

Applications CRC182812 & CRC182813

By Cloud Ocean Water Limited

**CRC182812 – A water permit to use water (not issued)
CRC182813 – To amalgamate CRC175895 & CRC182812**

Section 42A Officer's Report – Carlo Botha

Date: 21 December 2017

INTRODUCTION

1. Cloud Ocean Water Limited (the applicant) seek to use water taken under CRC175895 for commercial water bottling.
2. The subject site is located at 20 Station Road, Belfast (Legal Description: Part Lot 2 DP 35966). The total site area is approximately 2.3ha.
3. The applicant has applied for a new permit (CRC182812) to use water as the proposal is considered to be outside the scope of the existing resource consent (CRC175895). The applicant seeks to amalgamate the new use permit with the existing resource consent (resulting in new permit CRC182813).
4. The existing resource consent CRC175895 authorises the applicant to take groundwater from bore M35/1294 at a rate not exceeding 50 litres per second with a volume not exceeding 4,320 cubic metres per day for industrial use.
5. In accordance with Policy 4.64 in the Canterbury Land and Water Regional Plan (LWRP) the applicant seeks to include an annual volume of 1,576,800 cubic metres on the amalgamated consent, which was calculated based on the maximum daily rate of take of 4,320 cubic metres per day, 7 days a week.
6. History of existing resource consent CRC175895:
 - a. NCY880175 Renewal of NCY860003 - Kaputone Wool Scour (1994) Limited (note: Canterbury Regional Council records show the subject well being drilled in 1966, but water permits before NCY880175 are missing).
 - b. NCY880175.1 Replacement of NCY880175 - Kaputone Wool Scour (1994) Limited
 - c. CRC971084 Water permit - replacement of NCY880175 - Kaputone Wool Scour (1994) Limited
 - d. CRC175585 Transfer to Canterbury Land Resources Limited from Kaputone Wool Scour (1994) Limited
 - e. CRC175895 Transfer to Cloud Ocean Water Limited from Canterbury Land Resources Limited
7. Chris Turner of Aqua Consultants New Zealand Limited (the consultant) has prepared the Assessment of Environmental Effects (AEE), on behalf of the applicant. All documents relating to the application can be viewed in HP Records Manager folders CRC182812 and CRC182813.
8. A site visit was not undertaken during the processing of this consent application.

DESCRIPTION OF THE PROPOSED ACTIVITY

9. The applicant has applied for a water permit CRC182812 to allow water authorised to be taken and used under existing resource consent CRC175895 to be used for commercial water bottling. The applicant seeks to amalgamate the use permit with the existing resource consent CRC175895 for ease of administration. The applicant also seeks to include an annual volume of 1,576,800 cubic metres on the amalgamated consent.
10. A 35-year duration is sought.

LEGAL AND PLANNING MATTERS

11. The application for the use permit has been lodged under Section 88 of the Resource Management Act 1991 (RMA).
12. The new use permit will then be amalgamated with the existing take and use consent, resulting in one water permit to take and use water.
13. As the rules in the Canterbury Land and Water Regional Plan (LWRP) relate only to the *take and use* of water, this activity has been classified under **Rule 5.6** in the LWRP as a **discretionary activity**.
14. No other consents are considered to be required for this application.

ASSESSMENT OF POTENTIALLY AFFECTED PARTIES

15. The applicant did not carry out any consultation as they did not identify any potentially adversely affected parties. I agree that no persons are adversely affected by this proposal.
16. In addition, the Canterbury Regional Council (CRC) contacted the following interested parties about the proposal on 4 December 2017:
 - Tūāhuriri Rūnanga
 - Christchurch City Council
 - North Canterbury District Health Board
 - Fish and Game New Zealand
17. The interested parties were requested to respond by 11 December 2017.
18. At the time of writing, a response was received only from Christchurch City Council (CCC) on 7 December 2017 (see HP Records Manager File C17C/209823). I note that their response can be disregarded as it relates to a different bore, bore BX24/1577, that is yet to be completed.
19. Resource consent CRC180265 to install BX24/1577 was granted on 1 August 2017, however, there is no permit that allows water to be abstracted from this bore.

