

Pinevale Dairies Ltd

**Resource Consent Application to
Change conditions of CRC000862.4 under s127 RMA**

including
Assessment of Environmental Effects

June 2020



Bowden
Environmental
Resource Management Consultants

Disclaimer:

This report has been prepared solely for the benefit of Pinevale Dairies Ltd. No liability is accepted by Bowden Consultancy Limited (trading as Bowden Environmental) or any employee or sub-consultant of this company with respect to its use by any other person.

This disclaimer shall apply notwithstanding that the report may be available to other persons for an application for permission or approval or to fulfil a legal requirement.

Report Information			
Client Name	Pinevale Dairies Ltd Co. No. 2245008	File Number	813
Report Reference	Resource Consent Application and Assessment of Environmental Effects for the abstraction of groundwater		
File Location	C:\Users\ChristineMawhinney\Nextcloud\Client Information\Pinevale Dairies Ltd (Sue Lalach) - formerly Thomland property\Change conditions to correct annual volume April 2020\GW var CRC000862.3 April 2020 S Lalach.docx		

Prepared by	Reviewed by	Approved by	Date Completed
Christine Mawhinney	Erin Harvie	Sue Lalach	6.05.2020

Application for Resource Consent under Section 127 of The Resource Management Act 1991

TO: Environment Canterbury

Pinevale Holdings Ltd hereby applies for the resource consent below.

1. The names and address of the owners and occupiers of any land to which the application relates are as follows:

Owners: Peter & Sue Lulich
Postal Address: 503 Clintons Road, RD 1 Christchurch 7671
Phone No: 0274 333 588 (Sue Lulich)
Email: p.slulich@actrix.co.nz

2. The location area to which this application relates is:

Map Reference: Refer map
Legal Descriptions: RS 27991, RS 27990, Lot 4 DP 79436
Property Location: Clintons Road, Greendale
Territorial Authority: Selwyn District Council

3. Previous consent number: CRC000862.4

4. Bowden Environmental has been retained to act as contact person

Address: P.O. Box 404, Kaiapoi 7644
Email: christine@bowden.co.nz
Phone No: 03 375 5015
Fax No: 03 375 5016


5. Signed  Dated 02.06.2020

TABLE OF CONTENTS

1.0	INTRODUCTION.....	6
2.0	LEGAL & PLANNING.....	7
2.1	<i>Resource Management Act 1991 (the Act)</i>	7
2.2	<i>Land and Water Plan (LWRP).....</i>	8
2.3	<i>Overall Status of the Activity</i>	8
2.4	<i>Matters to be Considered.....</i>	8
2.5	<i>Duration Sought.....</i>	8
3.0	DESCRIPTION OF THE AFFECTED ENVIRONMENT	9
3.1	<i>Regional Context.....</i>	9
	Waimakariri Fan Zone.....	9
	Geology and Groundwater Availability.....	9
3.2	<i>Local Context.....</i>	10
4.0	CONSULTATION.....	10
5.0	ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS	11
5.1	<i>Adverse Effect of an Inefficient Take on Other Groundwater Users.....</i>	11
5.2	<i>Adverse Effect of Take on Tangata Whenua Values.....</i>	11
5.3	<i>Positive Effects.....</i>	12
6.0	MITIGATION PROPOSED.....	13
7.0	OVERALL ASSESSMENT AGAINST PLANS, OBJECTIVES AND POLICIES	13
7.1	<i>Land and Water Plan (LWRP).....</i>	13
7.3	<i>National Policy Standards and National Environmental Standards</i>	14
7.3.1	Freshwater	14
7.3.2	Biodiversity	14
7.3.3	Sources of Human Drinking Water Standard	15
7.3.4	Ecological Flows and Water Levels	15
7.3.5	Measurement of Water Takes.....	15
7.4	<i>Regional Policy Statement</i>	15
8.0	RESOURCE MANAGEMENT ACT PART 2.....	16
9.0	SUMMARY AND RECOMMENDATIONS	16

APPENDICES

Appendix 1	Location Map
Appendix 2	Existing resource consent
Appendix 3	Well Cards & Bore Logs
Appendix 4	Memo with agreement for revised annual volume 2015



Bowden Environmental

Assessment of Environmental Effects

Groundwater Abstraction Variation

June 2020

1.0 INTRODUCTION

Pinevale Dairies Ltd, the applicants, have commissioned Bowden Environmental to act on their behalf in seeking a change of conditions to CRC000862.4, which authorises the taking and use of groundwater from bore L36/2194 at a rate not exceeding 48 L/sec and 3,974 m³/day and from bore L36/1397 at a rate not exceeding 45 L/sec and 3726m³/day. Condition 3 specifies an annual volume of 731,362m³. Condition 3a-c allows the consent holder to replace the annual volume using WQN9 or its functional equivalent before 30 June 2015.

