

**IN THE MATTER OF**

The Resource Management  
Act 1991

**AND**

**IN THE MATTER OF**

An application by **Hunter  
Dairies Limited**, for a change  
of conditions to Water Permit  
CRC 133857 to take and use  
groundwater near Makikihi.

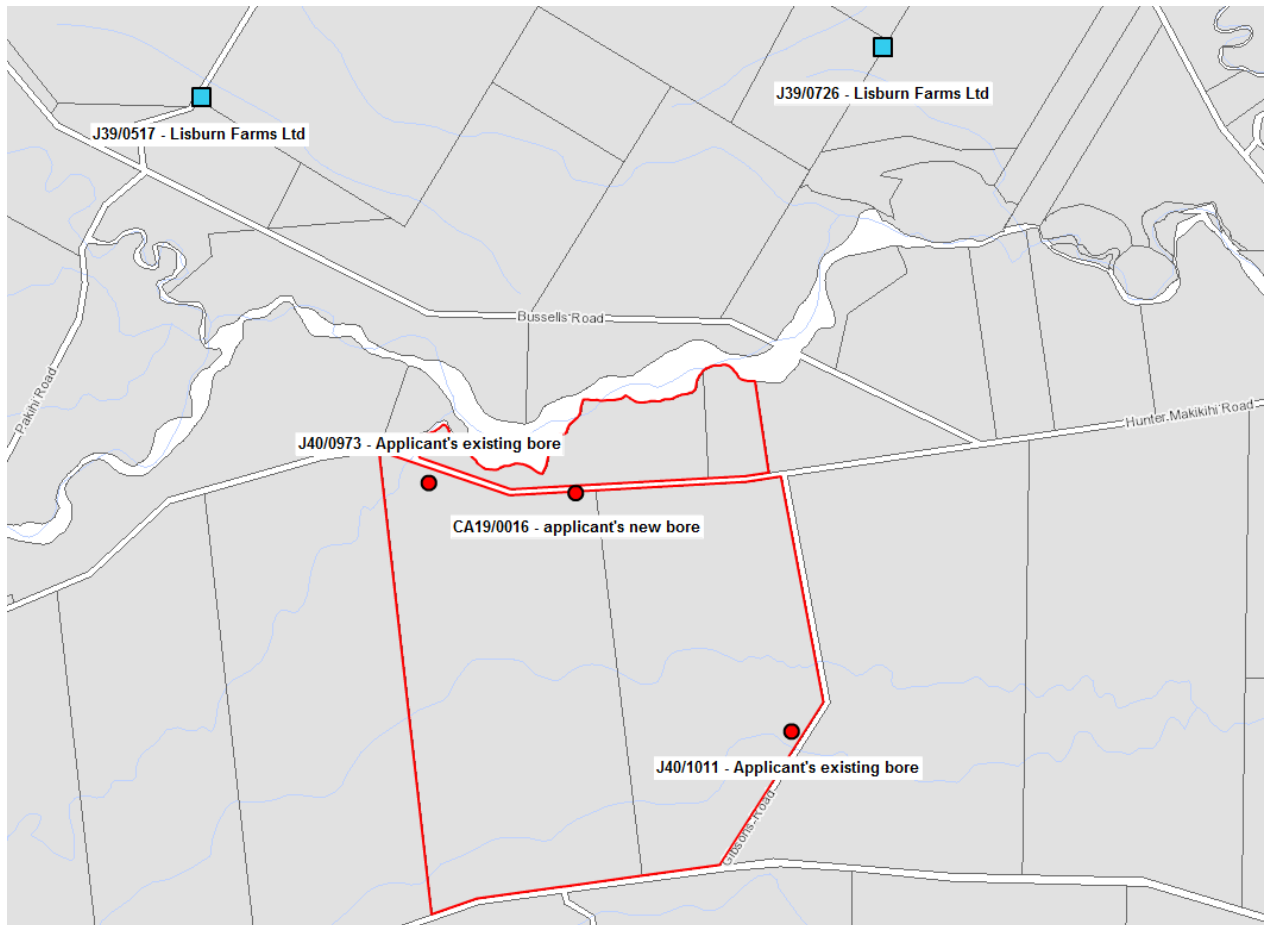
## **APPLICATION CRC 143341**

### **Decision of Hearing Commissioner Robert Nixon**

#### **Background**

1. The hearing of this application took place in Timaru on 17 June 2014.
2. The site of this application is Hunter - Makikihi Road, west of Makikihi.
3. For the purpose of this decision, the Natural Resources Regional Plan is referred to as the "NRRP" and the Proposed Land and Water Regional Plan as the "pLWRP".
4. The applicant's property comprises 196ha of land now developed as a dairy farm milking 700 cows. It was purchased from Lisburn Farms (now the sole submitter on the application) in 2012. In 2007, a consent to take water (CRC 074058) was granted to S.and A. Westgarth, which was transferred to Lisburn Farms in 2009. This consent was subject to a change of conditions in 2011 and became CRC 120971. When the consent was transferred to Hunter Dairies after it was purchased from Lisburn Farms, it became CRC 133857.
5. This consent authorises a take of 59 l/sec from each of two bores J40/0973 and J40/1011. It allows a combined volume of 107,490 m<sup>3</sup> in any consecutive period of 11 days, and a total of 928,750m<sup>3</sup> between 1 July and 30 June in the following year. The applicants have since drilled a new bore CA19/0016 from which they seek to take 60 l/sec, but with a reduced take from the two existing bores, such that 18 l/sec would be taken from J40/0973 and 40 l/sec from J40/1011 for a total consented take from all three wells of 118 l/sec. The applicant does not propose to change the combined rate of take, the 11 day volume, or the annual volume beyond that already authorised for Hunter Dairies under CRC 133857.
6. The reason for the requested change in conditions is to obtain reliable water from an additional (more efficient) bore, as the yields from the two existing bores are inadequate to achieve the consented volumes under CRC 133857. The application site is within the Makikihi Groundwater Allocation Zone which is considered as fully allocated.
7. The location of the bores on the applicant's property, and of those on Lisburn Farms Ltd, were central to this hearing, so the following Figure 1 is attached as additional background. A step drawdown test on new bore C19/0016 in October

2013 indicated that two bores – J39/0726 and J39/0517 on Lisburn Farms (see map below) – were potentially affected.



## The application

8. The application was limited notified on 3rd December 2013. The application was notified to the owners of bores J39/0726 and J39/0726 - Lisburn Farms Limited. The following wording was used in the notification letter:

**Applicant:** Hunter Dairies Limited  
**Address:** 683 Makikihi Hunter Road, RD 1, Timaru.  
**Attention:** Lisburn Farms Ltd  
c/o H & L Watson

