

BEFORE THE CANTERBURY REGIONAL COUNCIL

IN THE MATTER OF

The Resource Management Act 1991

AND

IN THE MATTER OF

an application by **Mr S J B Munro** filed under
CRC060938 to take and use surface-water from
Lake Aviemore for irrigation of 6ha of vineyard
at Rugged Ridges, State Highway 83, Lake
Aviemore

**REPORT AND DECISION OF HEARING COMMISSIONERS PAUL ROGERS, MICHAEL BOWDEN, DR
JAMES COOKE AND EDWARD ELLISON**

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1 APPOINTMENT

- 1.1 Paul Rogers (Chair) Michael Bowden, Dr James Cooke and Edward Ellison were appointed as independent hearings Commissioners by the Canterbury Regional Council under section 34A(1) of the Resource Management Act 1911 (RMA) to decide on this application by **Mr S J B Munro** (the applicant)
- 1.2 This application, along with 104 other applications for water permits and associated consents, was heard at Christchurch between 21 September 2009 and 30 April 2010. By the end of January 2011 we had received all of the proposed conditions for all of these applications. A process was agreed between all participants as to how proposed conditions would be developed. This process did not occur during the actual hearing time but subsequent to it. The process involved applicants, submitters, and reporting officers, and enabled all participants to put forward their view in relation to the proposed conditions. Thus, we were in a position to fully commence our deliberations by early February 2011.
- 1.3 In addition to the evidence and submissions provided by the applicant and submitters at the hearing we record that we have read and taken full account of the application documents, including the assessment of effects on the environment (AEE) and all of the written submissions.

2 THE PROPOSAL

- 2.1 The applicant proposes to take and use water from Lake Aviemore (at or about map reference NZMS 260 I40:983-147) at a maximum rate of 3 litres per second, up to 100 cubic metres per day, and a maximum of 24,000 cubic metres per year. The water will be used for irrigation of 6 hectares of vineyard at Rugged Ridges.
- 2.2 Further details of the proposal are as follows:
- (a) To take a combined rate of abstraction for irrigation and community water supply, taken in accordance with CRC084090, not exceeding 3 litres per second;
 - (b) To use the intake system operated in accordance with conditions attached to consent CRC084090, including fish screening and metering conditions;
 - (c) To cease abstraction when the water level in Lake Aviemore is at or below 265.5 metres above mean sea level;
 - (d) To establish the vineyard adjacent to the western boundary of the Rugged Ridges subdivision, to the west of a planned public access road and carpark, and north of State Highway 8, between the highway and the lake;
 - (e) To establish the vineyard above the Probable Maximum Flood Level of Lake Aviemore of 270.33 metres above mean sea level;
 - (f) To use 4 litres of water per grapevine per day, irrigating 25,000 vines, which are to be spaced 1.2 metres apart, within rows that are to be spaced 2 metres apart.
 - (g) To irrigate for 20 hours per day, with a 1 day return period.
- 2.3 The location of the proposed intake and vineyard are illustrated at **Appendix B**.

The application

- 2.4 The application is for a water permit to take and use surface water pursuant to section 14 RMA. Consent is required under the Waitaki Catchment Water Allocation Regional Plan (WCWARP), as discussed below. The application is for a new activity and requested a term of 15 years.
- 2.5 On 23 April 2008 the application was divided into two applications, CRC084090 for the community water supply and CRC060938 to remain in process for irrigation of the vineyard. CRC084090 we were told has since been granted. Infrastructure associated with the abstraction from Lake Aviemore used for domestic supply will also be used to supply the vineyard with water for irrigation.

3 DESCRIPTION OF THE ENVIRONMENT

Lake Aviemore/Mahi Tikumu

- 3.1 The applicant stated the lake was an artificial reservoir formed in the 1960s through damming of the Waitaki River, used for hydroelectricity generation. The surface area of the lake is 26.8km², with mean inflows of 356 cumecs. Lake levels are controlled by Meridian Energy Limited for the purposes of hydroelectricity generation.
- 3.2 The lake has high recreational use value for sightseeing, walking, boating and trout angling¹. Lake Aviemore is a Statutory Acknowledgment Area under the Ngai Tahu Claims Settlement Act 1998.
- 3.3 Lake Aviemore shoreline plants include raupo, with rush and sedge swamp species present. Bird species present include swamp rail and Southern crested grebe. Long-finned eels inhabit the lake, as well as common and upland bullies, brown and rainbow trout.
- 3.4 The proposed area of irrigation is approximately 60 metres from the shore of Lake Aviemore at its closest point.