DESCRIPTION OF THE AFFECTED ENVIRONMENT

20. The applicant has not provided a description of the affected environment with their application.
21. However, I do note the following:

- a. The subject site located within the Christchurch/West Melton Groundwater Allocation Zone as defined by the planning maps of the LWRP. This zone is currently fully allocated.
- b. The northern half of the site is located within the Christchurch Groundwater Protection Zone.
- c. The subject site is located over a confined gravel aquifer system.
- d. The nearest natural waterbody is Kaputone Creek which adjoins the subject site along its north-eastern boundary.
- e. The applicant's property is located approximately 6.2km west from the coast.
- f. The surrounding land uses are predominantly industrial and residential.
- g. There are no community drinking water supply groundwater protection zones close to or within 500m of the applicant's property. The closest zone is located approximately 524m north-west of the applicant's property.
- h. The applicant's property is located within a Silent File area, but is not located within a Statutory Acknowledgement Area or Runanga Sensitive Area.
- i. The existing take is from bore M35/1294, which is 33.1m deep and screened from 25.3m below ground.
- j. There are 541 wells recorded on Environment Canterbury's Wells Database within a 2km radius of M35/1294. Of these, 195 bores are listed as active and 7 bores are listed as proposed., with the rest listed as not being used, capped, filled or sealed. The majority of the active bores are used primarily for domestic supply, commercial/industrial purposes, water level observation, geotechnical observation, stockwater supply and irrigation. Only 1 is being used for dairy use, and only 7 are being used for community/public water supply.

ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS

22. Refer to Page 3-4 of the AEE, which accompanied this application for the applicant's assessment of the actual and potential effects that may arise from this proposal.
23. The activity is classified as discretionary, therefore the decision maker has full discretion when considering the effects of the activities on the environment.
24. I note that the application has only been assessed against actual and potential effects caused by the change of use.
25. I have discussed the following effects as I consider them to be the main potential effects associated with the proposed change in use.

Potential adverse effects of the take and change in use on the environment and aquifer

26. A change in use could result in a different effect, e.g. where water is taken and is not fully consumptive, a change to fully consumptive may have an additional

adverse effect. Any effects arising from the change, apart from economics, are related to the fate of water before and after the change.

27. As mentioned above, under the existing resource consent CRC175895 water can be taken from the Christchurch aquifer system via bore M35/1294 and used for industrial purposes. The applicant notes in the application that waste water from this process is then discharged to the CCC waste water system.
28. The effect of the take is therefore fully consumptive on the Christchurch aquifers – i.e. no water is returned to the groundwater system through the current process as consented under CRC175895.
29. Under the proposed bottling scenario the take of water will remain with some wash-down water going to the CCC wastewater network.
30. Therefore, the applicant notes that an important consideration is that this proposal, being a change of use from industrial use to commercial water bottling, will result in there no longer being the discharge of contaminated water that is associated with the current consented use.
31. As such, I conclude that effects on the aquifer due to the change in use will be no greater than those allowed by the existing water permit CRC175895.

Potential adverse effects of the take on surrounding groundwater users

32. As the abstraction rate and return period volume will remain the same and the proposed annual volume of 1,576,800 cubic metres was calculated based on the existing maximum daily rate of take of 4,320 cubic metres per day, 7 days a week. I consider this to be within the scope of the existing water permit, therefore there will be no additional effects on the aquifer and other groundwater users beyond what was previously authorised through the existing take consent CRC175895.

Potential adverse effects of an inefficient take on other groundwater users

33. As the abstraction rate and return period volume will remain the same and the proposed annual volume of 1,576,800 cubic metres was calculated based on the existing maximum daily rate of take of 4,320 cubic metres per day, 7 days a week, I consider the allocative efficiency will remain unchanged from that currently consented. Therefore, I consider that there will be no additional effects associated with the take on other groundwater users beyond what was previously authorised through the existing take consent CRC175895.

