRP to be applied from 1 July 2023. Section 128(1)(b) states:

“..in the case of a coastal, water, or discharge permit, when a regional plan has been made operative which sets rules relating to maximum or minimum levels or flows or rates of use of water, or minimum standards of water quality or air quality, or ranges of temperature or pressure of geothermal water, and in the regional council’s opinion it is appropriate to review the conditions of the permit in order to enable the levels, flows, rates, or standards set by the rule to be met.”

Notice of review

20. Section 129 of the RMA specifies the information that is to be included in a notice of review and states:

“1. A notice under [section 128](#)—

(a) shall advise the consent holder of the conditions of the consent which are the subject of the review; and

(b) shall state the reasons for the review; and

(c) shall specify the information which the consent authority took into account in making its decision to review the consent, unless the notice is given under [section 128\(1\)\(a\) or \(ba\)](#) or (2); and

(d) may propose, and invite the consent holder to propose within 20 working days of service of the notice, new consent conditions; and

(e) must advise a consent holder by whom a charge is payable under [section 36\(1\)\(cb\)](#)—

(i) of the fact that the charge is payable; and

(ii) of the estimated amount of the charge.”

21. Notices of review were served on the relevant consent holders in accordance with section 129. The proposed new consent conditions for each consent vary depending on the sub-catchment the consent is located in, whether the take is a groundwater or surface water abstraction and the type of intake system.

22. Environment Canterbury invited consent holders to propose alternative new conditions to give effect the minimum flows in the LWRP. The time period for consent holders to propose alternative new conditions was extended from 20 to 40 working days which meant that the time period closed on 12th September 2019.⁷

23. Many of the consent holders requested the time period be extended until September 2020 to give them more time to fully consider the impact of the proposed new consent conditions

⁷ The timeframes were doubled from 20 to 40 working days as provided for by section 37A of the RMA.

on their consented activity and to determine if they will propose alternative new conditions. The extension is provided for by section 37 of the RMA and these requests were granted.

Notification

24. Section 130 of the RMA sets out matters relating to public and limited notification and states that sections 96 to 102 and 95 to 95G shall, with all necessary modifications, apply in respect of a review of any resource consent.

25. Section 130(1) establishes that the notification provisions apply as if the notice of review were an application for a resource consent, and the consent holder were the applicant.

26. Section 130(3) states that sections 95 to 95G of the RMA (notification requirements) apply, with all necessary modifications, as if;

“a) the review of consent conditions were an application for a resource consent for a discretionary activity; and

b) the references to a resource consent and to the activity were references only to the review of the consent conditions and to the effects of the change of conditions respectively.”

27. In making a recommendation for public or limited notification, the following interpretation has been made:

- a. The ‘environment’ upon which the effects are assessed will include the consent holders’ current consented activity. The review should not reconsider the consented activity, just the effects of the change of conditions, as set out in clause 130(3)(b).
- b. The proposed new conditions will primarily adversely affect the consent holder. The effect on the consent holder of the change of conditions will be a change to their ability to take water. It is the minimum flows set in the LWRP that will affect water availability generally and other people in the catchment, and for this reason other people in the catchment are not considered to be affected by the review.
- c. Because the consent holder is to be treated as the applicant, as set out in clause s130(1)(b), the adverse effects on the consent holder are not considered, nor is the consent holder considered to be an affected person, for notification purposes.
- d. The consent holder’s involvement in the review process, and their rights, are as if they are an applicant for a consent. Any impact on the consent holder is addressed through the review decision, as provided for by section 131(1)(a).

Matters to be considered in review

28. Section 131 of the RMA sets out the matters to be considered when making a decision on a consent that is being reviewed. Section 131(1) states:

“When reviewing the conditions of a resource consent, the consent authority—

- (a) shall have regard to the matters in [section 104](#) and to whether the activity allowed by the consent will continue to be viable after the change; and*

...

- (b) may have regard to the manner in which the consent has been used.”*

29. In making a decision on a consent that is being reviewed, the consent authority shall have regard to whether the consented activity will continue to be viable after the change brought about by the review.
30. The viability of the consented activity, the manner in which the consent has been used and section 104 matters relevant to an individual consent are discussed in the Summary report for each consent. Further information is also included later in this report in the section 'Recommendation for grant or refuse'.

