

22nd June 2018

Simons Pass Station Ltd

By email only

Dear

Compliance with Condition 86 of CRC176720 – Baseline survey

Thank you for supplying the baseline survey reports in relation to condition 86 of your resource consent CRC176720. Environment Canterbury has now assessed each of the four reports and have graded three of the four reports non-compliant.

As explained in Appendix one, each survey was assessed based on whether it was sufficient to inform the Dryland Recovery Plan required by condition 87, as well as measure progress against the stated objective of promoting and achieving indigenous dryland ecosystem recovery. These reports were also assessed regarding whether, or to what extent, the baseline surveys will be able to demonstrate that potential adverse impacts on ecological values of the Dryland Reserve have been avoided or mitigated.

Please see a summarised list of the requirements to gain compliance required under each specific report. A full compliance report of the vegetation, bird and lizard surveys has been included as Appendix one. An emailed compliance report for the invertebrate survey has been included as Appendix two. Also attached as Appendix three is the document provided to both assessors which provided the guidance, or 'instructions' as requested from you during the meeting held on 18th June 2018.

Our ref:C18C/86211

Your ref: CRC176720

Contact: Rachel Blackburn

Baseline vegetation report, written by Professor D. Norton.

Assessed by Dr P. Grove, Team Leader Environmental Sciences and Hazards, Environment Canterbury.

The overall conclusion was that there is not sufficient information to comply with condition 86 and direct the development and successful implementation of a Dryland Recovery Management Plan. The main issues are as follows:

1. Lack of spatially explicit (clear maps at an appropriate scale) and quantitative information on location, extent, distribution and abundance of the various plant communities present, threatened species, weed species of concern (e.g. wilding conifers). It is considered this level of information (i.e. what, where, how many) is a fundamental requirement of a baseline survey.
2. The report does not adequately describe or assess non-vascular vegetation.
3. Report information is insufficient to allow monitoring/measuring of the Dryland Recovery Management Plan objective to promote and achieve recovery of indigenous dryland ecosystems.
4. The presence of wetland plant species, as noted in the survey report's appendix, and of wetland habitats, as noted in other baseline survey reports, were not described in the main body of the Vegetation Baseline Report.
5. Lack of citations.
6. Useful to link/integrate the Vegetation Baseline Report with management units of other surveys so the general greater picture more clearly understood.

Bird baseline report, written by Ryder Environmental Ltd.

Assessed by Dr P. Grove, Team Leader Environmental Sciences and Hazards, Environment Canterbury.

This report was graded as compliant; however, several recommendations were made, and are highly recommended to be included so that the development and successful implementation of a Dryland Recovery Management Plan can be more streamlined. These recommendations are as follows:

1. Expand explanation of 'basis of management unit designation'.
2. Reference and include the 'standard methods' used during the baseline survey in an appendix of the Baseline Survey Report to ensure ongoing consistency
3. Include in discussion other possible species known in area but not seen at time of survey e.g. NZ Pipit

Lizard baseline report, written by Ryder Environmental Ltd.

Assessed by Dr P. Grove, Team Leader Environmental Sciences and Hazards, Environment Canterbury.

The overall conclusion was that there is not sufficient information to comply with condition 86 and direct the development and successful implementation of a Dryland Recovery Management Plan. The assessor suspects this is largely due to insufficient time allowed or allocated for field surveys as outlined within the report. The main issues are as follows:

1. Insufficient information provided to be able to comply with baseline survey requirements.
 - a. Possibly due to insufficient time allowed or allocated for field survey.
2. Additional survey methods are required to determine baseline lizard population densities of all species present.
 - a. Current report could be used for a pilot study for designing a more comprehensive baseline survey, however.
3. Current report will not provide sufficient baseline information for monitoring outcomes of conservation management actions, or monitoring potential impacts from adjoining land use.

Baseline Terrestrial Invertebrate survey, written by Boffa Miskell Ltd.

Assessed by Dr B. Patrick, Senior Ecologist and Entomologist, Wildland Consultants Ltd.