Potential adverse effects of the take on Tangata Whenua values

34. The subject site is located within the Rohe of Tūāhuriri Rūnanga and is located within a Silent File area. There are no Ngāi Tahu statutory acknowledgement or Runanga Sensitive areas within 500m of the proposal.
35. As previously mentioned, Canterbury Regional Council has contacted Tūāhuriri Rūnanga in regard to the proposal on 4 December 2017 and was asked to respond if they had any concerns. A response was requested by 11 December 2017. At the time of writing this report no response has been received.
36. The Mahaanui Iwi Management Plan is the Iwi Management Plan (IMP) for Tūāhuriri Rūnanga. I have assessed the proposal against the relevant policies.
37. As there will be no additional effects on the aquifer, other groundwater users and the wider environment beyond what was previously authorised through the existing take consent CRC175895 due to the abstraction rate and return period

volume remaining the same as discussed above, I consider the proposal to be consistent with the relevant policies of the plan.

38. As such, I consider that the proposal will have no additional adverse effects on Tangata Whenua values beyond what was previously authorised through the existing take consent CRC175895.

Assessment against RMA Schedule 4 requirements

39. The applicant has made the following assessment as per Schedule 4(6) of the RMA, my comments are in bold:

40. (a) The change in use will not result in a significant adverse effect on the environment, therefore no description of any possible alternative locations or methods for undertaking the activity is included. **I agree that this change is unlikely to result in a significant adverse effect.**

41. (b) The change in use will not result in any actual or potential effect on the environment. **I agree, based on the present use allowed by CRC175895, the change to bottling will not result in further adverse effects.**

42. (c) The proposal does not include the use of hazardous substances or installations. **I agree.**

43. (d) The proposal does not include the discharge of any contaminant. **I agree.**

44. (e) Although there will be effects of the change of use, these are deemed to all be positive and do not require mitigation. **I agree.**

45. (f) No person will be affected by the change of use and consequently no consultation has been undertaken. **I agree.**

46. (g) The change of use does not require any special monitoring. However, water use will be monitored as per the LWRP and the 2010 Resource Management Regulations. **I agree.**

47. (h) The change of use will not have adverse effects that are more than minor on the exercise of a protected customary right. **I agree.**

48. The applicant has considered the following matters as per Schedule 4(7) of the RMA, my comments are in bold:

49. (a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:

The effect of the change to include commercial water bottling as a use of water taken under CRC175895 will have positive effects, including:

- A very high level of water use efficiency. There will be very little wastage of the water taken.
- An improvement in environmental impact as contaminants associated with the existing consented use will no longer be discharged.
- The creation of jobs.
- Investment in the Christchurch economy.

I agree that the proposal will result in the above positive effects.

50. (b) The change in use will not result in any physical effect on the locality, including any landscape and visual effects: **I agree.**

51. (c) The change in use will not result in any effect on ecosystems, due to the change in use; however, the overall proposal will result in less discharge of contaminant. **I agree.**
52. (d) The change in use will not result in any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations. **I agree.**
53. (e) The change in use will not result in discharge of contaminants into the environment. **I agree.**
54. (f) The change in use will not result in any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations. **I agree.**

COMPLIANCE HISTORY

55. The consent has only been transferred to the applicant on 15 May 2017 and there are no monitoring of water use or compliance records available. The fact that no compliance records were available for scrutiny will not affect my recommendation.

OBJECTIVES AND POLICIES

National Policy Statement (NPS)

56. National Policy Statement for Freshwater Management (NPS-FM):

As this application is only to change the use of water from industrial use to commercial water bottling and as there will be no change in the rate of take and return period volume and the proposed annual volume of water sought was calculated based on the existing maximum daily rate of take of 4,320 cubic metres per day, 7 days a week, I consider this proposal to be consistent with the objectives and policies of the NPS-FM.

National Environmental Standards (NES)

57. National Environmental Standard for Source of Drinking Water:

There are no NES registered drinking water supplies in the vicinity of the applicant's property that may be affected by the proposal.

Regional Policy Statement (RPS)

58. **Objective 7.2.1:** Sustainable management of fresh water.
59. **Objective 7.2.4:** Integrated management of fresh water resources.
60. **Policy 7.3.4:** Water quantity.
61. **Policy 7.3.6:** Fresh water quality.
62. **Policy 7.3.8:** Efficient allocation and use of freshwater.

As this application is only to change the use of water from industrial use to commercial water bottling and as there will be no change in the rate of take and return period volume and the proposed annual volume of water sought was calculated based on the existing maximum daily rate of take of 4,320 cubic metres per day, 7 days a week, I consider this proposal to be consistent with the above objectives and policies of the RPS.