This was revised in 2015 using the IrriCalc method. The revised annual volume is 983,100m³ and this was accepted by Ecan on 11 September 2015. Refer to appendix 2 for the resource consent and appendix 4 for the Memorandum dated 11 September 2011.

The object of this application is to correct the annual volume on the consent, from 731,362m³ to 983,100m³.

The following email was received from Ecan on 8 April 2020 –

From: Erin Krivan <Erin.Krivan@ecan.govt.nz>
Sent: Wednesday, 8 April 2020 3:37 PM
To: Christine Mawhinney <christine@bowden.co.nz>
Cc: Customer Services <ecinfo@ecan.govt.nz>
Subject: FW: CRC000862.4 annual volume EMAIL:09810004089

Hi Christine

We have resolved this for you through correcting how it was recorded in our database so compliance should read it correctly now.

I note the consent holder was advised in 2015:

"It may be practical at some stage to apply for a 'change of consent condition' to Condition 3, which would enable the condition to be written to clearly reflect the new annual volume. Technically this is not necessary and I have made a note on our database. However for clarity this may be advantageous and I understand that this should not be too expensive as the background work has all been done."

This is still an advisable option.

*Thanks
Erin*

It has also been noted that bore L36/2194 is listed as 170 m deep. In about 2010 the bore number and depth was changed from L36/0088 and 62m to L36/2194 and 170 m as part of the Rakaia Selwyn Reviews process. While at the time the applicants considered deepening the bore they, and McMillans Drilling have confirmed this never happened. Therefore, this application also seeks to correct the bore depth to the depth it has always been – 62m. Please note that the actual original bore number was L36/0088. Please refer to the well cards for L36/0088 and L36/2194 (Appendix Three). Therefore, the applicant is seeking for the consent to reference bore number L36/0088 at a depth of 62m bgl.

The property is a 153 ha dairy farm, milking 620 cows twice per day. The consent holders also hold the following consents for the property –

CONSENT NUMBER	STATUS	CLIENT NAME	ACTIVITIES
CRC000862.4	Issued - Active	Pinevale Dairies Limited	Take Groundwater,Use Groundwater,
CRC000863.6	Issued - Active	Pinevale Dairies Limited	Discharge Contaminant into Land to Water,Discharge Contaminant onto Land to Water,Discharge Contaminant into Air,
CRC060664	Issued - Active	Pinevale Dairies Limited	Discharge Contaminant into Land to Water,
CRC083460	Issued - Active	Pinevale Dairies Limited	Discharge Contaminant into Land to Water,
CRC137127	Issued - Active	Pinevale Dairies Limited	Deposit Substance,

The applicant holds no other consents and no other consents are required at this time.

2.0 LEGAL & PLANNING

2.1 Resource Management Act 1991 (the Act)

The principles of the Resource Management Act 1991 focus on the overriding purpose of sustainable management. The purpose of the Act as outlined in section 5 RMA is to-

“...promote the sustainable management of natural and physical resources”

While section 6 of the RMA outlines matters of national importance that are to be recognized and provided for in achieving the purpose of the RMA. Section 7 of the RMA outlines ‘other matters’ that should be given particular regards in achieving the purpose of the RMA. Section 8 of the RMA outlines the Principles of the Treaty of Waitangi which shall be taken into account.

Section 9(3)(a) of the Resource Management Act (the Act) states that no person may use land in a manner that contravenes a rule in a regional plan or a proposed regional plan unless that activity is expressly allowed by a resource consent granted by the regional council responsible for the plan. Under the Act section 9(4)(b) the definition of the use of land includes any excavation, drilling, tunnelling, or other disturbance.

Section 14 states that:

“no person may take, use, dam or divert any water unless the taking, use or damming is either:

- a)** for reasonable domestic and stockwater needs, with no adverse effects on the environment; or
- b)** for fire fighting purposes where water is either taken or used; or
- c)** it is expressly allowed by a rule in a regional plan or in any relevant proposed regional plan or a resource consent has been granted”.