Rugged Ridges Subdivision

- 3.5 Rugged Ridges is a 17 lot subdivision situated approximately 3 kilometres west of Aviemore Dam, adjacent to State Highway 83. Access to the subdivision, off State Highway 83, would be by a public road adjacent to Lot 19, terminating in a carpark on the shore of Lake Aviemore.
- 3.6 Lot 19, on the western boundary of the subdivision, is a 14.61 hectare area outside the Lake Aviemore Settlement Zone established in the Waitaki District Plan, and was therefore not zoned for residential development. The existing land use on Lot 19 is pastoral, used for grazing sheep.

Site visit

- 3.7 Part A of this decision details our site visits to observe the environment within which these activities are proposed.

4 PLANNING INSTRUMENTS

- 4.1 The relevant planning instruments are:
- Transitional Regional Plan (TRP);
 - The Proposed Natural Resources Regional Plan (PNRRP);
 - The Natural Resources Regional Plan (NRRP);
 - Waitaki Catchment Water Allocation Plan (WCWARP), inclusive of the PNRRP, as incorporated into WCWARP;
 - The Canterbury Regional Policy Statement (CRPS); and
 - The Proposed Canterbury Regional Policy Statement (PCRPS).
- 4.2 Of the above, the WCWARP is the key planning instrument as it contains rules that determine the status of the proposed activity and objectives and policies that are directly relevant to the proposal.

Status of the activity

- 4.3 The following rules from the WCWARP are applicable to this application:
- (a) Rule 2, clause (1) provides that:

¹ *Inventory of Instream Values for Rivers & Lakes of Canterbury New Zealand*, A Daly (April 2004), Canterbury Regional Council unpublished report U04/13

... no person shall take, use, dam or divert surface water or groundwater unless:

a) the flow in the relevant river or stream, or the level in the relevant lake, is above the minimum flow or level in Table 3;

(i) The applicant proposes to comply with the minimum lake level for Lake Aviemore of 265.5 metres above mean sea level to be consistent with (Table 3, row (xv)).

(b) Rule 6 – The proposed annual volume of 24,000 cubic metres is within the annual allocation limits for agricultural and horticultural activities upstream of Waitaki Dam (275 million cubic metres).

(c) Rule 15 – Classifying rule, complies with Rule 2 and Rule 6.

4.4 Overall, the proposal is a **discretionary activity** under Rule 15 of the WCWARP and resource consent is required in accordance with section 14 of the RMA.

5 PRIORITY AND DEROGATION

Priority

5.1 At a pre-hearing meeting at Twizel on or about 2 May 2008, priority as between all of the water permit applications was determined by Commissioner Skelton. For the reasons advanced in Part A of our yet-to-be-released decision on the other applications referred to in paragraph 1.2 above, we have adopted and applied that priority order when dealing with all water permit applications.

5.2 For Rule 2 WCWARP there are no abstractors taking upstream from Lake Aviemore Dam and no other applications in process to take from the Lake.

5.3 For Rule 6 WCWARP, all applications upstream of Waitaki Dam are within the allocation limit for agricultural and horticultural activities, so priority is not a concern.

Derogation

5.4 Meridian Energy Limited had provided approval for Mr S J B Munro to derogate from its consents.

6 NOTIFICATION AND SUBMISSIONS

6.1 The application was originally lodged on 19 September 2005 and was on hold at the applicant's request at the time that other agricultural and horticultural activities in the upper Waitaki Catchment were notified in 2007. The applicant advised on 6 October 2008, after the consent had been split into two applications, that the application for irrigation should proceed; so the application was publicly notified on 18 October 2008.

6.2 In the October 2008 public notification, five submissions in total were made on this application, including two in support and three in opposition. A summary of submissions received on this application is contained in Table 1 below.