**CRC143341** – To change conditions 1, 2 and 4 of Hunter Dairies Limited existing consent CRC133857; to take and use water.

Hunter Dairies Limited have sought to include bore CA19/0016 to their existing consent CRC133857. It has been proposed to authorise this bore to pump at an instantaneous rate of 60 litres per second while the existing bores (J40/0973 and J40/1011), will have their existing pump rates amended to authorise 18 and 40 litres per second to be taken (original consent authorised 59 litres per second from each of these bores). The volume taken from this new bore will be accounted for within the existing consent's annual volume.

Based on the results of a step drawdown test of bore CA19/0016, it is conservatively estimated that the inclusion of bore CA19/0016 might increase the existing drawdown occurring on bore J39/0517, equating to a total drawdown of 10.17m (an increase of 2.01m from the existing consent) from within the protected water level of 80.64m.

Based on the results of a step drawdown test of bore CA19/0016, it is conservatively estimated that the inclusion of bore CA19/0016 might increase the existing drawdown occurring on bore J39/0726, equating to a total drawdown of 7.76m (an increase of 0.35m from the existing consent) from within the protected water level of 18.88m.

**This application seeks a change of conditions to water permit CRC133857. As such there is no change to the existing consented expiry date of 31 December 2021.**

### Submissions

9. One submission in opposition was received within the statutory timeframe from Lisburn Farms Ltd. The submitter opposed the application on the basis that it would reduce the yield from the bores on their own property, which were required for irrigating their dairy farm.

10. As a result of a request from the submitter, the hearing date was delayed to allow the applicant to undertake a constant rate aquifer test (which the applicant agreed to and undertook). The constant rate aquifer test results were provided to the Canterbury Regional Council on 27<sup>th</sup> May 2014.

### 11. Statutory provisions

12. This is an application for a change to conditions of consent. Section 127 of the RMA states that:

*“(1) The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent, subject to the following.*

*.....”*

Relevantly, subsection (1)(b) states that *“no holder of any consent may apply for a change or cancellation of a condition on the duration of the consent”*.

13. In addition, subsection (3) applies, and states:

*“(3) Sections 88 to 121 apply, with all necessary modifications, as if—*

*(a) the application 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 change or cancellation of a condition and the effects of the change or cancellation respectively.*

*(4) For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who—*

*made a submission on the original application; and may be affected by the change or cancellation."*

14. An application to change the conditions of consent must be considered as if it were an application for a **discretionary activity**.