Therefore, unless expressly allowed by a rule in a regional plan an operative regional plan and by a rule in the Canterbury Land and Water Regional Plan (CLWRP); Selwyn Te Waihora Plan (Sub-regional Chapter 11), a resource consent is required. Where there is both an operative plan and a proposed plan the most restrictive rule in either plan defines the need for consent and the type of consent.

Section 127. Change or cancellation of consent condition on application by consent holder —

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

(a) the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and

(b) No holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.

-
- (2) Sections 88 to 121 apply, with all necessary modifications, as if —
- (a) the application were an application for a resource consent for a discretionary activity; and
 - (b) the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.
- (3) For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who —
- (a) made a submission on the original application; and
 - (b) may be affected by the change or cancellation.'

The applicant has met these criteria and is thus eligible for a change of consent.

2.2 *Land and Water Plan (LWRP)*

Sections 3, 4, and 5 of the LWRP address the management of water within the Canterbury Region, while Section 11 addresses water management within the Selwyn Waihora sub region. The relevant Rules from the Land and Water Regional Plan for the application have been superseded by the Selwyn Waihora sub regional chapter.

Since the application is to formally change the annual volume agreed to by Ecan in 2015, no assessment of rule 11.5.33, LWRP is required.

There are no water ways on the properties therefore Rules 5.68 – 5.71 are not applicable.

2.3 *Overall Status of the Activity*

The change of conditions is sought under s127, RMA.

2.4 *Matters to be Considered*

Section 104 of the Act states that subject to Part II, when considering an application for resource consent and any submissions received, the consent authority shall have regard to several matters set out in the sections that follow.

2.5 *Duration Sought*

31 January 2035 as per CRC000862.4.

3.0 DESCRIPTION OF THE AFFECTED ENVIRONMENT

3.1 Regional Context

The subject property is located adjacent to Clintons Road, Greendale (Appendix 1), and is within the Selwyn-Waimakariri Groundwater Zone.

The Central plains are formed of glacial outwash and postglacial reworked deposits of the Waimakariri and Rakaia Rivers. The Selwyn River now occupies an interfan depression between the surfaces of the penultimate glaciation Waimakariri River fan and the last glaciation Rakaia River fan (Brown, 2000). At the coast, the Bexley well encountered 433m of interbedded fluvial gravels (aquifers) and marine deposits, inland the aquifers are separated by thicknesses of claybound gravels, and are presently tapped at depth in excess of 200m.

The Central Plains have been divided into nine groundwater zones (Taylor, 1996). These zones have been distinguished on the basis of similar aquifer structures and characteristics specific to that part of the groundwater system. Each zone is considered to have a finite resource available, which is dependent on geology, hydrodynamics, and seasonal, annual and climatic cycles. For water allocation management purposes, the Central Plains have been divided into three zones.

Waimakariri Fan Zone

Geology and Groundwater Availability

The Waimakariri Fan Zone is bordered in the north by the Waimakariri River, in the southwest by the Selwyn River, in the northeast by the West Melton zone, and in the southeast by the Springston Zone.

The Waimakariri Fan Zone is an area of semi-confined aquifers. There are at least three aquifers, with the aquifer depths being variable. Groundwater levels do vary, with the depth to water greater away from the Waimakariri River.

Groundwater inputs to this zone are rainfall recharge and irrigation surplus upgradient, some seepage from the Waimakariri and Selwyn Rivers, and water race losses. The water races in this zone are sourced from the Kowhai River (upper and lower intake), Bishops Creek, Waimakariri Gorge and a spring intake, and the Selwyn-Glentunnel intake (Stevens & Iremonger in Taylor, 1996). Outputs are comprised of groundwater abstractions and throughflow into the West Melton, Springston and Greenpark Zones, which then becomes the source of spring discharges.

The zone boundaries are made up of the Waimakariri River to the north and by the Selwyn River to the south. Both of these rivers have significant ecological and recreational values.

Uses and Values

The highest density of bores is located near State Highway One, where development of rural lifestyle blocks is occurring. Water use includes public water supply, domestic and stock water, as well as for irrigation. In addition, the demand for groundwater is increasing as properties are converted to dairy operations. There are few surface water issues in this area as there are no significant water bodies away from the major rivers that bound the area, although there is a comprehensive system of stockwater races.