Submitter	Issues
Mr A J Gloag	Economical use of water; stimulate employment; pleasing vista on the southern shore of Lake Aviemore
Ruataniwha Farm Limited	Growing grapes is getting most value out of the water; tiny amount of water used
Meridian Energy Limited	MIC shares required; water metering required; inconsistent with Part II of the RMA
Fish & Game New Zealand	Consider cumulative effects; efficiency issues; water quality; metering; fish screening
Canterbury Aoraki Conservation Water Board Committee	Water quality effects; inconsistent with Part II of the RMA

Table 1: Summary of submissions on application CRC071786

7 THE PLANNING OFFICER'S REPORT

- 7.1 A report on the application and submissions was prepared by the Regional Council's planner, Maria Bartlett. The report was supported by specialist reports prepared by:
- Mr David Stewart; and
 - Mr Chris Glasson.
- 7.2 The report was pre-circulated in advance of the hearing. Matters that were identified as outstanding in Ms Bartlett's original section 42A report included the following:
- (a) Landscape – no assessment of effects on landscape and natural character of the lake margin, buffer recommended (paras 44 & 70); and
 - (b) Efficient and reasonable use – requested annual volume greater than what may reasonably be required for irrigation (paras 48 & 70).
- 7.3 We do not need to detail the content of Mr David Stewart and Mr Chris Glasson's reports for reasons that will later become plain.

8 THE APPLICANT'S CASE

- 8.1 Legal counsel for the applicant, Mr Page, presented opening submissions and called two witnesses as follows:
- (a) Mr Straun Munro (Applicant); and
 - (b) Mr Alexander William Smith. Senior Advisor New Zealand Horticultural Advisory Service Limited.

Opening legal submissions

- 8.2 Mr Page said that when the original application was filed it included the water take for the neighbouring residential development. That component was separated off, and dealt with as a separate consent (CRC084090). This application dealt only with the water take for the rural block and potential vineyard or other horticultural development.
- 8.3 The proposed 100m³ take includes water requirements for irrigation. It was proposed to use the same intake installed under CRC084090 for the residential water take.
- 8.4 Mr Page then discussed two of the section 42A reporter's recommendations regarding landscape and water efficiency, which he considered were based on assumptions that could not be factually supported.

Mr Munro

- 8.5 Mr Munro detailed the history of the development of the hydro electricity in the area and specifically, the effect the filling of Lake Aviemore had on his family's property.
- 8.6 Mr Munro said that in the mid 1990's Rugged Ridges was divided into 35 blocks around the homestead and carried approximately 7,500 sheep and 100 cattle. One of those blocks was a remnant 31.1-hectare title, the only freehold title of Rugged Ridges with frontage to Lake Aviemore, excluding the Homestead block where he still lived.
- 8.7 This was the land the subject of this present water right application. It was previously utilised by Rugged Ridges Station as a ram paddock. In productive terms, it was almost useless for traditional pastoral farming.
- 8.8 Mr Munro said that in the early to mid 1990's the Government was encouraging and promoting other forms of land development away from the traditional pastoralism. It was his intention at that time to diversify the station into horticulture, and the potential of the block for viticulture

was identified then. However, he lacked the capital to develop the whole property as a single viticulture venture.

- 8.9 Mr Munro then described the planning processes and negotiations involved in reaching the stage he was at. He was required to put Rugged Ridges Station on the market, and was able to sell the farm whilst retaining the homestead and the 31.1-hectare block next to the lake for which he sought water.
- 8.10 Mr Munro said he could not begin to explain how frustrating it was that having spent the best part of 15 years working with the Waitaki District Council and Environment Canterbury on land use planning matters, that he now faced a major hurdle in relation to supplying water to the project that all of the stakeholders have approved.
- 8.11 Mr Munro had brought six water shares in Mackenzie Irrigation Company. That entitled him to an allocation of 36,000 cubic metres of water, subject to obtaining this resource consent.

Mr Smith

- 8.12 Mr Smith said that the site had excellent combinations of attributes for producing fine wines. It had good aspect and soils, was sheltered, warm with night-time cooling. This site is also conducive to producing a wide range of other premium products. For example apricots, cherries, nectarines, peaches, plums, herbs and peonies.

Irrigation water requirement

- 8.13 Mr Smith assessed irrigation water usage at this Aviemore site at 5% higher than at Cromwell.
- 8.14 He calculated that the amount of useful rainfall will be approximately 80mm per annum in a normal year. This is 4,800m³ per annum for the 6 hectares involved. A total allowance for plant growth needs of 17,194.8m³ per annum is made.
- 8.15 The balance of the watering is available for irrigation of shelter planting plus the requirements for frost protection. Shelter planting will use some 1,000m³ per annum. Drip type application is allowed for here.

Frost protection

- 8.16 Mr Smith said that frost protection by overhead sprinkling on the site will require 6mm of precipitation per hour. This sprinkling rate remains constant whether the temperature is -10 C. or -5°. The water need may occur from bud swell in September until November.
- 8.17 The actual frost protection times required will vary from year to year. Mr Smith had allowed for eight frost events per annum each of 10 hours duration. The actual net water requirement will be 288m³ per annum in an average year.