#### **Appearances and evidence**

15. The following persons presented evidence at the hearing:

**Mr. Jonathan Rowe**, a shareholder in Hunter Dairies, the applicant.

**Mr Richard de Joux**, a consultant hydrologist and hydrogeologist, on behalf of Hunter Dairies.

**Mr Hayden Watson and Mrs Linda Watson**, owners of Lisburn Farms.

**Ms Vanessa Horwell**, Consents Planner, Environment Canterbury.

16. *(Ms Horwell acknowledged the contribution of her predecessor, Ms Catherine Bryant, to the preparation of the report)*

17. The reporting officer adopted a 'standard' set of assessment criteria derived from relevant policies in the Regional Policy Statement, the NRRP, and the pLWRP, which are typically applied to assess the effects of applications to take groundwater. These are listed below;

- *Effects of take on other groundwater users*
- *Cumulative effects of proposed takes*
- *Adverse effects of takes on surface water flows*
- *Adverse effects of inefficient take on other groundwater users*
- *Adverse effects of takes on aquifer stability*
- *Adverse effect from cross-connection on groundwater quality*
- *Adverse effects of the proposed use on water quality*
- *Adverse effects of takes on Tangata Whenua values*

#### **The Evidence**

##### ***Evidence of Mr. Rowe***

18. Mr Rowe explained that Hunter Farms had an allocation of 118 l/sec when the property was purchased from Lisburn Farms, but that in practice yields of only around 40l/sec had been obtained from the two wells on the property. A further bore was drilled and tested, but achieved disappointing yields. However a second new bore CA19/0016 had proved more promising. However it was within 2km of neighbouring wells, and he had been unable to secure the written consent of the affected party, Lisburn Farms. He said that his consultants and ECAN had established that there would be no adverse effect on Lisburn Farms bores.

### **Evidence of Mr De Joux.**

19. He said that new bore CA19/2006 was screened at a depth between 135.8m and 141.9m BGL. A constant rate aquifer test was undertaken in May 2014 and was peer reviewed by Hamish Graham, an ECAN hydrogeologist, in accordance with the policies in the NRRP and the pLWRP. By way of context, he noted that aquifers in the Cannington Marine gravels contained a high proportion of sand, which could significantly reduce yields if wells and screens were not adequately designed to address this issue.
20. Policy WQN 19 in the NRRP concerns drawdown interference effects between bores. He made the following comments [1] in terms of "protected available drawdown" under Policy WQN 19(20(d);

*"The first definition (WQN19(2)(d) specifies the extent to which the available drawdown in an individual bore will be protected by this policy. It takes into account individual bore and pump installation details such as well depth, depth to the top of screen or screen length, pump length and manufacturers' recommended minimum cut-off water level. By protecting a set level of available drawdown, as opposed to yield, for example, all bore owners will be offered the same level of protection, irrespective of whether they have an efficient or inefficient bore. Because of the nature of the hydraulics of individual bores, a bore may be operated in a way that uses all the available drawdown to achieve the desired abstraction rate, that is, it is pumped to its maximum limits so that any interference will affect the available drawdown, and therefore, yield. If the whole of the available drawdown or abstraction rate achieved by operating bores in this way is protected, this will limit other potential users from accessing the resource, even though water may be available for allocation. This will ensure that individual wells with poor hydraulic properties will not be overly protected".*

*So Policy WQN19(d) recognises that while some bores (such as J39/0726) may have a poor hydraulic property, they will not be overly protected as this would limit other potential users from accessing the resource".*

*(his emphasis)*

21. In summary, Mr de Joux argued that Lisburn Farms bore J39/0726 had demonstrated reduced yields prior to the applicants proposal to take water from C19/0016; that its performance was likely constrained by the presence of sand; that it was also affected by Lisburn's other bore J 39/0517; and that the depth of the two Lisburn pumps reduced the potential available water. Finally, he said that the total accumulative drawdown as a consequence of taking water from C19/0016 and the two existing Hunter Dairies bores was less than the recorded lowest available water level below the top of the pump in Lisburn's bore J39/0726 [2].

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1. (de Joux paragraphs 32 and 33)

2. (de Joux paragraphs 39, 40 and 44)

22. With regard to the officers report, Mr de Joux questioned proposed Condition 4 requesting the applicant to surrender Consent 074058, which was the consent previously granted in 2007 prior to Lisburn Farms purchasing the property (when it became CRC 120971 upon a change of conditions), and later on to Hunter Dairies when it was renumbered CRC 133857 [3]. He contended the condition could not be surrendered by the applicant as it had been granted to Lisburn Farms.
23. He also questioned the expiry date for the consent of 31December 2021, this being the date applied to existing consent CRC 133857, suggesting instead 30 June 2024, being 10 years from any grant of consent to the current application.