Land and Water Regional Plan (LWRP)

63. There are no specific policies relating to the change to use as the LWRP focuses on the take and the efficiency of the take, rather than concern itself with the type or nature of the final use of water.

64. However, I do note that Policy 4.64 in the LWRP is relevant in that no annual volume is specified on the existing water permit.

“Where existing abstractors do not have a maximum seasonal or annual allocation, to impose these conditions, determined in accordance with Schedule 10, when any of the following occur:

a. resource consent conditions are changed in accordance with Section 127 of the RMA;

b. water permits are transferred

c. existing resource consents to abstract water expire and are replaced...”

65. I also note that despite there being no specific policies in the LWRP that relate to the change in use, I have considered the following objectives and policies in the LWRP:

66. **Objective 3.6:** Water is recognised as essential to all life and is respected for its intrinsic values.

67. **Objective 3.8A:** High Quality freshwater is available to meet actual and reasonably foreseeable needs for community drinking water supplies.

68. **Objective 3.9:** Abstracted water is shown to be necessary and reasonable for its intended use and any water that is abstracted is used efficiently.

69. **Objective 3.10:** Water is available for sustainable abstraction or use to support social and economic activities and social and economic benefits are maximised by the efficient storage, distribution and use of the water made available within the allocation limits or management regimes which are set in this Plan.

70. **Objective 3.11:** Water is recognised as an enabler of the economic and social wellbeing of the region.

71. **Objective 3.12:** When setting and managing within limits, regard is had to community outcomes for water quality and quantity.

72. **Objective 3.13:** Groundwater resources remain a sustainable source of high quality water.

73. **Policy 4.1:** Water bodies (lakes, rivers, wetlands and aquifers) will meet the fresh water outcomes set in the Plan.

74. **Policy 4.2:** Water bodies (lakes, rivers, wetlands and aquifers) will meet sub-regional freshwater limits.

75. **Policy 4.4:** Groundwater management.

76. **Policy 4.5:** Prioritisation of life-supporting capacity of water.

77. **Policy 4.7:** Regional allocation limits.

78. **Policy 4.57:** Cross contamination between aquifers.

79. **Policy 4.69:** Systems to convey or apply water.

As this application is only to change the use of water from industrial use to commercial water bottling and as there will be no change in the rate of take and return period volume and the proposed annual volume of water sought was

calculated based on the existing maximum daily rate of take of 4,320 cubic metres per day, 7 days a week, I consider this proposal to be consistent with the above objectives and policies of the LWRP.

Other

80. Resource Management (Measurement and Reporting of Water Takes Regulations 2010) – *Conditions requiring metering shall be placed on the amalgamated consent.*

Previous Council Decisions

81. A similar change of use application CRC180312 to change the use of water from refrigeration heat exchange and meat processing to commercial water bottling was recently granted by Canterbury Regional Council on 11 August 2017.

RECOMMENDATION

Recommendation for Notification – (Section 95A and 95B)

82. Section 95A of the RMA 1991 specifies the steps the Council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below in accordance with s95A RMA 1991 in the attached 'Appendix 2: Section 42a Addendum':
 - a. Step One: Mandatory public notification is not required (s95A(2) RMA 1991);
 - b. Step Two: Public notification is not precluded (s95A(4) RMA 1991);
 - c. Step Three: Public notification is not required in certain circumstances (s95A(7) RMA 1991); and
 - d. Step Four: Special circumstances do not exist which require the application to be publicly notified (s95A(9) RMA 1991).
83. I have assessed the public notification requirements above in the order given and consider that the notification of this application is not required under s95A Steps 1-3.
84. In regard to s95A Step 4, which requires notification if Special Circumstances apply, I note that this application has been subject to extreme public scrutiny, including circulation of a petition to rescind the current take consent on the basis of climate change and public feeling.
85. This high level of public interest however, means that I have considered whether this constitutes Special Circumstances.
86. "Special Circumstances" is not defined in the RMA, but has been defined by caselaw as being circumstances that are:

"outside the common run of things which is exceptional, abnormal or unusual, but they may be less than extraordinary or unique".
87. I note that the application is not unique, and that other applications for water bottling have been made, processed and considered without the same level of public scrutiny. I also note that while public interest in an application weighs

into consideration of special circumstances it is not, in and of itself, sufficient to justify them¹.