Economic comparative value of the irrigation water

- 8.18 Mr Smith said that the requested volume of 24,000m³ per year was insufficient for adequate sustained growth of good-quality pasture. Good-quality pasture would require a little over 36,000m³ per annum.
- 8.19 In addition to the grapes, apricots, cherries, nectarines, peaches and plums can be expected to perform well on this site. The requested take would suffice for stone fruit - additionally peonies, eremurus, and several herbs would also thrive.
- 8.20 Mr Smith said that the economic response from irrigation water to these crops would vastly exceed the present sheep gross margin (which will be less than \$1,000 per hectare). The comparative annual gross margins are, for grapes \$16,000 per hectare, cherries \$30,000 per hectare, and apricots \$20,000 per hectare.
- 8.21 Mr Smith carefully looked at the Environment Canterbury annual water calculation (contained in Maria Bartlett's section 42A report) and compared it with his estimate. The most significant difference is the amount of effective rainfall. Ms Bartlett allows for 200mm of effective seasonal rainfall and he allowed for 80mm. He said that it was proposed to meter the frost protection water usage separately to the irrigation use.

Restricting the use to a single crop - grapes

- 8.22 Mr Smith's opinion was that this suggestion is unsupportable. It fails to take into account the cyclical ups and downs of economic performance of all crops. He told us he had been in advisory practice in New Zealand for 43 years and was aware of some farms in our country where the crops over the same period include pasture, apples, grapes, stone fruit, and this year apples were replanted again. No change in water right was required. Suggesting such a condition for water use is being overly prescriptive and extending into the field of farm management and crop selection.

Single application method condition

- 8.23 Mr Smith said that there was a proposal in the Officer's Report to impose a condition requiring the use of drip type irrigation water application. He considered Environment Canterbury was once again being excessively prescriptive.
- 8.24 Drip irrigation was not the most effective irrigation method for grapes at this site he told us. Drip irrigation would significantly restrict grape productivity. Soils at the site were sufficiently coarse that lateral spread of water from drip irrigation was minimal. Mr Smith said that trials from the 1970s showed that productivity dropped by approximately 25%. This was for drip irrigation compared with microjet type sprinklers. The tests were carried out in a dry climate on coarse soils such as are prevalent on the applicant's site.
- 8.25 Mr Smith believed that proposed condition 2 should be deleted and suggested the following condition:

"The method of application shall be such that 80% or more of the gross irrigation water applied shall be absorbed into the soil."

- 8.26 Mr Smith said that the suggested condition ensured a high level of efficiency was gained from the application method, which did not unnecessarily constrain the farm management options. It also allowed technical change and improvements to be incorporated into the system by the farmer without the need to seek a variation from Environment Canterbury.

60m-setback around the lakeside

- 8.27 Mr Smith said that this suggestion, if implemented, would leave some 20% less than 6 ha gross upon which to grow crops. Wind shelter plantings were not proposed along the shoreline. People would be welcome to picnic and walk along the shore. No fence was proposed along the boundary between the Munro land and that of Meridian. Views from the lake would be of a pleasant vineyard set back from the boundary of the Meridian Title. This boundary was already some 50m from the usual shoreline, and 10 to 30m from the high water mark.
- 8.28 The area - planted in vines to within 8m of the boundary with no boundary barrier as proposed - would allow open access to beach walkers, pedestrians, picnickers, anglers and all other recreationists. This was similar to many vineyards on the Awatere River in Marlborough. In a similar fashion, many kilometres of roads to the seaward side of Seddon in Marlborough had no boundary fences.
- 8.29 Mr Smith said that there was no environmental or horticultural reason for the Munro development to be set back from the boundary. It would be economically very wasteful to set back as there would be a 20% loss in total production of grapes, flowers and/or any other orchard crop, which could be grown most attractively on the site.
- 8.30 Mr Smith requested proposed condition 3 suggested in the section 42A report should be removed.

9 SUBMITTERS

Mr Richard Turner (on behalf of Meridian Energy Limited)

- 9.1 Mr Richard Turner, in his evidence on individual applications, had identified that there is a discrepancy between the applicant's proposed conditions and those common consent conditions

agreed with MEL prior to obtaining derogation approval (paras 11 – 14, Turner); that the minimum lake level for Lake Aviemore should be 267.7 a.m.s.l., as specified in derogation approval, rather than the WCWARP Rule 2 level (Table 4, para 25, Turner).