Canterbury Land and Water Regional Plan (LWRP)

31. As provided for by section 128(1)(a)(b), the RMA enables the review of the conditions of a resource consent when a regional plan has been made operative which sets rules relating to maximum or minimum levels or flows and in the regional council's opinion it is appropriate to review the conditions of the permit in order to enable the levels or flows set by the rule to be met.
32. Rule 5.123 is the region-wide rule that requires that consented takes do not result in any exceedance of any environmental flow limits set in sections 6 to 15 of the LWRP. The environmental flows (minimum flows) for the Hakatere / Ashburton River catchment are set in section 13 (Ashburton) and set out in Table 13(b). The minimum flows in Table 13(b) that are part of the review are replicated in **Attachment 2** for ease of reference.

ASSESSMENT OF POTENTIALLY AFFECTED PARTIES

33. This section discusses parties that may be potentially affected by the proposed new conditions as set out in the notice of review. If a consent holder has proposed alternative new conditions to give effect to the provisions in the LWRP, there may be potentially affected parties that have not been discussed here, and these are discussed in the Summary Report for each consent, as required.
34. As discussed previously, the proposed new conditions will primarily affect the consent holder and the consent holder is to be treated as if they were an applicant for a resource consent. The consent holder is not considered to be an affected person for notification purposes.
35. The minimum flows set in the LWRP will affect water availability generally and other people in the catchment. The wider community are not considered to be affected by the review of consent conditions as they are not considered to be affected by the change of conditions as set out in the notice of review.
36. As set out above, no persons are considered to be adversely affected by the review of consent conditions as set out in the notice of review letters, to implement the minimum flows set in the LWRP.

DESCRIPTION OF THE AFFECTED ENVIRONMENT

37. The Ashburton Water Zone is described generally in section 13 of the LWRP. This section includes a detailed overview of the natural and physical resources and the communities of the Hakatere / Ashburton River catchment. The decision makers' report and recommendation on the LWRP also provide an outline of the Hakatere / Ashburton River

catchment and environment, as does the Ashburton Zone Implementation Programme (ZIP).⁸ In summary:

- a. The Ashburton Water Zone is bordered by two large braided rivers – the Rakaia and Rangitata – and divided by the Ashburton and Hinds Rivers;
- b. The Hakatere / Ashburton River is the main braided river in the Ashburton Water Zone;
- c. The catchment boundary and sub-catchment surface water allocation zones are shown in Figure 1;
- d. The Hakatere / Ashburton River has a north and south branch, and tributaries which include Taylors Stream and Pudding Hill Stream;
- e. The surface waterbodies in the catchment provide habitat for rare birds, fish, plants and other species, as well as supporting a wide range of recreational values;
- f. Land within the Ashburton Water Zone has been extensively modified over the years to create one of the most productive agricultural regions in New Zealand; and
- g. Three rūnanga consider the Ashburton Zone part of their takiwā – Arowhenua, Taumutu and Ngāi Tūāhuriri. The rivers, lakes and wetlands that once covered large areas of the zone have always been an important place and food basket for Ngāi Tahu.

⁸ Ashburton Zone Implementation Programme, 2011. Prepared in accordance with the Canterbury Water Management Strategy.