88. Having said that, caselaw on whether public interest constitutes special circumstances has gone both ways, e.g. *Urban Auckland v Auckland Council*² (although there were other contributing factors in that case as well including the ownership relationship between Auckland Council and Ports of Auckland Ltd, and the longstanding and public plans for further development at the site). Neither of those additional matters are relevant here.
89. In *Murray v Whakatane District Council*³, the Court found that the circumstances which are “special” will be those which make notification desirable, and the ability to process an application on a non-notified basis:
“seems to be based upon an assumption that the consent authority does not require the additional information which notification may provide because the principles to be applied in the decision are clear and non-contentious (as they will generally be if settled by [the] District Plan) or the adverse effects are minor. Where a consent does not fit within that general policy, it may be seen to be unusual” and therefore may be a special circumstance.
90. This case was talking about non-notification, as opposed to this situation, where I am considering whether, given that effects are considered minor, the public interest constitutes special circumstances. Using the above caselaw as a guide, the ‘test’ appears to be whether the notification of the application would result in further information being provided to the decision maker(s), which might better inform the substantive decision.
91. I have given careful consideration to this matter, but ultimately do not consider that notification would provide additional information that might inform the substantive decision as the public scrutiny and debate has largely focused the effects of the take, which are part of the existing (consented) environment, and which would continue as part of the consented environment even if this application were declined.
92. I also note the public have raised issues related to charging for exports of water, and/or the ownership of the company making the application. These matters are being considered by Central Government, but at the current time neither matter is a relevant consideration under the RMA.
93. Finally, the use of water for industrial or commercial purposes is anticipated by the regional plans, and the proposal is not sufficient unique or extraordinary to warrant public notification on the basis of special circumstances.
94. If the application is not publicly notified under section 95A RMA 1991, the Council must follow the steps set out in section 95B to determine whether to limited notify the application. These steps are addressed below in statutory order in accordance with s95B RMA 1991 in the attached ‘section 42a Addendum Appendix 2:
 - a. Step One: There are no protected customary rights groups or customary marine title groups affected by the proposed activity (s95B(2) RMA 1991). The proposed activity is not on or adjacent to, or may affect, land that is subject of a statutory acknowledgement under schedule 11 (s95B(3) RMA 1991);

¹ *Murray v Whakatane District Council* [1997] NZRMA 433 (HC)

² *Urban Auckland v Auckland Council* [2015] NZHC 1382

³ *Murray v Whakatane District Council*³ [1997] NZRMA 433

- b. Step Two: Limited notification is not precluded (s95B(5) RMA 1991);
 - c. Step Three: There are no affected persons in accordance with s95B(7) and (8) of the RMA 1991;
 - d. Step Four: Special circumstances do not exist which require the application to be limited notified (section 95B(10) RMA 1991).
95. I have assessed the limited notification requirements in the order given and consider that limited notification of this application is not required.
96. In conclusion, I recommend that this application be decided on a non-notified basis.

RECOMMENDATION FOR GRANT OR REFUSE

Consideration of Application (Section 104(1)(a) –(c))

97. The assessment of adverse effects undertaken for the purpose of notification determination concluded that adverse effects were no more than minor. I consider that this assessment is also relevant to the assessment required under s104(1)(a).
98. The following positive effects have been identified:
- a. A very high level of water use efficiency. There will be very little wastage of the water taken.
 - b. An improvement in environmental impact as contaminants associated with the existing consented use will no longer be discharged.
 - c. The creation of jobs.
 - d. Investment in the Christchurch economy.
99. In summary, in accordance with Section 5 of the RMA I consider that any adverse effects will be acceptable and are able to be avoided, remedied or mitigated subject to an appropriate set of conditions.
100. In accordance with section 104(1)(b) of the RMA, I have had regard to all relevant objectives and policies for this application. The relevant objectives and policies are identified above. I have taken into consideration the purpose and principles of the RMA when making my recommendation. I consider this application is consistent with the objectives and policies of the relevant planning provisions.
101. In accordance with section 104(1)(c) I have had regard to any other matters relevant to this application including:
- a. Canterbury Water Management Strategy -