The overall conclusion was that the survey is not adequate to direct development and successful implementation of a Dryland Recovery Management Plan as required. The main issues are as follows:

1. The assessor does not agree with the assumption within the survey that focusing survey efforts on a narrow range of beetle species is enough to meet the requirements of the consent conditions.
2. The baseline invertebrate survey finding/results were not well linked to the description of habitats in which the invertebrates occur.
3. Of those species surveyed, insufficient information provided to properly describe and characterise the invertebrate fauna
 - a. Possibly due to insufficient time allowed or allocated for field survey.

Compliance requirements and implications of this non-compliance.

Please ensure that the non-compliant surveys are reviewed and updated as soon as possible, but before the October 18th deadline. However, Environment Canterbury acknowledges that additional field work is required and the most suitable time period to conduct ecological field work is Early Spring – Late Autumn. Therefore, if you are unable to meet the deadlines associated with conditions 86 and 87, please notify Environment Canterbury as soon as possible.

Please also note, that as the purpose of the baseline surveys are to survey the current state of the environment, i.e. prior to any irrigation being applied to land, this water permit cannot be given effect to until such time conditions 86 – 90 have been graded as compliant.

If you have any questions or comments regarding the information within this letter, please do not hesitate in contacting myself via Rachel.blackburn@ecan.govt.nz, or Justin McLauchlan email: Justin.mclauchlan@ecan.govt.nz or phone 0272751839.

There may be benefit in the authors of the Baseline Survey reports and our assessors communicating directly to help determine an appropriate way forward. Please contact me in the first instance if you would like to progress this.

Yours sincerely



Rachel Blackburn
Resource Management Officer

CC: Pukaki Flats Farming LP,

Anna Paris

From: Zella Smith
Sent: Friday, 22 June 2018 9:22 AM
To:
Subject: corrections to CRC176714 & CRC176720
Attachments: CRC176720 Simons Pass Correction memo.docx; CRC176714 Simons Hill Correction memo.docx

Good morning.

Please find attached the proposed corrections to the consents.

Please confirm this is what you are expecting, as well as the plans I sent through earlier.

As previously stated, we consider keeping the NDA figures and version of overseer mentioned in the advice notes in both conditions 27 is appropriate and in line with the process for nutrient management consents across the region. It ensures there is no debate over the starting point when needing to assess figures updated as a consequence of overseer version changes.

21 June 2018

Reference: **CRC176720**

MEMORANDUM

FROM: Zella Smith
TO: Resource Management Officers Group
cc
SUBJECT: CORRECTION TO CONSENT
CRC176720 – SIMONS PASS STATION

Errors have been found in the above consent.

Condition 1 referenced the incorrect rates. The condition did not take into account changes to the consent during mediation.

Condition 1 reads:

Water shall only be diverted and taken from the Tekapo Stilling Basin, at or about map reference NZMS 260 H38:8842-7328

- a. for irrigation between 01 September and the following 30 April at a rate not exceeding 2,781 litres per second, with a volume not exceeding 237,550 cubic metres per day (being from 12am to 12am the following day) and 27,400,000 cubic metres per year (measured between 1 July and the following 30 June); and
- b. for stock drinking water at a rate not exceeding 56 litres per second, a daily volume not exceeding 1600 cubic metres (being from 12am to 12am the following day), and an annual volume not exceeding 362,660 cubic metres (measured between 1 July and the following 30 June).

Condition 1 should read:

Water shall only be diverted and taken from the Tekapo Stilling Basin, at or about map reference NZMS 260 H38:8842-7328

- a. for irrigation between 01 September and the following 30 April at a rate not exceeding 2,892 litres per second, with a volume not exceeding 249,560 cubic metres per day (being from 12am to 12am the following day) and 27,400,000 cubic metres per year (measured between 1 July and the following 30 June); and
- b. for stock drinking water at a rate not exceeding 56 litres per second, a daily volume not exceeding 1600 cubic metres (being from 12am to 12am the following day), and an annual volume not exceeding 362,660 cubic metres (measured between 1 July and the following 30 June).

The applicant requested minor changes to conditions 26 that were missed during processing.