**Evidence for Hayden and Linda Watson**

24. Mr and Mrs Watson spoke to the report prepared by Mr Andrew Barton of Barton Resource Management, who was unfortunately unavailable to attend the hearing. His report noted that the aquifer test was undertaken at a reduced volume of 20l/sec rather than the 60l/sec sought through the application. His report calculated that the interference effect would exceed 20% and conflict with Policy 4.59 in the pLWRP.
25. It concluded that the *"...limited yield of the aquifer in this area means that the granting of the proposed change in conditions will result in less water being available for Lisburn Dairies Ltd. The wells are unable to pump at their maximum consented rates due to a lack of available groundwater and risk of sand incursion. Reducing the water level in these wells reduces the rate that can be pumped sustainably without sand ingress. A reduction in water level as a result of granting this application could derogate from the resource consents that have already been granted to Lisburn Farm"* [4].

**Section 42a Report (Ms Horwell)**

26. Ms Horwell set out the background to the application, noting that a change of use application under section 127 RMA was to be assessed as a discretionary activity. She noted that there was no increase in the total volume or annual allocation sought, and there was no change of use, and hence the activity was permitted in that respect under the pLWRP. She said that Policy WQN19 and Schedule WQN10 of the NRRP required that *"...the direct cumulative interference effects should be limited to no more than 20% of the available drawdown in any other bore within an existing authorisation that is within 2 kilometres unless the effect is mitigated"*. She added that Policy 4.59 and Schedule 12 of the pLWRP protected groundwater takes *"similarly"* [5].

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3. (s42A report, paragraphs 13-15)

4. (Barton Report, pp 3-4)

5. (s42A report, paragraphs 62-65)

27. Her conclusions, also informed through discussions with Mr Graham, were that the testing, methodology and conclusions of the applicant were broadly accepted and that the effects on the submitter's wells would be less than minor. Her evidence – as did that of the applicant and submitter – focussed predominantly on potential interference effects. Little or no adverse effects were anticipated with respect to surface water flows, cross connectivity with other aquifers, seawater intrusion, aquifer stability or effects on Tangata Whenua values.
28. She recommended approval subject to conditions, of which only the term of the consent and the surrender of CRC 074058 were challenged by the applicant.

### Assessment

29. As noted above in paragraph 28, the issues arising from this application had a narrow focus, and exclusively related to potential interference effects of establishing the proposed bore. It was not proposed to increase the rate of take, the area to be irrigated, the land use, or to increase the annual allocation. I accept the conclusions of the reporting officer and the applicant that given this context, there were no issues concerning the efficiency of the take, cumulative effects on other users, and effects on water quality. The submitter also concentrated on the issue of potential interference effects.
30. In addition:
  - (1) As the site is over 8km from the coast, there is no risk of seawater intrusion;
  - (2) The aquifers are gravel based with little prospect of aquifer subsidence;
  - (3) Taking water from the proposed bore will not affect surface water flows as the aquifer is confined in this location.
31. Te Runanga o Waihao were informed of the application but made no comment.
32. It was apparent from the evidence to the hearing that abstractors in this area experience difficulties in achieving their consented volumes, primarily as a result of sand infiltration. As well as failing to achieve consented volumes, there was the spectre of falling yields. In this context, it is perhaps not surprising that potentially affected parties, in circumstances where a proposed new bore is proposed, to exercise the opportunity to object. I am well aware that the viability of dairy farms in particular, is dependent on a reliable and ongoing supply of water reflecting their authorised allocation.
33. The submitter was in this case anxious that there would be a 'shift in gravity' of abstractions on the Hunter Dairies property towards Lisburn Farms (see Figure 1) even if the total 11 day or annual rates and volumes of take remained unchanged. Mr de Joux, who is familiar with the hydrogeology of this area, was of the opinion that Lisburn Farms concerns related to issues of efficiently abstracting water from the aquifer, rather than the effects of the proposed take on the level of water in the aquifer.
34. The report prepared by Mr Barton for the submitter, questioned the manner in which the aquifer test had been undertaken by the applicant. This test was the subject of a memorandum to the reporting officer from Hamish Graham and appended to her s42a report. In particular, there is a "negative aspect" subheading in Mr Graham's report that the pump test was at a rate of 20l/sec instead of the 60l/sec applied for. Although the manner in which the memorandum is expressed offers scope for ambiguity, in the third to last paragraph of the memorandum Mr Graham confirms he "*found no significant*