The proposal is located within the area managed by the Christchurch West Melton Zone Committee. The committee have generated a Zone Implementation Programme (ZIP) for this zone. ZIPs are non-statutory documents that are being completed by each of the Zone Committees within the Canterbury region. ZIPs contain zone-specific recommendations for water management to achieve the CWMS targets.
 - b. Mahaanui Iwi Management Plan -

As discussed above, I consider that the proposal is consistent with the Mahaanui Iwi Management Plan

c. High Level of Public Interest -

I note the high level of public interest in this application, including the petition to rescind the existing water permit, However, given that the adverse effects of the activity are no more than minor, and that it is consistent with the relevant planning provisions, I do not consider that these matters constitute a reason to refuse consent.

Determination of applications for discretionary or non-complying activities (Section 104B)

102. After considering an application for a resource consent for a **discretionary activity**, a consent authority:
- a. *May grant or refuse the application; and*
 - b. *If it grants the application, may impose conditions under section 108 of the RMA.*
103. I have considered s104B of the RMA and have outlined in the section titled "Grant or Refuse" that this application be granted subjected to recommended conditions under s108 of the RMA.

Part 2 Matters (Purpose and Principles of the RMA)

104. Under section 104(1) of the RMA, the consent authority must consider applications "subject to Part 2" of the Resource Management Act 1991 (RMA), specifically sections 5, 6, 7 and 8.
105. The Purpose of the RMA (Section 5) is to:
- "promote the sustainable management of natural and physical resources."*
106. The purpose is achieved by the guidance provided by the Principles of the RMA (i.e. s.6, s.7, and s.8).
107. I have considered Part 2 of the RMA. Of particular importance for this proposal is Section 7. Section 7 lists 'other matters' for which particular regard must be given in consideration of managing the use, development and protection of natural and physical resources. Matters requiring consideration for this application include:
- a. *The efficient use and development of natural and physical resources;*
 - b. *The maintenance and enhancement of amenity values; and*
 - c. *Maintenance and enhancement of the quality of the environment.*
108. Having regard to the above matters, as the proposal will result in a high efficiency of use of water and a reduction in contaminants being discharged to the environment as discussed in the environmental effects section above, I consider the proposal to be consistent with Section 7.
109. Given this, I consider that this activity will achieve the purpose of the RMA.

Conditions of resource consent (Section 108)

110. I recommend including the conditions attached (Appendix 1).

Duration (Section 123)

111. The applicant has sought a duration of 35 years.

112. However, as this application is for a change of use permit (CRC182812) that will be amalgamated with the existing resource consent CRC175895, I recommend that CRC182812 and the amalgamation CRC182813 have the same duration as CRC175895 (30 April 2032).

Grant or refuse

113. Having considered all relevant matters under sections 104 – 104B, I recommend granting resource consent CRC182813 subject to the conditions attached (Appendix 1).

Signed:  _____ Date: 21 December 2017

Name: Carlo Botha
Consents Planner

Reviewer's comments:

Signed: _____ Date: 21 December 2017

Name: Matt Smith
Principal Consents Planner

APPENDIX 1: RECOMMENDED CONDITIONS FOR CRC182813

1	Water may be taken only from bore M35/1294, 203 millimetres diameter and 33.1 metres deep, at or about map reference NZTM2000:1570828.70E-5189405.30N.
2	Water may be taken at a rate not exceeding 50 litres per second, with a volume not exceeding 4,320 cubic metres per day, and 1,576,800 cubic metres between 1st July and the following 30th June.
3	Water shall only be used for commercial water bottling operations.
4	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.
5	<p>The consent holder shall before the first exercise of this consent:</p> <ul style="list-style-type: none"> a. <ul style="list-style-type: none"> i. install a water meter(s) that has an international accreditation or equivalent New Zealand calibration endorsement, and has pulse output, suitable for use with an electronic recording device, which will measure the rate and the volume of water taken to within an accuracy of plus or minus five percent as part of the pump outlet plumbing, or within the mainline distribution system, at a location(s) that will ensure the total take of water is measured; and ii. install a tamper-proof electronic recording device such as a data logger(s) that shall time stamp a pulse from the flow meter at least once every 60minutes, 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). b. The recording device(s) shall: <ul style="list-style-type: none"> 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 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 [and] iii. shall be connected to a telemetry system which collects and stores all of the data continuously with an independent network provider who will make that data available in a commonly used format at all times to the Canterbury