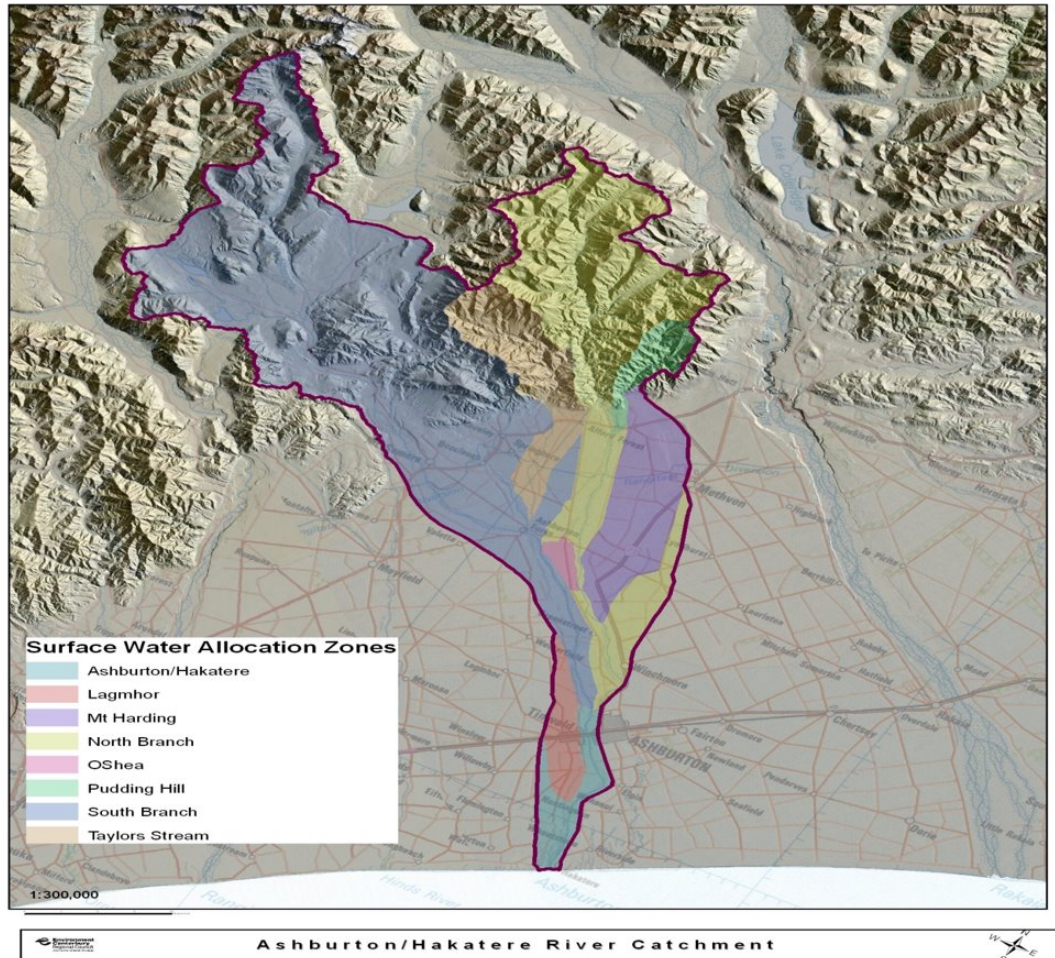


Figure 2: Ashburton / Hakaterere River Catchment Surface Water Allocation Zones.

38. Environment Canterbury's online GIS tool, Canterbury Maps, identifies a number of key features of the catchment. These include:

- The Ashburton River and its tributaries are a Statutory Acknowledgement Area;
- Te Rūnanga o Arowhenua has interests in the catchment waterways;
- The catchment is in the Department of Conservation (DOC) conservancy area of Ruapakupa and the Hakaterere / Ashburton River is a DOC site of special wildlife significance;
- The Hakaterere / Ashburton River and tributaries are listed as:
 - Land of National Significance (DOC)
 - Recommended area of protection (DOC)
 - Site of special wildlife significance (DOC).

39. The above points show that the Hakaterere / Ashburton River catchment holds high natural values.

ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS OF THE PROPOSED NEW CONDITIONS

40. This section discusses the actual and potential effects of the proposed new conditions that were included in the notice of review. If a consent holder proposes alternative new

conditions to give effect to the minimum flow provisions in the LWRP, an assessment of the effects of the proposed alternative new condition may need to be undertaken and will be discussed in the section 42A report for that consent.

41. Imposing new minimum flow conditions on a resource consent will impact on a consented activity by changing the availability of water for abstraction. A resource consent may be on restriction more frequently and for longer periods of time. As set out previously in this report, a consent holder is to be treated as if they were an applicant for a resource consent (section 130(1)). For this reason, the potential adverse effects on the consent holder should be addressed as part of the review decision, as provided for by section 131(1)(a).
42. There will be positive effects on the environment of implementing the minimum flows throughout the catchment. The purpose of the minimum flows is to protect the waterways' values and to ensure there is a reliable source of water for the environment, community and consent holders. Imposing new minimum flow conditions on resource consents will ensure that the aspirations of the community for the Hakatere/Ashburton River Catchment will be realised. Ensuring that all abstractions are monitored using a telemetered water metering system will mean that farmers are better able to manage the taking and use of water because they will know in real-time how much water they are allowed to take and use under the conditions of consent.