*difference in aquifer parameters between the reanalysis I conducted on J40/0973, J40/1011 and J39/0726 and the analysis undertaken by ECS” (Mr de Joux). Ms Horwell concluded on the basis of Mr Graham’s memorandum, and her analysis, that the effects on Lisburn bore J39/0726 would be no more than minor [6].*

35. The background to the test was explained as follows:

*“The pump was initially started at 11:05 hrs on 8<sup>th</sup> May 2014 at a rate of 8 l/s. This rate was held until a blown valve forced a shutdown at 23:34 hrs on 8<sup>th</sup> May. The test was restarted at 16:00 hrs on 9<sup>th</sup> May at a rate of 12 l/s. This rate was increased at 01:40 hrs on 10<sup>th</sup> May to 16 l/s and then to 20 l/s at 10:30 hrs. Due to the continual discharge of sand from the bore it was decided to retain the pump rate at 20 l/s until shut down at 15:00 hrs on 12<sup>th</sup> May 2014.*

*Although the pump rate attained during the test is lower than the proposed rate of 60 l/s, it was sufficient to stress the aquifer and to obtain measurable responses in bores J40/0973 (2.231m), J40/1011 (0.812m) and J30/0726 (0.429m), and is considered to provide reliable data for subsequent analysis of aquifer properties”.*

36. Ms Horwell confirmed in response to my question that this approach was appropriate and in accordance with ECAN practice. Accordingly, on the evidence before me, I was satisfied that the test was undertaken appropriately, and that the results and conclusions were reliable.
37. While I can appreciate the Watson’s (Lisburn Farms) concerns, I also consider there was some force in Mr de Joux’s observations with respect to the performance of the bores on Lisburn Farms. Apart from possible problems with sand infiltration into the bores affecting performance, there may well be issues with the depth of the pumps in their two bores, albeit that this may be influenced by the cost of pumping. Further, it was apparent that the water level in bore J39.0726 was affected by drawdown from the other Lisburn bore, J39/0517 [7]. In addition, the evidence before me was that even on conservative estimates, the effect of potential drawdown from pumping CA19/0016 on Lisburn bore J39/0726 was such that it was still much less than the lowest available water level above the pump. This also suggests that any reduced yields from this bore are related to the efficiency of the bore, rather than water levels.
38. Accordingly, I conclude that the effect of the take on surrounding groundwater users will be no more than minor.

### **Objectives and Policies**

39. The Regional Policy Statement (RPS) Policy 7.3.4 seeks to provide for reasonably foreseeable needs for water, including groundwater and abstraction.

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6. (s42A report, paragraphs 76 and 79)

7. (de Joux evidence, para 19)



40. As noted earlier in this decision, I am satisfied that the only relevant issue in terms of this application is that of potential interference effects on other bores. There are no changes proposed to rates of abstraction, annual volumes, the area to be irrigated, or land use. For these reasons, I have only applied those objectives and policies pertaining to interference effects.
41. Objective WQN7 in the NRRP states;
- “Ensure that groundwater abstraction from new bores, in conjunction with all other abstraction from existing bores, do not significantly affect the yield from neighbouring bores that are adequately penetrating the aquifer”.*
42. Associated Policy 19 referred to earlier, seeks to limit cumulative interference effects to no more than 20% of available drawdown from any other authorised bore within 2km.
43. Objective 3.10 in the (Decisions) version of the pLWRP is an objective of general application which broadly refers to the social and economic benefits to be derived from the use of water. Associated Policy 4.59 states:
- “The direct cumulative interference effect from new groundwater takes on existing groundwater takes shall not exceed the acceptable threshold criteria described in Schedule 12, unless it can be demonstrated that there will be no more than minimal adverse effects on the yield of existing adequately penetrating bores”.*
44. The policy and schedule/rule framework in the NRRP and the pLWRP are very similar. I consider that upon assessing the effects as covered in evidence, and as described above, the application is not contrary to the relevant objectives and policies in both plans.

## **Part 2, Resource Management Act**

45. The purpose of the Act (Section 5) is to promote the sustainable management of natural and physical resources. This is defined as *“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while –*
- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life - supporting capacity of air, water, soil, and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*
46. The proposed amendment to the applicant’s existing consent to take water will enable the applicant to more efficiently and effectively abstract their consented rate and volume of water for the purposes of maintaining their existing dairy farming activities. These benefits are qualified by the three subsections of Section 5(2). However I consider that the proposed take of water through a more efficient bore will sustain the potential of groundwater resources to meet the reasonably foreseeable needs of future generations, will safeguard the life supporting capacity of water, and avoid or mitigate any adverse effects on the

environment. The application seeks to more efficiently abstract a consented volume of groundwater, not to increase the consented rate or volume. I find on the evidence that the additional bore will not have a significant interference effect on other bores.