Other submitters

9.2 We have read and referred to the submissions made as recorded in Table 1 and we have taken them into account in our considerations.

10 UPDATES TO THE SECTION 42A REPORTS

10.1 Ms Bartlett said that the following additions and amendments to the applications had been presented by the applicant throughout the hearing:

- (a) The applicant had assessed effects of the proposed activity on the natural character of the lake margin (paras 47 – 55, evidence of Mr Alexander Smith), concluding that a buffer existed between the property boundary and the lake margin such that no further buffer was required, and that vineyards can be an attraction or add to aesthetic values rather than detract from them.
- (b) The applicant had provided an assessment of water requirements for irrigation and frost-fighting purposes (paras 11 – 22, Smith), and concluded that on average around 18,500 cubic metres per year would be required for viticulture on the site (including irrigation of vines and shelter plantings, as well as frost-fighting), and that irrigation and frost-fighting would be separately metered (para 36);
- (c) The applicant had identified alternative potential crops that would be suited to the site and for which the requested annual volume of 24,000 cubic metres would be fully utilised, i.e., fruit crops (paras 23 – 27, Smith), and requested that the consent be expressed for horticultural use rather than specifically for viticulture;
- (d) The applicant has requested that the irrigation method not be prescribed in condition of consent to allow for flexibility in operation (paras 41 – 46, Smith), and has proposed a condition stating that the irrigation method should ensure 80% application efficiency (para 45).
- (e) The applicant had also provided an assessment of potential nutrient output from viticulture and other crop types at the site (paras 56 – 65), which considers effects on the water quality of Lake Aviemore to be insignificant, but proposed a condition excluding fertigation at the site, which Mr Smith assessed as contrary to good agricultural practice in this location.

10.2 Ms Bartlett reviewed the additional information identified above and provided comment within her addendum report, as follows.

Effects on Landscape

10.3 The landscape expert for the Canterbury Regional Council, Mr Chris Glasson, in his original report had recommended a buffer distance of 50 metres from the lake margin (Report 5, para 199, bullet point 1, fourth para), while Ms Bartlett proposed a condition specifying a buffer of 60 metres from the maximum probable flood level (paras 41 - 44, recommended condition 3). Mr Glasson had revised his position and agreed with the applicant that no additional buffer was required between the property boundary and the lake. Consequently, Ms Bartlett agreed with the applicant that condition 3 should be deleted from the suite of recommended conditions.

Effects of inefficient use

10.4 Ms Bartlett was satisfied that the applicant had identified requirements for irrigation and frost-fighting in relation to proposed viticulture at the site (assuming that the per hectare requirement for grapes in Mr Smith's evidence accounts for vine spacing), and that a volume greater than 18,500 cubic metres may be required every second year (para 22, Smith), although she noted that 24,000 cubic metres represents a 30% increase in water requirement. She did not consider it necessary to impose a condition of consent that required separate metering of water used for frost-fighting purposes and water used for irrigation.

- 10.5 Ms Bartlett was not opposed to allowing the applicant flexibility in water use for horticultural purposes with the information now provided, and did not consider that submitters will have been disadvantaged in the notification process. She was satisfied that specifying the efficiency level expected of the irrigation system, as proposed by the applicant, was sufficient, rather than prescribing a particular method in consent conditions, and as such recommended condition 2 requires amendment.
- 10.6 Ms Bartlett accepted the applicant's proposal that fertigation be excluded at the site.
- 10.7 In summary, Ms Bartlett considered that this consent application may be granted subject to resolution of the matter of discrepancy between conditions agreed with MEL prior to obtaining derogation approval and those now proposed by the applicant.

11 APPLICANT'S RIGHT OF REPLY

- 11.1 The applicant did not exercise his right of reply.

12 STATUTORY CONTEXT

- 12.1 As already noted, the proposed activity is a **discretionary activity** under Rule 15 of the WCWARP.