	<p>Regional Council and the consent holder. No data in the recording device(s) shall be deliberately changed or deleted.</p> <p>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.</p> <p>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.</p> <p>All practicable measures shall be taken to ensure that the water meter and recording device(s) are fully functional at all times.</p>
6	<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 Regional Leader - Monitoring and Compliance, signed by a suitably qualified person certifying, and demonstrating by means of a clear diagram, that:</p> <p>a. The measuring and recording device(s) has been installed in accordance with the manufacturer's specifications; and</p> <p>b. Data from the recording device(s) can be readily accessed and/or retrieved in accordance with these conditions</p>
7	<p>Access to allow water level measurements to be taken in the bore(s) shall be established, and maintained, via a bung and socket with a minimum diameter of 20 millimetres installed in the bore casing or headworks.</p>
8	<p>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 this consent.</p>

APPENDIX 2: SECTION 42A ADDENDUM

<p>95A Public notification of consent applications</p> <p><i>(1) A consent authority must follow the steps set out in this section, in the order given, to determine whether to publicly notify an application for a resource consent.</i></p>	<p>Determination of whether to publicly notify an application for resource consent.</p>
<p><i>Step 1: mandatory public notification in certain circumstances</i></p> <p><i>(2) Determine whether the application meets any of the criteria set out in subsection (3) and,—</i></p> <p style="padding-left: 40px;"><i>(a) if the answer is yes, publicly notify the application; and</i></p> <p style="padding-left: 40px;"><i>(b) if the answer is no, go to step 2.</i></p> <p><i>(3) The criteria for step 1 are as follows:</i></p> <p style="padding-left: 40px;"><i>(a) the applicant has requested that the application be publicly notified:</i></p> <p style="padding-left: 40px;"><i>(b) public notification is required under section 95C:</i></p> <p style="padding-left: 40px;"><i>(c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.</i></p>	<p>Is public notification mandatory?</p> <p><input type="checkbox"/> Yes, publicly notify the application</p> <p><input checked="" type="checkbox"/> No, got to step 2</p>
<p><i>Step 2: if not required by step 1, public notification precluded in certain circumstances</i></p> <p><i>(4) Determine whether the application meets either of the criteria set out in subsection (5) and,—</i></p> <p style="padding-left: 40px;"><i>(a) if the answer is yes, go to step 4 (step 3 does not apply); and</i></p> <p style="padding-left: 40px;"><i>(b) if the answer is no, go to step 3.</i></p> <p><i>(5) The criteria for step 2 are as follows:</i></p> <p style="padding-left: 40px;"><i>(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification:</i></p>	<p>Is public notification precluded?</p> <p><input type="checkbox"/> Yes, go to step 4 (step 3 does not apply)</p> <p><input checked="" type="checkbox"/> No, go to step 3</p>

<p><i>(b) the application is for a resource consent for 1 or more of the following, but no other, activities:</i></p> <p><i>(i) a controlled activity:</i></p> <p><i>(ii) a restricted discretionary or discretionary activity, but only if the activity is a subdivision of land or a residential activity:</i></p> <p><i>(iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity:</i></p> <p><i>(iv) a prescribed activity (see section 360H(1)(a)(i)).</i></p> <p><i>(6) In subsection (5), residential activity means an activity that requires resource consent under a regional or district plan and that is associated with the construction, alteration, or use of 1 or more dwellinghouses on land that, under a district plan, is intended to be used solely or principally for residential purposes.</i></p>	
<p><i>Step 3: if not precluded by step 2, public notification required in certain circumstances</i></p> <p><i>(7) Determine whether the application meets either of the criteria set out in subsection (8) and,—</i></p> <p><i>(a) if the answer is yes, publicly notify the application; and</i></p> <p><i>(b) if the answer is no, go to step 4.</i></p> <p><i>(8) The criteria for step 3 are as follows:</i></p> <p><i>(a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:</i></p> <p><i>(b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.</i></p>	<p>Is public notification required in certain circumstances?</p> <p><input type="checkbox"/> Yes, publicly notify the application</p> <p><input checked="" type="checkbox"/> No, go to step 4</p>