REFERENCES

- Canterbury Regional Council, 2015. Land and Water Regional Plan: Chapters 4, 5 and 13.
- Canterbury Regional Council, 2013. Canterbury Regional Policy Statement, including the amended CRPS provisions effective 12 June 2015 and 23 July 2015.
- Canterbury Regional Council Technical Report No. R19/97. Hakatere / Ashburton River Modelling for Consent Review. August 2019.
- Ministry for the Environment National Policy Statement for Freshwater Management 2014 and amendments from 2017.
- Ministry for the Environment National Policy Statement for Freshwater Management 2020 (August 2020),
- Resource Management (Measurement and Reporting of Water Takes) Regulations 2010
- Te Rūnanga o Ngāi Tahu Freshwater Policy Statement 1999
- Mahaanui Kurataiao Ltd. Mahaanui Iwi Management Plan 2013
- Tau, T.M., Goodall, A., Palmer, D. and Tau, R, 1990. Te Whakatau Kaupapa. Ngai Tahu Resource Management Strategy for the Canterbury Region. Aoraki Press.
- Te Poha o Tohu Raumati, Te Rūnanga o Kaikōura Environmental Management Plan 2009.
- Te Rūnanga o Ngai Tahu and Department of Conservation Te Papa Atawhai, 2005. Te Waihora Joint Management Plan (Mahere Tukutahi o Te Waihora).
- The Resource Management Act 1991. Consolidated version incorporating all the amendments to that Act including the Resource Management Amendment Act 2013.
- Resource Consent Inventory for the Hakatere / Ashburton River catchment, 2018

Attachment 1: List of consents being reviewed

Ashburton River mainstem sub-catchment

New Consent Number	Consent Holder	Existing Consent Number	Consent Type
CRC200262	John Robert Cunliffe	CRC951740	Take Surface Water
CRC200217	Lake Extension Trust Limited	CRC162112	Take Surface Water
CRC200249	H Bennett & Sons	CRC940402	Take Groundwater
CRC200270	Michael John Hanham	CRC960085	Take Groundwater
CRC200203	Mr W J & Mrs J L Donald	CRC110621	Take Groundwater
CRC200221	Mr G S & Mrs J M Lovett	CRC171382	Take Groundwater
CRC200236	Mr D B & Mrs J H Pike	CRC192337	Take Groundwater
CRC200235	Lake Extension Trust Limited	CRC191677	Take Groundwater
CRC200198	Ashburton District Council	CRC031004.2	Take Groundwater
CRC200209	Robert Alan Bennett	CRC150894	Take Groundwater

South Branch sub-catchment

New Consent Number	Consent Holder	Existing Consent Number	Consent Type
CRC200219	Ashburton District Council	CRC169512	Take Surface Water
CRC200220	Mr N K & Mrs K L Hammond	CRC170632	Take Surface Water
CRC200263	Donald Grenville Aschen	CRC951747	Take Surface Water
CRC200228	Barry Ross Aschen	CRC176317	Take Surface Water
CRC200237	Webbs Sand Mine Limited	CRC193990	Take Surface Water
CRC200257	Gregory Partnership	CRC951119	Take Surface Water
CRC200261	Mr N K & Mrs K L Hammond	CRC951604.1	Take Surface Water
CRC200266	Mr & Mrs R J & B J Tait	CRC951956	Take Surface Water
CRC200268	Mertyn Trust	CRC952061.1	Take Surface Water
CRC200242	Greenstreet Irrigation Society Limited	CRC921547J	Take Surface Water
CRC200241	Greenstreet Irrigation Society Limited	CRC921547H	Take Surface Water
CRC200194	Valetta Holdings Limited	CRC030336.1	Take Groundwater
CRC200256	Gregory Partnership	CRC951118	Take Groundwater
CRC200271	Michael Norman Holdaway	CRC961553.1	Take Groundwater
CRC200215	Bentower Dairies Limited	CRC155220	Take Groundwater
CRC200189	Messrs A J & M J Sim	CRC020255.1	Take Groundwater
CRC200204	Valetta Holdings Limited	CRC132046	Take Groundwater
CRC200240	Greenstreet Irrigation Society Limited	CRC921547C	Take Surface Water
CRC200214	Align Clareview Limited	CRC154478	Take Groundwater
CRC200222	John Francis Snowden	CRC171990	Take Groundwater
CRC200213	Pekanga O Te Awa Farms Limited	CRC152835	Take Groundwater
CRC200187	Rangitata Diversion Race Management Limited	CRC011245	Take Surface Water