The Waimakariri River (Morland, 1994) is one of the outstanding braided rivers of New Zealand, and supports good populations of wrybill, banded dotterel and South Island pied oystercatcher, as well as trout and salmon, and native galaxiids and upland bully (in the alpine areas).

The Selwyn River is ephemeral in nature, with a stretch of the river from below Hororata to below the SH1 bridge (at McGregors Ford) running dry in the summer months. The River is important as it is a habitat for Canterbury mudfish, as well as an important perch and trout fishery.

Groundwater Issues

Key allocation issues in this area include drawdown interference effects between competing groundwater users, with effects being accentuated due to low water levels that can be experienced particularly in the western part of the zone. At times of low recharge, there can be a reduction of throughflow mainly to the eastern zones.

3.2 Local Context

3.2.1 Groundwater

Bore L36/2194 (previously known as L36/0088) is 62m deep and its bore log shows grey gravel and slight clay, tight broken brown gravel, free black stained gravel and very sandy gravel. The bore is screened between 58.3-62m. The bore number needs to be changed back to its correct number.

Bore L36/1397 is 65.1 m deep and its bore log shows layers of sandy gravel, sandy gravel and clay, claybound gravel with the bore screened between 59.1m-65.1m within gravel and clay and water stained gravel and clay. The initial water level was 43.50m bMP and it was pumped at 75.8 L/sec for 4 m drawdown. The consented rate is 45 L/sec and this is not subject to change.

3.2.2 Surface water

The closest surface water feature is Hawkins River, a hill fed river, which flows into Selwyn River about 4 km to the south. Hawkins River is 2.5 km from bore L36/2194 (L36/0088) and 2.95km from bore L36/1397.

3.2.3 Biodiversity and areas of significance

The nearest area of significance appears to be Haldon Pastures Streams, about 9 km to the west.

In relation to Ngai Tahu values, the Selwyn River is a Runanga Sensitive Area (Wahi Taonga, Mahinga Kai). There are no Statutory Acknowledgement Areas or Silent File areas, or other Runanga Sensitive Areas within the affected environment.

Under chapter 11, LWRP, the property is not located within the Phosphorus Sediment Risk area or the Te Waihora Cultural Landscape and Values Management area.

4.0 CONSULTATION

No interested parties were contacted with respect to this application as all adverse effects were deemed to be minor, negligible, or mitigated.

No consultation was undertaken with the Canterbury Regional Council Parks, Recreation, and Rivers section as the activity is not located within areas covered under the Flood Bylaw 2013 and no authorisation is considered necessary under the Flood Bylaw 2013, nor does the activity relate to s13 or s15 of the RMA.

The site of the proposed abstraction is within the rohe of Te Taumutu Runanga. The Rūnanga has not been consulted as the effects on Tangata Whenua values are considered to be less than minor (refer section 5.2).

5.0 ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS

Section 104 of the Act states that subject to Part II, when considering an application for resource consent and any submissions received, the consent authority shall have regard to any actual and potential effects on the environment of allowing an activity. Since this change of conditions under s127 RMA is to merely correct the annual volume to that agreed to in 2015, the only assessments are provided in sections 5.1-5.3. Correction of the bore number and depth to its original correct number and depth will not result in any well interference or stream depletion effects due to the fact the bore has always been 62 m deep and the distance to the nearest surface water way (Hawkins River) and the screening depth of the bore means that there is no hydraulic connection - refer sections 3.2.1 and 3.2.2.

5.1 Adverse Effect of an Inefficient Take on Other Groundwater Users

There will be no change to the consented rates and volumes for each bore, however the annual volume needs to be corrected to 983,100m³. The calculation was completed and accepted in 2015. I no longer have electronic access to these files, however Ecan should have the calculation on file. Please let me know if this is not the case.

The rates and volumes equates to pumping at the maximum rates for 23 hours per day to provide and application rate of 5.3mm/ha/day over 145 ha, which is considered efficient.