- 12.2 Section 104(1) RMA sets out the matters we must have regard to in our consideration of the application. The relevant matters are as follows:

(a) any actual and potential effects on the environment of allowing the activity; and

(b) any relevant provisions of –

(i) a national environmental standard;

(ii) other regulations;

(iii) a national policy statement;

(ii) a New Zealand coastal policy statement;

(iii) a regional policy statement or proposed regional policy statement;

(iv) a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

- 12.3 We note section 104(1) RMA provides that the matters therein listed are subject to Part 2 RMA, which includes sections 5 through to 8 inclusive. We consider Part 2 RMA matters subsequently.
- 12.4 In accordance with s104B RMA, after considering an application for resource consent for a discretionary activity, we may grant or refuse the application. We will exercise that discretion having proper regard to the purpose of the RMA, which requires a balancing exercise of the various elements identified in the course of the hearing – particularly under section 104 and Part 2 RMA. If we grant the application, we may impose conditions under section 108 RMA.
- 12.5 In accordance with the above requirements of the RMA, we have structured this evaluation section of our report as follows:
- Evaluation of effects
 - Evaluation of relevant planning instruments
 - Evaluation of other relevant s104 matters
 - Part 2 RMA
 - Overall evaluation

13 EVALUATION OF EFFECTS

- 13.1 Under section 104(1)(a) RMA we must have regard to any actual or potential effects on the environment of allowing the activity.
- 13.2 Both the applicant and the section 42A reporting officer agreed that all adverse effects arising from this activity would be less than minor. We agree with this conclusion.

14 EVALUATION OF RELEVANT PLANNING INSTRUMENTS

- 14.1 Under s 104(1)(b) RMA, we are required to have regard to the relevant provisions of a range of different planning instruments, many of which have similar provisions that are intended to achieve the same or similar environmental outcomes
- 14.2 In relation to this application we consider the most relevant and helpful provisions are found in the WCWARP and we have therefore focused our consideration and discussion on provisions within that plan.
- 14.3 We should note however that we have considered higher level planning instruments (such as the National Policy Statement on Freshwater Management, CRPS, and the PCRPS) and consider that the provisions of these documents are consistent with and support the more detailed provisions of the WCWARP and the NRRP.

WCWARP

Objectives

- 14.4 Objectives 1 and 2 are key objectives in relation to the proposed taking of water. We have considered whether Objective 1 can be met in terms of sustaining the quality of the river and surrounding environment. The proposed activity will impact on the matters outlined in Objective 1, particularly (a) and (c) and (d).
- 14.5 Mitigation included in recommended consent conditions will ensure the application is consistent with this objective, particularly with respect to managing the water bodies in a way that maintains natural landscape and amenity characteristics and qualities that people appreciate and enjoy.
- 14.6 Objective 4 aims to achieve a high level of technical efficiency in the use of water. The applicant has demonstrated that the proposed use of water for irrigation is technically efficient.

Policies on water quality

- 14.7 Policy 13 deals with water quality issues resulting from land use intensification and enables the consent authority to have regard to the water quality objectives in the PNRRP. The WCWARP incorporates by reference Objectives WQL1, 2 and 3 of the PNRRP, which contain particular outcomes to be achieved in the region's water bodies.
- 14.8 The applicant has provided an assessment of potential nutrient output from viticulture and other crop types at the site (paras 56 – 65), which considers effects on the water quality of Lake Aviemore to be insignificant, and has proposed a condition excluding fertigation at the site, which Mr Smith assessed as contrary to good agricultural practice in this location. The application is consistent with this policy.

Policies on efficient and effective use

- 14.9 Policies 15 – 20 deal with efficient and effective use and all are applicable to this application.
- 14.10 Policy 15 ensures that the rate of abstraction and the annual volume is reasonable for the intended use. As discussed in the assessment of effects section of this report, we are satisfied that the requested annual volume is reasonable for the intended use.
- 14.11 Policy 16 provides guidance for determining reasonable and efficient use for agriculture activities. The applicant has undertaken an assessment of reasonable use with reference to this policy.

- 14.12 Policy 18 encourages allocation to reflect the actual quantity needed to undertake the activity. The applicant has undertaken a detailed assessment.

Conclusion on WCWARP

- 14.13 Overall, we consider the proposal is consistent with the relevant objectives or policies of the WCWARP.

15 EVALAUTION OF OTHER RELEVANT S104 MATTERS

- 15.1 Under s104(1)(c) RMA, we are required to have regard to any other matter that we consider to be relevant and reasonably necessary to determine the application. After hearing all the relevant evidence, we consider that no such matters exist in relation to this application.