North Branch Sub-catchment

New Consent Number	Consent Holder	Existing Consent Number	Consent Type
CRC200223	Southern Pastures (Lochan Mor Farm) Limited Partnership	CRC173404	Take Surface Water
CRC200225	Cairndhu Dairy Limited	CRC175063	Take Surface Water
CRC200224	Alford Forest Dairies Limited	CRC175053	Take Surface Water
CRC200216	Mr D A & Mrs A K Shearer	CRC158152	Take Groundwater
CRC200213	Pekanga O Te Awa Farms Limited	CRC152835	Take Groundwater
CRC200199	Methven Golf Club Inc	CRC031720	Take Surface Water
CRC200210	Daniel Symons	CRC151569	Take Surface Water
CRC200269	Mr & Mrs C D & L A Galloway	CRC952441	Take Surface Water
CRC200190	Pekanga O Te Awa Farms Limited	CRC021057.1	Take Groundwater
CRC200186	Willowdale Farm Limited	CRC010365	Take Groundwater
CRC200226	Christopher John Bell	CRC176167	Take Groundwater
CRC200201	Monty Fields Limited	CRC050465.1	Take Groundwater
CRC200191	Mr C J & Mrs A M Allen	CRC021199	Take Groundwater
CRC200243	Greenstreet Irrigation Society Limited	CRC921550B	Take Groundwater
CRC200195	Red Cow Farms Limited	CRC030337	Take Groundwater
CRC200196	Mr D D & Mrs M E Stewart	CRC030557	Take Groundwater
CRC200244	Greenstreet Irrigation Society Limited	CRC921550C	Take Groundwater
CRC200207	Mr S J & Mrs T M Weily	CRC144570	Take Groundwater
CRC200265	Cairndhu Dairy Limited	CRC951934.2	Take Surface Water
CRC200245	Greenstreet Irrigation Society Limited	CRC921550D	Take Groundwater
CRC200246	Greenstreet Irrigation Society Limited	CRC921550E	Take Groundwater
CRC200247	Greenstreet Irrigation Society Limited	CRC921550G	Take Groundwater
CRC200188	J and J Van Polanen Family Trust	CRC020211	Take Groundwater
CRC200192	Pencarrow Farm Ltd	CRC021680	Take Groundwater
CRC200185	Ashburton District Council	CRC002108	Take Groundwater
CRC200219	Ashburton District Council	CRC169512	Take Surface Water

Pudding Hill sub-catchment

New Consent Number	Consent Holder	Existing Consent Number	Consent Type
CRC200219	Ashburton District Council	CRC169512	Take Surface Water

Taylor's Stream sub-catchment

New Consent Number	Consent Holder	Existing Consent Number	Consent Type
CRC200218	Fairview Dairies Limited	CRC167516	Take Surface Water
CRC200229	Mr C W M & Mrs D Shannon	CRC176434	Take Surface Water
CRC200251	Mr C J & Mrs A M Allen	CRC950884	Divert Surface Water
CRC200253	Alford Park Limited	CRC950927.1	Divert Surface Water
CRC200206	Picnic Creek Stock Water Scheme Committee	CRC134426	Take Surface Water
CRC200273	Mr C J & Mrs A M Allen	CRC972504.1	Take Surface Water