Our Ref: CRC176714
Your Customer No:
Contact: Customer Services

Condition 26 reads:

Nitrogen and phosphorus losses from farm activities to be undertaken in the forthcoming year are not to exceed those resulting from the farming activities described in the Overseer input files:

- a. The Overseer input files for Simons Pass Station: land west of Mary Range (Pukaki Flats North and Pukaki Flats South); and land east of Mary Range (Mary Range Farming); are defined as "CRC062867/CRC082311-C1", "CRC062842/CRC082304-C1" and "CRC062867/CRC082311-C2" respectively, and are attached to and form part of this consent and a copy of each is held on the Canterbury Regional Council TRIM file CO6C/24824.
- b. 'Forthcoming year' means the period 1 July to 30 June.

Condition 26 should read:

Nitrogen and phosphorus losses from farm activities to be undertaken in the forthcoming year are not to exceed those resulting from the farming activities described in the Overseer input files:

- a. The Overseer input files for Simons Hill Station: land east of Mary Range (North House Hill and South House Hill also known as Simons Hill); Simons Pass Station: land west of Mary Range (Pukaki Flats North and Pukaki Flats South); and land east of Mary Range (Mary Range Farming), are defined as "CRC062867/CRC082311-C1", "CRC062842/CRC082304-C1" and "CRC062867/CRC082311-C2" respectively, **filed on Canterbury Regional Council file CRC176730 as c18c/85764**
- b. 'Forthcoming year' means the period 1 July to 30 June.

The Plans were incorrect and should be replaced by those filed on CRC176720 as c18c/85761

I have reviewed the file and the decision made and I am satisfied that the application was assessed correctly and the error can be corrected under the power set out in section 133A of the Resource Management Act 1991. Therefore, I amend the decision of 18 June 2018 to correct the condition of consent CRC176720.

Decision Maker

21/06/18

Date

21 June 2018

Reference: **CRC176714**

MEMORANDUM

FROM: Zella Smith
TO: Resource Management Officers Group
cc
SUBJECT: CORRECTION TO CONSENT
CRC176714 – SIMONS HILL STATION

Errors have been found in the above consent.

The applicant requested minor changes to conditions 26 that were missed during processing.

Condition 26 reads:

Nitrogen and phosphorus losses from farm activities to be undertaken in the forthcoming year are not to exceed those resulting from the farming activities described in the Overseer input files:

- a. *The Overseer input files for Simons Hill Station: land east of Mary Range (North House Hill and South House Hill also known as Simons Hill); are defined as "CRC062842/CRC082304-C2", and are attached to and form part of this consent and a copy is held on the Canterbury Regional Council TRIM file CO6C/24822.*
- b. *'Forthcoming year' means the period 1 July to 30 June.*

Condition 26 should read:

Nitrogen and phosphorus losses from farm activities to be undertaken in the forthcoming year are not to exceed those resulting from the farming activities described in the Overseer input files:

- a. The Overseer input files for Simons Hill Station: land east of Mary Range (North House Hill and South House Hill also known as Simons Hill); are defined as "CRC062842/CRC082304-C2", **filed on Canterbury Regional Council file CRC176714 as c18c/85579.**
- b. 'Forthcoming year' means the period 1 July to 30 June.

Condition 67 incorrectly references a deleted condition.

Condition 67 reads:

If the monitoring undertaken in accordance with condition 54 shows that the average sample result for the downstream Mary Burn monitoring site specified in condition 56 over the period December to April is greater than 0.10 mg/L of DIN; or 0.007 mg/L DRP; or 50 mg chl a/m² (environmental standard trigger), then the consent holder shall commission a report in accordance with the following methodology described at condition 56 into the cause of the breach of the environmental standard

Our Ref: CRC176714
Your Customer No:
Contact: Customer Services

trigger. The report shall:

(a) be prepared by an expert review panel consisting of two qualified and experienced independent scientists. One of the scientists shall be nominated by the Canterbury Regional Council, and the other shall be appointed by the consent holder;

(b) include the experts' conclusion on whether the exceedance(s) were as a result of natural influences, one off events, or in whole or part by nutrient loss associated with the irrigation authorised by this consent;

(c) include an assessment as to whether the exceedance measured by the monitoring is likely to continue;

(d) be completed by 30 July following the sampling; and

(e) be provided to the Canterbury Regional Council, Attention: Regional Manager RMA Monitoring and Compliance, by 30 August following the sampling.