47. The relevant matters under Section 7 that I consider I must have particular regard to in this case are;
- (b) *the efficient use and development of natural and physical resources*
  - (g) *any finite characteristics of natural and physical resources*
48. I am satisfied that the proposed takes sought through the application will represent a more efficient use and development of the groundwater resource. The groundwater resource is fully allocated and hence 'finite', but the application does not seek to abstract more than the volume already consented.
49. No matters were drawn to my attention that granting the application would conflict with matters of significance to Tangata Whenua, and hence be inconsistent with Sections 6 (b) and 7(a) and 8 of the Act.

### **Section 104 Resource Management Act**

50. Section 104 (1) states as follows;
- (a) *when considering an application for resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to -*
  - (b) *any actual and potential effects on the environment of allowing the activity; and*
  - (c) *any relevant provisions of -*
    - .....
    - (iii.) *a regional policy statement or proposed regional policy statement:*
    - .....
  - (d) *any other matter that consent authority considers relevant and reasonably necessary to determine the application.*
51. The effects of the proposed amendment to the existing consent on the environment (the groundwater resource) have been assessed earlier in this decision and I consider these effects are likely to be no more than minor. The application is not contrary to the objectives and policies of the Regional Policy Statement, the NRRP and the pLWRP.

### **Duration and Surrender of Consent**

52. Mr de Joux had suggested that the consent period lapse ten years from the granting of this application. While I sympathise with the practical reasons why such relief is sought, I believe the reporting officer is correct with respect to the limitations imposed by the statute. Under section 127(1)(b) of the Act, a consent holder may apply for change or cancellation of conditions of consent, but cannot apply for change or cancellation to any conditions on the *duration* of that consent. The application was applied for and advertised on the basis of a change of conditions.
53. I can understand how some confusion can arise, as this 'consent' has persisted with amendments since 2007 as CRC 074058, CRC 120971, and CRC 133857, and is now proposed to be numbered as CRC 143341. Mr de Joux pointed out that only the latter consent(if approved) would have been granted to the present consent holder, who he asserts is not in a position to surrender earlier consents. This

is essentially a legal issue, but my understanding is that a consent 'runs with the land' and not the current owner. Accordingly, I consider a surrender condition for the earlier consents would be appropriate.

#### Determination

54. I resolve that pursuant to s127, 104B and 108 of the Resource Management Act 1991, that the application to change the conditions of consent be granted as set out below;