Pumping schedule - Both bores

maximum pump rate	93 l/s	Water Abstraction
hours pumping per day	23 hrs	
days pumping per return period	3 days	
return period	3 days	
average short term pump rate (Q7)	89.1 l/s	
average seasonal pump rate (Q150)	75.9 l/s	
area to be irrigated	145 hectares	Technical Efficiency
average daily application rate	5.3 mm	
peak return period application	16 mm	
maximum daily volume	7,700 m ³	
maximum return period volume	23,101 m ³	
seasonal volume	983,100 m ³ /year	

5.2 Adverse Effect of Take on Tangata Whenua Values

Chapter 2 of the Council's Regional Policy Statement 2013 outlines the issues and concerns of significance to Ngai Tahu, while Chapter 4 outlines provisions for the relationships that Ngai Tahu has with resources in Canterbury. These chapters seek to;

1. Identify who are the relevant organisations representing Tangata Whenua in the Canterbury region,
2. Set out natural resource issues of significance to Ngai Tahu, and provide a culture context for those issues, and
3. Set out the relevant matters recognised in part 12 of the Ngai Tahu Claims settlement Act 1998, including fulfilling the Canterbury Regional Councils obligations to note the existence of statutory acknowledgements of statutory areas.
4. Recognise and provide for the relationship between Ngai Tahu and natural and physical resources.

The site of the proposed abstraction is within the rohe of Te Taumutu Runanga. Therefore the relevant Iwi management plans are the Ngāi Tahu Freshwater Policy Statement and The Mahaanui Iwi Management Plan 2013. The proposed activity has been assessed against and is not contrary to the relevant policies as assessed below.

Ngāi Tahu Freshwater Policy Statement:

Wahi Tapu, Policies 1 and 2: No areas of Wahi Tapu have been identified within the area of effects for this application.

Mauri, Policies 1, 2, 3, and 4: It is considered that effects of the application on water quality and/or quantity of water bodies within the area will be less than minor.

Mahinga kai, Policies 1, 2, 3, and 4: No areas of critical mahinga kai habitats have been identified in the area of affects.

Mahaanui Iwi Management Plan 2013:

The parts of relevance in the Mahaanui Iwi Management Plan are those relating to water quality, water quantity, water management, and the Te Waihora Catchment.

Within the Te Waihora Catchment the issues of significance, relevant to this proposed activity include, water quality, groundwater, and water quantity. The proposed activity does not include any discharges into rivers, nor does it result in any changes to the over allocation of the groundwater catchment, hence the activity is not contrary to issue TW7 (Cultural health of lowland waterways and groundwater).

The proposed activity does not result in adverse effects on surface water features, including Te Waihora, hence the activity is not considered to be contrary to issue TW4 (joint management plan), TW5 (lake level management).

This document includes policies that are applicable to this proposal, particularly the Policies regarding water use, water quantity and water quality. In this case the proposed renewal of consent will not result in a change to the volume of groundwater allocated from the allocation zone, nor will it increase nutrient loss from the property above the thresholds set under section 11 of the PC1LWRP. Therefore, it is considered to be consistent with the Mahaanui Iwi Management Plan (2013)

Summary:

In summary the Rūnanga was not advised of this renewal application as it is consistent with Ngāi Tahu's vision for water management, and effects on cultural values are negligible. Additionally, the activity is not within one kilometre of a silent file or statutory acknowledgement area, or sensitive area. However, it is acknowledged that the Runanga will be provided with an opportunity to comment on the application once it has been lodged with Environment Canterbury.

5.3 Positive Effects

The potential economic and social gains from the continued use with a sufficient volume of water for irrigation will provide for business confidence to continue the current farming practices; the economic and social gains from running a profitable business over time spill over into the wider community.

6.0 MITIGATION PROPOSED

The full consent is in appendix 2. Conditions 1-3 are shown below with changes in **bold** and deletions in ~~strikethrough~~.

1 Water may be taken only from bore L36/2194 **0088**, 350 millimetres diameter and ~~470~~ **62** metres deep, at map reference NZMS 260 L36:40851-36374 and bore L36/1397, 300 millimetres diameter and 65.1 metres deep, at or about map reference NZMS 260 L36:4171-3570.

2 Water may be taken from bore L36/2194 at a rate not exceeding 48 litres per second, with a volume not exceeding 3,974 cubic metres per day and from bore L36/1397 at a rate not exceeding 45 litres per second, with a volume not exceeding 3,726 cubic metres per day.