<p><i>Step 4: public notification in special circumstances</i></p> <p><i>(9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and,—</i></p> <p style="padding-left: 40px;"><i>(a) if the answer is yes, publicly notify the application; and</i></p> <p style="padding-left: 40px;"><i>(b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under section 95B.</i></p>	<p>Do special circumstances exist that warrant the application being publicly notified?</p> <p><input type="checkbox"/> Yes, publicly notify the application</p> <p><input checked="" type="checkbox"/> No, do not publicly notify the application but determine whether to give limited notification of the application under section 95B RMA 1991</p>
<p>95B Limited notification of consent applications</p> <p><i>(1) A consent authority must follow the steps set out in this section, in the order given, to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.</i></p>	<p>Determination of whether to limited notify an application for resource consent.</p>
<p><i>Step 1: certain affected groups and affected persons must be notified</i></p> <p><i>(2) Determine whether there are any—</i></p> <p style="padding-left: 40px;"><i>(a) affected protected customary rights groups; or</i></p> <p style="padding-left: 40px;"><i>(b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).</i></p> <p><i>(3) Determine—</i></p> <p style="padding-left: 40px;"><i>(a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and</i></p> <p style="padding-left: 40px;"><i>(b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.</i></p>	<p>Are there certain affected groups and affected persons that must be notified?</p> <p><input type="checkbox"/> Yes, notify each affected group and each affected person</p> <p><input checked="" type="checkbox"/> No</p>

<p><i>(4) Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).</i></p>	
<p><i>Step 2: if not required by step 1, limited notification precluded in certain circumstances</i></p> <p><i>(5) Determine whether the application meets either of the criteria set out in subsection (6) and,—</i></p> <p style="padding-left: 40px;"><i>(a) if the answer is yes, go to step 4 (step 3 does not apply); and</i></p> <p style="padding-left: 40px;"><i>(b) if the answer is no, go to step 3.</i></p> <p><i>(6) The criteria for step 2 are as follows:</i></p> <p style="padding-left: 40px;"><i>(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification:</i></p> <p style="padding-left: 40px;"><i>(b) the application is for a resource consent for either or both of the following, but no other, activities:</i></p> <p style="padding-left: 80px;"><i>(i) a controlled activity that requires consent under a district plan (other than a subdivision of land):</i></p> <p style="padding-left: 80px;"><i>(ii) a prescribed activity (see section 360H(1)(a)(ii)).</i></p>	<p>Is limited notification precluded in certain circumstances?</p> <p><input type="checkbox"/> Yes, got to step 4 (step 3 does not apply)</p> <p><input checked="" type="checkbox"/> No, go to step 3</p>
<p><i>Step 3: if not precluded by step 2, certain other affected persons must be notified</i></p> <p><i>(7) Determine whether, in accordance with section 95E, the following persons are affected persons:</i></p> <p style="padding-left: 40px;"><i>(a) in the case of a boundary activity, an owner of an allotment with an infringed boundary; and</i></p> <p style="padding-left: 40px;"><i>(b) in the case of any activity prescribed under section 360H(1)(b), a prescribed person in respect of the proposed activity.</i></p>	<p>Are there certain other affected persons that must be notified?</p> <p><input type="checkbox"/> Yes, notify each affected person identified under subsections (7) and (8)</p> <p><input checked="" type="checkbox"/> No</p>

<p><i>(8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.</i></p> <p><i>(9) Notify each affected person identified under subsections (7) and (8) of the application.</i></p>	
<p><i>Step 4: further notification in special circumstances</i></p> <p><i>(10) Determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons), and,—</i></p> <p style="padding-left: 40px;"><i>(a) if the answer is yes, notify those persons; and</i></p> <p style="padding-left: 40px;"><i>(b) if the answer is no, do not notify anyone else.</i></p>	<p>Do special circumstances exist that warrant the application being limited notified to any other persons not already determined to be eligible for limited notification under this section?</p> <p><input type="checkbox"/> Yes, notify those persons</p> <p><input checked="" type="checkbox"/> No, do not notify anyone else</p>