#### Proposed Conditions for Consent Application CRC143341

**Applicants Name:** Hunter Dairies Limited

**A WATER PERMIT:** To take and use water

**Location:** HUNTER MAKIKIHI ROAD, GIBSONS ROAD, SHERWOOD ROAD AND THE MAKIKIHI RIVERBED, TIMARU

**EXPIRY DATE:** 31 Dec 2021

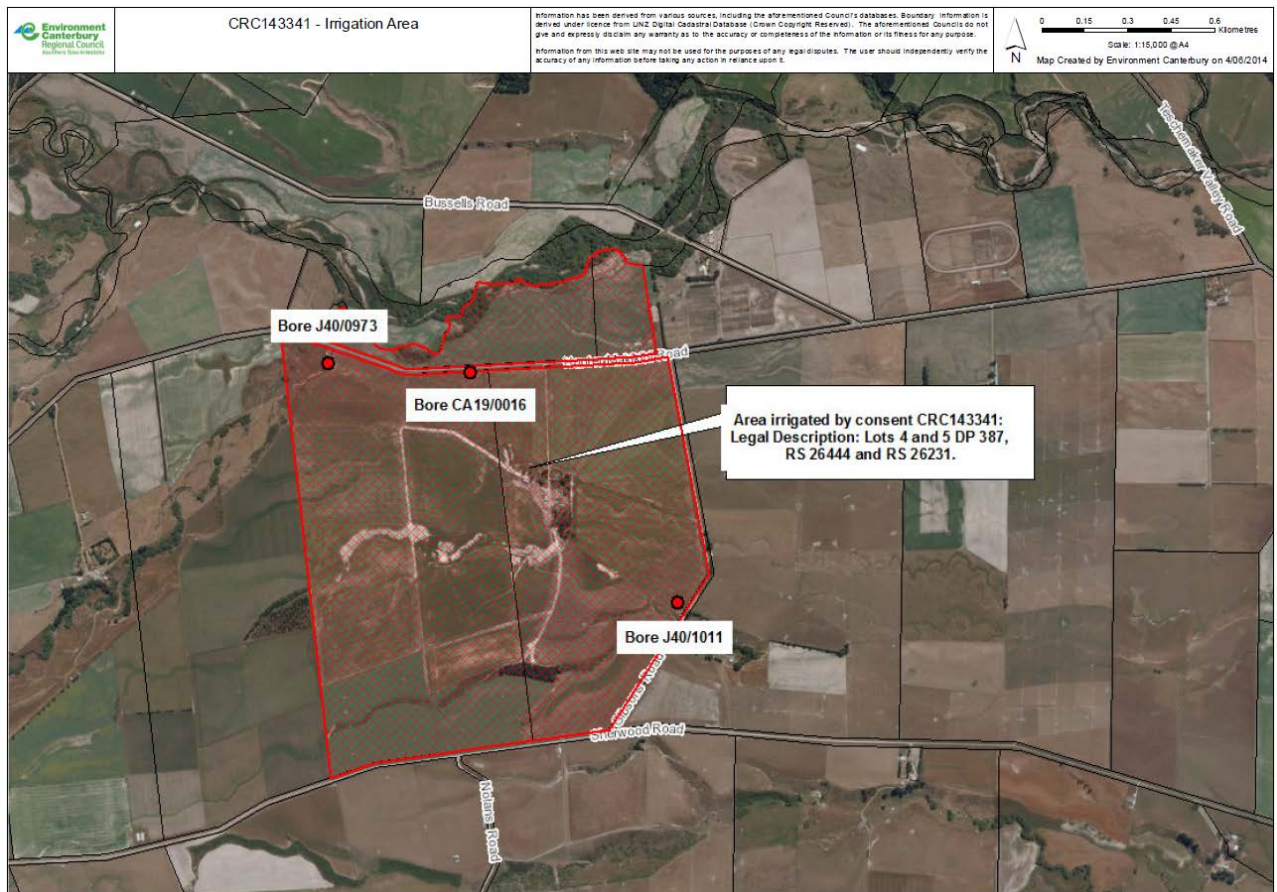
Subject to the following conditions:

1	<p>Water may be taken only from bore:</p> <ul style="list-style-type: none"> <li>a. J40/0973, 300 millimetres diameter and 141 metres deep, at map reference NZMS 260 J40:5506-1937 (Topo50CA19:4512-5775); and</li> <li>b. J40/1011, 300 millimetres diameter and 168 metres deep, at map reference NZMS 260 J40:5627-1854 (Topo50CA19:4633-5692); and</li> <li>c. CA19/0016, 300 millimetres diameter and 141.89 metres deep, at map reference NZMS 260 J40: 55551 – 19336 (Topo50 CA19: 45616 – 57721).</li> </ul>
2	<p>Water may be taken at a rate not exceeding:</p> <ul style="list-style-type: none"> <li>a. 18 litres per second from bore J40/0973;</li> <li>b. 40 litres per second from bore J40/1011; and</li> <li>c. 60 litres per second from bore CA19/0016.</li> </ul> <p>With a combined volume not exceeding 107,490 cubic metres in any period of 11 consecutive days, and 928,750 cubic metres between 1 July and the following 30 June.</p>
3	<p>Water shall only be used for:</p> <ul style="list-style-type: none"> <li>a. Irrigation on the area of land shown in attached Plan CRC143341, which forms part of this consent; and</li> <li>b. Dairy shed wash down purposes.</li> </ul>
4	<p>Resource consents CRC074058.1, CRC133857 or any subsequent variations thereof, shall not be operated concurrently with this resource consent CRC143341.</p>
5	<p>The consent holder shall, before the first exercise of this consent, install an easily accessible straight pipe(s), with no fittings or obstructions that may create turbulent flow conditions, of a length at least 15 times the diameter of the pipe, as part of the pump outlet plumbing or within the mainline distribution system.</p>