3 The annual volume of water authorised to this consent shall not exceed ~~731,362~~ **983,100** cubic metres between the 1st July and the following 30th June;

~~HOWEVER, the annual maximum volume above may be replaced with an amount calculated using Schedule WQN9, or its functional equivalent, in a regional plan (Natural Resources Regional Plan) — the “Plan Compliant Method”;~~

~~IF~~

~~on or before the 30th June 2015, the consent holder forwards to the Canterbury Regional Council:~~

~~a new annual maximum volume which has been calculated by a suitably qualified person using the “Plan Compliant Method”; and~~

~~a certificate signed by the suitably qualified person which details and certifies the calculation has been undertaken in accordance with the “Plan Compliant Method”; and
at least three full irrigation seasons of data (including actual water volume used for irrigation, representative soil moisture monitoring, and representative daily rainfall);~~

~~AND~~

~~the Canterbury Regional Council gives written notice to the consent holder that it accepts that the calculation has been undertaken in accordance with the “Plan Compliant Method” and such notice shall not be withheld without good reason;~~

~~AND~~

~~no part of the annual volume above has been transferred.~~

~~Advisory note: The annual volume stated in this condition may be exceeded ONLY while data is being gathered in compliance with part (a) of the condition.~~

7.0 OVERALL ASSESSMENT AGAINST PLANS, OBJECTIVES AND POLICIES

7.1 Land and Water Plan (LWRP)

The relevant Objectives and Policies from the Land and Water Regional Plan for the application are as follows:

Objectives 3.1 to 3.24 may be summarised to require integrated management, recognise Ngai Tahu values, recognise the many and various in-stream and out-of-stream values and needs afforded by water quality and quantity, and require efficient and reasonable use under good environmental practices. By adopting the relevant planning framework and standards, and addressing effects on Tangata Whenua and other values, these Objectives are achieved.

Policies 4.1 to 4.10 apply in addition to the remaining overall policies or the sub-regional policies which take precedence if they are specified in the sub-regional sections. The initial policies require water and associated land use to be managed to set limits for both quantity and quality to achieve specified outcomes. By adopting the relevant planning framework and standards set in rules, and addressing specified effects, these Policies are met.

Policies 4.31 to 4.32 require livestock exclusion from waterbodies. There are no waterways on the property.

Policies 4.34 to 4.41 require management of nutrients. These policies are not considered relevant to this application.

Policies 4.49 to 4.72 and 4.77 to 4.78 require environmental flow and allocation regimes for surface water and groundwater to be complied with, metering, no cross-contamination between aquifers, reasonable and efficient use, and sharing during periods of restriction.

Policies 4.73 to 4.74 require a lapsing date and appropriate expiry date. The application proposes appropriate dates.

Policy 4.11, and Policies 4.24 to 4.41D are not considered relevant to this application as they are covered under chapter 11.

7.2 Chapter 11, Land and Water Regional Plan

The relevant Policies from chapter 11 of the Land and Water Regional Plan for the application are as follows:

Policies 11.4.1-11.4.5 recognise Ngai Tahu values, including cultural landscape, wahi tapu values, and recognise the many and various in-stream and out-of-stream values and needs afforded by water quality and quantity, particularly in improving Te Waihora/Lake Ellesmere and Waikewai Creek. By adopting the relevant planning framework and addressing effects on Tangata Whenua and other values these policies are met.

Policies 11.4.6-11.4.19 relate to the management of land use to improve water quality and set nitrogen target and limits and require efficient and reasonable use under good environmental practices to achieve specified outcomes. By adopting the relevant planning framework and standards set in rules, and addressing specified effects, these Policies are met.

Policies 11.4.21-11.4.32 seek to sustainably manage water and improve flows by managing groundwater and surface water together as a single resource and requiring environmental flow and allocation regimes for surface water and groundwater to be complied with. Restrict the transfer of water permits unless a specified volume of water is surrendered. Require reasonable and efficient use of the resource. By adopting the planning framework and standards set in the rules and appropriate consent conditions as requested in this application, these Policies are met.

11.4.29 Until the allocation limits in Tables 11(e) are no longer exceeded, apply adaptive management conditions upon replacement of any groundwater resource consents that have previously been subject to adaptive management conditions, not less stringent than the pre-existing conditions. This policy is not applicable as the resource consent does not contain adaptive management conditions.

7.3 National Policy Standards and National Environmental Standards

7.3.1 Freshwater

This 2011 National Policy Standards (NPS) was amended and came into effect in 2014. The NPS must be fully implemented as soon as reasonably practicable, or no later than 31 December 2030. It sets out objectives and policies for the management of water and directs councils to adopt quality and quantity limits in plans.