16 PART 2 RMA

- 16.1 Section 104(1) RMA states that the matters that we have discussed above are subject to Part 2 RMA, which covers sections 5 through 8 inclusive.
- 16.2 We have carefully considered sections 6 to 8 RMA to determine how they contribute to and inform our evaluation under section 5 RMA. However, given the scope of issues the application gives rise to, it is unnecessary to set out at length our considerations under sections 6 to 8 RMA, as we have concluded little matter of moment arises under those sections that trouble us either for or against the grant of consent.
- 16.3 Turning to the overall purpose of the RMA in section 5, that is, the promotion of the sustainable management of natural and physical resources, we make the following findings:
- (a) Irrigation will make a contribution to the overall regional (Waitaki) wellbeing.
 - (b) Mackenzie Basin site (water and land resources) will all be sustained.
 - (c) The proposal will allow the development of land to occur, which may provide for the economic and social well-being of the community.
 - (d) The applicant has proposed measures to "*avoid, remedy or mitigate*" the potential impacts on amenity values, landscape values as required in Section 5(2)(c) RMA.
- 16.4 We consider the development and use of land is consistent with the purpose of sustainable management.

17 OVERALL EVALUATION

- 17.1 Under s104B RMA, we have a discretion as to whether or not to grant consent. This requires an overall judgment to achieve the purpose of the Act and is arrived at by:
- (a) Taking into account all the relevant matters identified under s104 RMA;
 - (b) Avoiding consideration of any irrelevant matters;
 - (c) Giving different weight to the matters identified under s104 RMA — depending on our opinion as to how they are affected by the application of s5(2)(a), (b), and (c) and ss 6-8 RMA — to the particular facts of the case; and then in light of the above; and
 - (d) Allowing for comparison of conflicting considerations, the scale or degree of conflict, and their relative significance or proportion in the final outcome.
- 17.2 Both the applicant and the section 42A reporter agree that all adverse effects of this activity are less than minor and we concur with their opinion. We consider the proposal is consistent with the relevant objectives or policies of the WCWARP. Overall, we find that the positive benefits of this proposal outweigh the minor adverse effects.
- 17.3 Having reviewed the application documents, all the submissions, taking into account the evidence to the hearing and taking into account all relevant provisions of the RMA and other relevant

statutory instruments we have concluded that the outcome which best achieves the purpose of the Act is to grant consent.

18 DECISIONS AND REASONS

18.1 Pursuant to the powers delegated to us by the Canterbury Regional Council:

18.2 For all of the above reasons and pursuant to sections 104, 104B, and 108 of the Resource Management Act 1991, we **GRANT** application CRC060938 to Mr S J B Munro for the following activity:



To take and use surface water from Lake Aviemore, at or about map reference NZMS 260 I40:983-147, at a maximum rate of 3 litres per second, up to 100 cubic metres per day, with a volume not exceeding 24,000 cubic metres between 1 July and the following 30 June, for irrigation of 6 hectares of vineyard at Rugged Ridges as identified within **Appendix A**, State Highway 83, Lake Aviemore. This application is for a new activity.

18.3 Pursuant to section 108 RMA, the grant of consent is subject to the conditions specified at **Appendix B**, which conditions form part of this decision and consent.