Condition 67 should read:

If the monitoring undertaken in accordance with condition 54 shows that the average sample result for the downstream Mary Burn monitoring site specified in condition 56 over the period December to April is greater than 0.10 mg/L of DIN; or 0.007 mg/L DRP; or 50 mg chl a/m² (environmental standard trigger), then the consent holder shall commission a report in accordance with the following methodology into the cause of the breach of the environmental standard trigger. The report shall:

(a) be prepared by an expert review panel consisting of two qualified and experienced independent scientists. One of the scientists shall be nominated by the Canterbury Regional Council, and the other shall be appointed by the consent holder;

(b) include the experts' conclusion on whether the exceedance(s) were as a result of natural influences, one off events, or in whole or part by nutrient loss associated with the irrigation authorised by this consent;

(c) include an assessment as to whether the exceedance measured by the monitoring is likely to continue;

(d) be completed by 30 July following the sampling; and

(e) be provided to the Canterbury Regional Council, Attention: Regional Manager RMA Monitoring and Compliance, by 30 August following the sampling.

Condition 75 contains repeated words.

Condition 75 reads:

If the monitoring undertaken in accordance with condition 72 shows that the average TLI for the 1 - 10 m depth integrated samples for either the Haldon Arm monitoring site or the Lower Benmore monitoring site over the period December to April is greater than 3.0 (environmental standard trigger), then:

- a. the NDA, as specified in condition 27, shall be reduced by 10% x Irrigation Proportion Factor (IPF) for the irrigation season subsequent to the monitoring period. The IPF shall be the proportion of the total authorised area developed for irrigation (i.e. 300 irrigated hectares divided by the total farm area of 3,037 hectares); and
- b. a report into the cause of the **breach of the environmental standard trigger** shall be prepared by a person with an appropriate post-graduate science qualification, by 30 July following the sampling. A copy of this report shall be provided to the Canterbury Regional Council Attention: Regional Manager RMA Monitoring and Compliance, by 30 August following the sampling.

Condition 75 should read:

If the monitoring undertaken in accordance with condition 72 shows that the average TLI for the 1 - 10 m depth integrated samples for either the Haldon Arm monitoring site or the Lower Benmore monitoring site over the period December to April is greater than 3.0 (environmental standard trigger), then:

- a. the NDA, as specified in condition 27, shall be reduced by **10%** x Irrigation Proportion Factor (IPF) for the irrigation season subsequent to the monitoring period. The IPF shall be the proportion of the total authorised area developed for irrigation (i.e. 300 irrigated hectares divided by the total farm area of 3,037 hectares); and
- b. a report into the cause of the **breach of the environmental standard trigger** shall be prepared by a person with an appropriate post-graduate science qualification, by 30 July following the sampling. A copy of this report shall be provided to the Canterbury Regional Council Attention: Regional Manager RMA Monitoring and Compliance, by 30 August following the sampling

The Plans were incorrect and should be replaced by those filed on CRC176714 as c18c/85678

I have reviewed the file and the decision made and I am satisfied that the application was assessed correctly and the error can be corrected under the power set out in section 133A of the Resource Management Act 1991. Therefore, I amend the decision of 18 June 2018 to correct the condition of consent CRC176714.

Decision Maker

21/06/18

Date

Anna Paris

From: Zella Smith
Sent: Tuesday, 17 July 2018 11:54 AM
To:
Cc: Rachel Blackburn
Subject: CRC176714 & CRC176720 Simons Hill/Pass commencement date

Hi

The commencement date for CRC176714 & CRC176720 Simons Hill/Pass should be the same as the base consents (CRC082304 & CRC082311).

Advice from or legal team is that the “commencement date” refers to the grant and not the change in condition.

If we want to record when the change takes effect, we would have to specify “**when the change of condition commences**” to follow on exactly what the RMA says at 123(3)(b)

You cannot say the consent commences on that date otherwise you then have the implication that the duration runs from that date

If you could arrange for the consents to be corrected and the documents re-done that would be great – I can send them to the consent holder.

(note – this may need to be addressed across the board for applications for changes of conditions – can I leave that with your team?)