New Consent Number	Consent Holder	Existing Consent Number	Consent Type
CRC200252	Mr C J & Mrs A M Allen	CRC950885	Take Surface Water
CRC200255	Mr C J & Mrs A M Allen	CRC950931.1	Take Surface Water
CRC200254	Alford Park Limited	CRC950930.2	Take Surface Water
CRC200264	Jetol Farm Limited	CRC951862.4	Take Surface Water
CRC200197	Mr R D L & Mrs D J Withers & A W Trustee Services Limited	CRC030598.2	Take Groundwater
CRC200232	Lawnhayes Farms Limited	CRC180918	Take Groundwater
CRC200212	Daniel Symons	CRC152538	Take Groundwater
CRC200276	Mr C J & Mrs A M Allen	CRC991516.1	Take Groundwater
CRC200193	Jetol Farm Limited	CRC021736.5	Take Groundwater

O'Shea Creek sub-catchment

New Consent Number	Consent Holder	Existing Consent Number	Consent Type
CRC200238	Greenstreet Irrigation Society Limited	CRC194731	Take Surface Water
CRC200211	Greentree Farms Limited	CRC151902	Take Groundwater
CRC200260	Wallaura Farm Limited	CRC951596.1	Take Groundwater
CRC200208	Greentree Farms Limited	CRC150344	Take Groundwater
CRC200275	Mr M F M & Mrs A B B Talbot and Whitehouse Ten Trustees Limited	CRC980368.2	Take Groundwater
CRC200239	Spreddeagle Dairies Limited	CRC194937	Take Groundwater
CRC200227	Barry Ross Aschen	CRC176315	Take Groundwater

Mt. Harding Creek sub-catchment

New Consent Number	Consent Holder	Existing Consent Number	Consent Type
CRC200259	Mr D A & Mrs A K Shearer	CRC951530	Take Surface Water
CRC200231	William George Clark	CRC180091	Take Groundwater
CRC200272	Taralea Farms Limited	CRC970931.1	Take Groundwater
CRC200216	Mr D A & Mrs A K Shearer	CRC158152	Take Groundwater

Lagmhor sub-catchment

New Consent Number	Consent Holder	Existing Consent Number	Consent Type
CRC200205	Mr D B & Mrs P K McIlwrick	CRC134008	Take Surface Water
CRC200250	Mr G W J & Mrs E J Small	CRC950326	Take Surface Water
CRC200258	Wallace Henry Breach	CRC951475.2	Take Surface Water
CRC200267	Mr & Mrs R J & B J Tait	CRC951957	Take Surface Water
CRC200274	Peterhead Farm Limited	CRC980236.1	Take Groundwater

Attachment 2: Hakatere/Ashburton River catchment minimum flows to be met from 1 July 2023

Note: these minimum flows are copied from Table 13(b) of the LWRP for ease of reference.

River or stream	Location of recorder site	From 1 July 2023	
		Minimum flow for A permits (L/s)	Minimum flow for B permits (L/s)
Ashburton River mainstem	SH1 Bridge	6,000	14,000
South Branch	Residual flow immediately downstream of RDR intake	3,200 (Feb – Apr) 2,300 (May – Jan)	4,000
South Branch	At North Branch confluence	4,650	10,500
North Branch	Above confluence	1,000	4,000
Pudding Hill	Below ADC water race	80	1,600
Taylor's Stream	Above South Branch confluence	500	3,700
O'Shea Creek	Bywash to North Ashburton	450	1,000
Mt. Harding Creek	Aitkens Road	500	1,000
Lagmhor Creek	Frasers Road	100	-

Appendix C – List of Affected Parties (or parties to serve notice on)