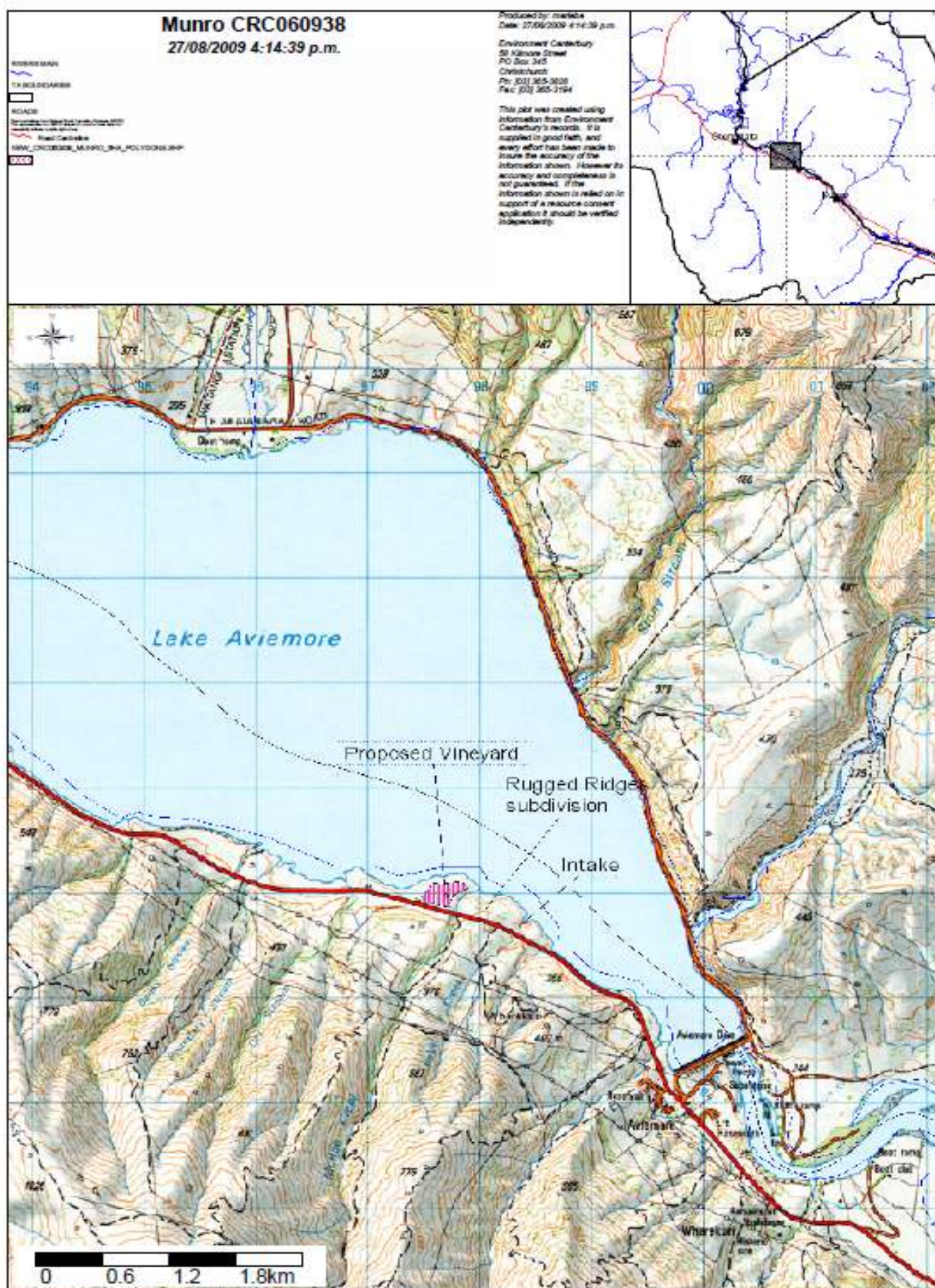
18.4 The duration of this consent shall be until the 30th April 2025.

DECISION DATED AT CHRISTCHURCH THIS 20TH DAY OF SEPTEMBER 2011

Signed by:

Paul Rogers	 _____
Dr James Cooke	 _____
Michael Bowden	 _____
Edward Ellison	 _____

Location map



Conditions of Consent (CRC060938)

1. Take and use:
 - (a) Water shall only be taken from Lake Aviemore, at surface water abstraction point I40/0682, at or about map reference NZMS 260 I40:9840-1472 as shown on Plan CRC060938, at a maximum rate of 3 litres per second, with a daily volume not exceeding 100 cubic metres, and a total volume not exceeding 16,500 cubic metres between 1st July and the following 30th June.
 - (b) Water shall only be taken from the intake associated with CRC084090 when a fish exclusion device has been installed and maintained in accordance with the conditions of that consent, and a metering device has been installed and maintained in accordance with the conditions of that consent.
 - (c) The combined rate of water taken in accordance with this consent and consent CRC084090 shall not exceed 3 litres per second.
2. Frost-fighting and irrigation:
 - (a) Water shall only be used for frost-fighting and irrigation, using an irrigation method with an application efficiency of not less than 80 percent, to enable production of 6 hectares of horticultural crops, as described in the application, on the area of land shown in attached plan CRC060938, which forms part of this consent.
3. Water efficiencies:
 - (a) The consent holder shall take all practicable steps to:
 - (i) Ensure that the volume of water used for irrigation does not exceed that required for the soil to reach field capacity; and
 - (ii) Avoid leakage from pipes and structures; and
 - (iii) Avoid the use of water onto non-productive land such as impermeable surfaces and river or stream riparian strips.
4. Fertiliser Distribution:
 - (a) The irrigation system used to distribute water taken in terms of this permit shall not be used to distribute effluent, fertiliser or any other added contaminant.
5. Minimum Lake Level:
 - (a) Whenever the level of Lake Aviemore is at or below 267.7 metres above mean sea level, as estimated by Canterbury Regional Council, abstraction shall cease.
6. Review:
 - (a) 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.
7. Lapsing:
 - (a) The lapsing date for the purposes of section 125 shall be five years.