Anna Paris

From:
Sent: Wednesday, 11 July 2018 3:21 PM
To:
Cc:
Subject: CRC176720, Simons Pass Station Limited - Corrected Decision Documents
Attachments: CRC176720, Corrected Decision Documents - internal copy only.pdf

Dear Sir/Madam

Please find attached the corrected decision documents for CRC176720, for Simons Pass Station Limited.

Please destroy the documents currently in your possession and replace it with the attached corrected decision documents.

The documents will be also sent by post to the consent holder.

For all queries please contact Customer Services Section by telephoning (03) 353 9007, 0800 ECINFO (0800 324 636), or email ecinfo@ecan.govt.nz quoting your CRC number.

Kind Regards

Anna Paris

From: Zella Smith
Sent: Monday, 2 July 2018 4:45 PM
To:
Subject: RE: corrections to CRC176714 & CRC176720

Thanks ,

Just working though updating these – just to double check - Overseer input files CRC062842/CRC082304-C2 are relevant to both properties?

From:
Sent: Monday, 2 July 2018 12:33 p.m.
To: Zella Smith <Zella.Smith@ecan.govt.nz>
Cc:
Subject: RE: corrections to CRC176714 & CRC176720

Hello Zella

We have had a look at the draft memos and have some comments below. The plans for Simons Pass attached to your separate email are correct (I note that the PDF file is labelled Simons Hill, so that should be corrected).

Volumes

The split of the daily volumes between the two consents needs a minor amendment (condition 1.a in both consents). The total daily volume for Simons Pass Station should be increased to 249,872 cubic metres, and the total daily volume in Simons Hill Station should be decreased by the same amount, to 14,688 cubic metres.

Simons Pass Station

Staging Plans

Thank you for suggesting the advisory note for condition 25 in the Simons Pass Station consent, re the Staging Plans. We agree that this would be useful, but the wording needs to be amended because the numbers in the Staging Plan are actually from the Water Quality Study commissioned by Mackenzie Water Research Limited, rather than being modelled under Overseer. So we propose the following wording for the advisory note –

The nutrient loss rates in the staging plans were based on calculations in the Water Quality Study commissioned by Mackenzie Water Research Limited. Later modelling under Overseer may produce different values for the loss rates.

Condition 26

We agree with the amendment proposed in your memo, but the Overseer input files referred to in the condition should also include **CRC062842/CRC082304-C2**.

Advice Note to Condition 27

We agree to leave the wording of the advice note to condition 27 as it is set out in the recently issued consent.

Simons Hill

Condition 26

We agree to the amendment you have proposed, but would like the Mary Range Overseer file referred to in this condition as well, so we propose the following amended wording for this condition –

Nitrogen and phosphorous losses from farm activities to be undertaken in the forthcoming year are not to exceed those resulting from the farming activities described in the Overseer input files:

- a. *The Overseer input files for Simons Hill Station: land east of Mary Range (Simons Hill and Mary Range); are defined as CRC062842/CRC082304-C2 and CRC062867/CRC082311-C2 respectively, filed on Canterbury Regional Council file CRC176714 as c18c/85579.*
- b. *'Forthcoming year' means the period 1 July to 30 June.*

Condition 27

We agree to leave the wording of the advice note to condition 27 as it is set out in the recently issued consent.

Conditions 67 and 75

We agree with the amendments proposed.

Kind regards
Nadine

Barrister

Canterbury Chambers
Level 1, 148 Victoria Street, Christchurch 8013 |

Please note my work hours are Mondays and Wednesdays 9am – 3.30pm and Thursdays 9.00am – 5.00pm.

From: Zella Smith [<mailto:Zella.Smith@ecan.govt.nz>]
Sent: Friday, June 22, 2018 9:22 AM
To:
Subject: corrections to CRC176714 & CRC176720

Good morning.

Please find attached the proposed corrections to the consents.

Please confirm this is what you are expecting, as well as the plans I sent through earlier.

As previously stated, we consider keeping the NDA figures and version of overseer mentioned in the advice notes in both conditions 27 is appropriate and in line with the process for nutrient management consents across the region. It ensures there is no debate over the starting point when needing to assess figures updated as a consequence of overseer version changes.

Zella Smith
Principal Consents Planner
Environment Canterbury

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027 706 4302
Zella.Smith@ecan.govt.nz



PO Box 345, Christchurch
Customer Services: 08
24 Hours: 08