NAME	ADDRESS1	ADDRESS2	ADDRESS3	ATTN	TITLE
Te Rūnanga o Ngāi Tahu	PO Box 13 046		Christchurch 8141		ttw@ngaitahu.iwi.nz ; matthew.ross@ngaitahu.iwi.nz
Te Rūnanga o Arowhenua Society Incorporated	38 Huirapa Street		Temuka		Arowhenua.admin@ngaitahu.iwi.nz
Aoraki Environmental Consultancy	PO Box 885		Timaru 7910		
NZ Salmon Anglers Association (South Canterbury)	14/150 Rangitata Hutts Road	RD 26	Temuka 7986	Attn: Secretary	
Save the Rivers, Mid Canterbury Inc	C/- Keith Gunn	77 Trevors Road	Ashburton 7700	Attn: Mr Gunn	
South Canterbury Farmers Irrigation Society	C/- Mr Tom Henderson	Opihi Road RD 12	Pleasant Point 7982	Attn: Mr Henderson	
Fish & Game NZ Central South Island Region	PO Box 150		Temuka 7948	Attn: Jay Graybill	
Department of Conservation Planning & Permissions Unit	Private Bag 4715	Christchurch Mail Centre	Christchurch 8140		Sir/Madam
Federated Farmers of NZ (Mid Canterbury)	PO Box 414		Ashburton 7740		Sir/Madam

Royal Forest & Bird Protection Society of NZ Inc. Canterbury/West Coast Regional Office	PO Box 2516	Christchurch Mail Centre	Christchurch 8140	Attn: Jennifer Miller	Ms Miller
Royal Forest & Bird Protection Society of NZ Inc. Ashburton Branch	PO Box 460	Ashburton 7740		Attn: Edith Smith	Ms Smith
Ashburton District Council	Attn: District Planner	PO Box 94	Ashburton 7740		Sir/Madam
Canterbury Float Fishing Club	C/- Mr Ray Bricknell	124A Percival Street	Rangiora 7400	Attn: Mr Bricknell	Mr Bricknell
Canterbury Flyfishing Club	PO Box 13591	Armagh	Christchurch 8141	Attn: Mr Andrew Howard	Mr Howard
Canterbury Anglers Club	PO Box 16778	Hornby	Christchurch 8441		
Alford Forest Dairies Limited	908 Forks Road	RD 1	Ashburton 7771	Earl Christopher McSweeney	Sir/Madam
Alford Park Limited	PO Box 224		Ashburton 7740		Sir/Madam
Align Clareview Limited	PO Box 80013	Riccarton	Ashburton 8440		Sir/Madam
Ashburton District Council	PO Box 94		Ashburton 7740	Tamara Page	Sir/Madam
Barry Ross Aschen	598 Ashburton Staveley Road	RD 1	Ashburton 7771		Sir/Madam
Bentower Dairies Limited	531 Anama Valetta Road	RD 8	Ashburton 7778		Sir/Madam
Cairndhu Dairy Limited	6 Forks Road	RD 1	Ashburton 7771	Graham Lowe	Sir/Madam
Christopher John Bell	438 Taverners Road	RD 2	Ashburton 7772		Sir/Madam
Daniel Symons	171 McFarlanes Road	RD 1	Ashburton 7771		Sir/Madam
Donald Grenville Aschen	598 Ashburton Staveley Road	RD 1	Ashburton 7771		Sir/Madam
Fairview Dairies Limited	2874 Ashburton Staveley Road	RD 1	Ashburton 7771		Sir/Madam