6	<p>The consent holder shall before the first exercise of this consent:</p> <ul style="list-style-type: none"> <li>a. <ul style="list-style-type: none"> <li>i. install a water meter(s) that has an international accreditation or equivalent New Zealand calibration endorsement, and has pulse output, suitable for use with an electronic recording device, which will measure the rate and the volume of water taken to within an accuracy of plus or minus five percent as part of the pump outlet plumbing, or within the mainline distribution system, at a location(s) that will ensure the total take of water is measured; and</li> <li>ii. install a tamper-proof electronic recording device such as a data logger(s) that shall time stamp a pulse from the flow meter at least once every 60 minutes, and have the capacity to hold at least one season's data of water taken as specified in clauses (b)(i) and (b)(ii), or which is telemetered, as specified in clause (b)(iii).</li> </ul> </li> <li>b. The recording device(s) shall: <ul style="list-style-type: none"> <li>i. be set to wrap the data from the measuring device(s) such that the oldest data will be automatically overwritten by the newest data (i.e. cyclic recording); and</li> <li>ii. store the entire season's data in each 12 month period from 1 July to 30 June in the following year, which the consent holder shall then download and store in a commonly used format and provide to the Canterbury Regional Council upon request in a form and to a standard specified in writing by the Canterbury Regional Council; or</li> <li>iii. shall be connected to a telemetry system which collects and stores all of the data continuously with an independent network provider who will make that data available in a commonly used format at all times to the Canterbury Regional Council and the consent holder. No data in the recording device(s) shall be deliberately changed or deleted.</li> </ul> </li> <li>c. The water meter and recording device(s) shall be accessible to the Canterbury Regional Council at all times for inspection and/or data retrieval.</li> <li>d. The water meter and recording device(s) shall be installed and maintained throughout the duration of the consent in accordance with the manufacturer's instructions.</li> <li>e. All practicable measures shall be taken to ensure that the water meter and recording device(s) are fully functional at all times.</li> </ul>
7	<p>Within one month of the installation of the measuring or recording device(s), or any subsequent replacement measuring or recording device(s), and at five-yearly intervals thereafter, and at any time when requested by the Canterbury Regional Council, the consent holder shall provide a certificate to the Canterbury Regional Council, Attention: RMA Monitoring and Compliance Manager, signed by a suitably qualified person certifying, and demonstrating by means of a clear diagram, that:</p> <ul style="list-style-type: none"> <li>a. The measuring and recording device(s) has been installed in accordance with the manufacturer's specifications; and</li> <li>b. Data from the recording device(s) can be readily accessed and/or retrieved in accordance with clauses (b) and (c) of condition (6).</li> </ul>

8	The Canterbury Regional Council, Attention: RMA Monitoring and Compliance Manager, shall be informed immediately on first exercise of this consent by the consent holder.
9	<ul style="list-style-type: none"> <li>a. The standing water level, relative to ground level, in bore J40/0973 shall be measured as follows: <ul style="list-style-type: none"> <li>i. once at the start of the irrigation season before pumping has commenced;</li> <li>ii. once two days after the cessation of pumping at the end of the irrigation season; and</li> <li>iii. once within the first seven days of each calendar month outside of the irrigation season.</li> </ul> </li> <li>b. All measurements of the standing water level and date of measurement shall be recorded in a log book kept for that purpose, and supplied to the Canterbury Regional Council, Attention: Regional Manager RMA Monitoring and Compliance, each year during the month of June, or when requested in writing.</li> <li>c. The taking of water in bores J40/0973 and J40/1011 in terms of this permit shall cease for a period of up to 48 hours, commencing 14 days after receipt of a written requirement to do so from the Canterbury Regional Council, to allow measurement of the standing water level in bores J40/0973 and J40/1011.</li> </ul>
10	<p>If the irrigation system and/or the dairy shed wash down system is used to distribute diluted effluent, fertilizer or added contaminants the consent holder shall ensure:</p> <ul style="list-style-type: none"> <li>a. An effective backflow prevention device is installed and operated within the pump outlet plumbing or within the mainline to prevent the backflow of contaminants into the water source; and</li> <li>b. The backflow prevention device is tested at the time of installation and annually thereafter by a suitably qualified or certified person in accordance with Canterbury Regional Council approved test methods for the device used; and</li> <li>c. The test report is provided to the Canterbury Regional Council Attention: RMA Monitoring and Compliance Manager within two weeks of each inspection.</li> </ul> <p><b>Advisory note:</b> This condition does not authorise the distribution of effluent or fertiliser as this is subject to separate consent requirements pursuant to s15 of the RMA.</p>
11	<p>The consent holder shall take all practicable steps to:</p> <ul style="list-style-type: none"> <li>a. Ensure that the volume of water used for irrigation does not exceed that required for the soil to reach field capacity; and</li> <li>b. Avoid leakage from pipes and structures; and</li> <li>c. Avoid the use of water onto non-productive land such as impermeable surfaces and river or stream riparian strips.</li> </ul>
12	The Canterbury Regional Council may, once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of this consent for the purposes of dealing with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.
13	The lapsing date for the purposes of section 125 shall be 31 December 2016.

## PLAN CRC143341 - IRRIGATION AREA



Robert Nixon  
Hearings Commissioner  
26 June 2014