Greenstreet Irrigation Society Limited	326 Burnett Street		Ashburton 7700		Sir/Madam
Greentree Farms Limited	1612 Ashburton Staveley Road	RD 1	Ashburton 7771		Sir/Madam
Gregory Partnership	944 Valetta Westerfield Road	RD 1	Ashburton 7771	Wayne Gregory	Sir/Madam
H Bennett & Sons	1272 Beach Road East	RD 7	Ashburton 7777		Sir/Madam
J and J Van Polanen Family Trust.	446 Racecourse Road	RD 6	Ashburton 7776		Sir/Madam
Jetol Farm Limited	118 Lochheads Road	RD 1	Ashburton 7771	Richard Edward Wright	Sir/Madam
John Francis Snowden	642 Valetta Westerfield Road	RD 1	Ashburton 7771		Sir/Madam
John Robert Cunliffe	266 Wilkins Road	RD 4	Ashburton 7774		Sir/Madam
Lake Extension Trust Limited	PO Box 264		Ashburton 7740		Sir/Madam
Lawnhayes Farms Limited	4393 Arundel Rakaia Gorge Road	RD 1	Ashburton 7771		Sir/Madam
Mertyn Trust	PO Box 121	NULL	Ashburton 7740		Sir/Madam
Messrs A J & M J Sim	1052 Valetta Westerfield Road	RD 1	Ashburton 7771		Sir/Madam
Methven Golf Club Incorporated	PO Box 20		Ashburton 7745	Robert Collins	Sir/Madam
Michael John Hanham	86 Park Street	NULL	Ashburton 7700		Sir/Madam
Michael Norman Holdaway	246 Valetta Westerfield Road	RD 1	Ashburton 7771		Sir/Madam
Monty Fields Limited	1170 Ashburton River Road	RD 6	Ashburton 7776	R L Montgomery	Sir/Madam
Mr & Mrs R J & B J Tait	686 Tinwald Westerfield Mayfield Road	RD 1	Ashburton 7771		Sir/Madam
Mr C J & Mrs A M Allen	3856 Thompsons Track	RD 1	Ashburton 7771		Sir/Madam
Mr C W M & Mrs D Shannon.	3171 Ashburton Staveley Road	RD 1	Ashburton 7771		Sir/Madam
Mr D A & Mrs A K Shearer	120 Shearers Road	RD 6	Ashburton 7776	Laurence Rooney	Sir/Madam
Mr D B & Mrs J H Pike	379 Milton Road South	RD 7	Ashburton 7777		Sir/Madam
Mr D B & Mrs P K McIlwrick	128 Johnstone Street	RD 4	Ashburton 7774		Sir/Madam

Mr D D & Mrs M E Stewart	120 Ashburton Staveley Road	RD 1	Ashburton 7771		Sir/Madam
Mr G S & Mrs J M Lovett	282 River Road	RD 7	Ashburton 7777		Sir/Madam
Mr G W J & Mrs E J Small	527 Stranges Road	RD 4	Ashburton 7774		Sir/Madam
Mr M F M & Mrs A B B Talbot and Whitehouse Ten Trustees Limited	1931 Ashburton Staveley Road	RD 1	Ashburton 7771		Sir/Madam
Mr N K & Mrs K L Hammond	656 Anama Valetta Road	RD 8	Ashburton 7778		Sir/Madam
Mr R D L & Mrs D J Withers & A W Trustee Services Limited	255 Springburn Bushside Road	RD 1	Ashburton 7771		Sir/Madam
Mr S J & Mrs T M Weily..	607 Methven Highway	RD 6	Ashburton 7776		Sir/Madam
Mr W J & Mrs J L Donald	182 Hollands Road	RD 1	Ashburton 7771		Sir/Madam
Pekanga O Te Awa Farms Limited	364 Rawles Crossing Road	RD 1	Ashburton 7771		Sir/Madam
Pencarrow Farm Limited	88 Rundles Road	RD 6	Ashburton 7776		Sir/Madam
Peterhead Farm Limited	31 Thews Road	RD 8	Ashburton 7778	Raewyn Margaret Low	Sir/Madam
Picnic Creek Stock Water Scheme Incorporated	362 Winterslow Road	RD 1	Ashburton 7771	Alan Bruce Totty	Sir/Madam
Rangitata Diversion Race Management Limited	161 Burnett Street	NULL	Ashburton 7700		Sir/Madam
Red Cow Farms Limited	195 Ashburton River Road	RD 6	Ashburton 7776		Sir/Madam
Robert Alan Bennett	240 Fitzgerald Road	RD 7	Ashburton 7777		Sir/Madam
Southern Pastures (Lochan Mor Farm) Limited Partnership	PO Box 364	Shortland Street	Auckland 1140	Phillip Wight	Sir/Madam
Spreadeagle Dairies Limited	PO Box 4157	Highfield	Timaru 7942		Sir/Madam
Taralea Farms Limited	33 Western Avenue	RD 2	Tauranga 3172		Sir/Madam
Valetta Holdings Limited	884 Mayfield Valetta Road	RD 1	Ashburton 7771		Sir/Madam
Wallace Henry Breach	64 Wilkins Road		Ashburton 7700		Sir/Madam
Webbs Sand Mine Limited	19 Coniston Drive	NULL	Ashburton 7700		Sir/Madam
Willowdale Farm Limited	6 Westpark Close	NULL	Ashburton 7700		Sir/Madam