The freshwater NPS inserts two transitional policies directly into regional plans which require councils to consider specific criteria when making decisions on a resource consent application. The intent is that any more than minor potential adverse effects of activities, in relation to water takes, use, damming and diverting, as well as discharges, are thoroughly considered and actively managed (to the extent that an NPS can achieve that) pending the inclusion of limits in plans. These policies apply to activities that require a resource consent until such time as changes to regional plans to give effect to the NPS are made. Amendments to include the policies should be made promptly. In accordance with the RMA, amendments to existing regional plans are to be made by local authorities without using the process in Schedule 1 of the Act and as soon as practicable.

7.3.2 Biodiversity

This proposed NPS is intended to provide clearer direction to local authorities on their responsibilities for managing indigenous biodiversity under the RMA. It outlines policies and decision-making frameworks for the identification and management of indigenous biodiversity found outside the public conservation estate. It seeks to promote the maintenance of indigenous biodiversity while recognising the rights and responsibilities of landowners and the interests of Māori.

The proposed NPS contains a list of criteria for identifying areas of indigenous vegetation and habitats of indigenous animals that have been recognised as being rare and/or threatened at a national level. District and regional plans must identify these areas of significant biodiversity within five years of the NPS taking effect. Councils would be required to manage the effects of activities to ensure there is no net loss of significant indigenous biodiversity.

7.3.3 Sources of Human Drinking Water Standard

This National Environmental Standards (NES) came into effect on 20 June 2008. It requires regional councils to ensure that effects on drinking water sources are considered in decisions on resource consents and regional plans. Specifically, councils are required to:

- decline discharge or water permits that are likely to result in community drinking water becoming unsafe for human consumption following existing treatment
- be satisfied that permitted activities in regional plans will not result in community drinking water supplies being unsafe for human consumption following existing treatment
- place conditions on relevant resource consents requiring notification of drinking water suppliers if significant unintended events occur (e.g. spills) that may adversely affect sources of human drinking water.

7.3.4 Ecological Flows and Water Levels

The proposed NES aims to promote consistency in the way we decide whether the variability and quantity of water flowing in rivers, groundwater systems, lakes and wetlands is sufficient. The proposed NES would do this by:

- Setting interim limits on the alteration to flows and/or water levels for rivers, wetlands, and groundwater systems that do not have limits imposed through regional plans or Water Conservation Orders.
- Providing a process for selecting the appropriate technical methods for evaluating the ecological component of environmental flows and water levels in rivers, lakes, wetlands, and groundwater systems.

7.3.5 Measurement of Water Takes

These Regulations require consent holders to meet minimum requirements to measure their water takes. The regulations also require water use data to be reported to regional councils.

7.4 Regional Policy Statement

The Canterbury Regional Policy Statement (2013) has Objectives and Policies for the management of fresh water which may be summarised as follows:

- Objectives 7.2.1 and 7.2.4 require the region's fresh water resources to be managed sustainably
- Objectives 7.2.2 and 7.2.3 require that abstraction and use of water is efficient and water quality is not degraded
- Policies 7.3.1, 7.3.2 and 7.3.3 require fresh water bodies and biodiversity to be protected
- Policy 7.3.4 requires environmental flow and allocation regimes to be adhered to
- Policies 7.3.6 and 7.3.7 requires water quality standards to be adhered to
- Policy 7.3.8 requires efficient allocation and use of fresh water
- Policy 7.3.11 recognises existing infrastructure
- Policy 7.3.12 adopts the precautionary approach for fresh water management.

The regional plans are developed under this planning framework and implement policies and rules to deliver on these higher-level requirements. As such, the application will meet these requirements due to it being in accordance with the specific rules.

8.0 RESOURCE MANAGEMENT ACT PART 2

Purpose of the Act – Section 5

The purpose of the Act is to “promote the sustainable management of natural and physical resources”. Based on the information available, it is considered that the proposed activity is consistent with the purpose of the Act.

Matters of National Importance – Section 6

Section 6 outlines matters of national importance that are to be recognised and provided for in achieving the purpose of the Act. These matters include, but are not restricted to, the preservation of the natural character of rivers and their margins, and the protection of inappropriate subdivision, use and development. The relationship of Maori, their culture and traditions to the environment must also be recognised and provided for. It is considered that the activity can be carried out in a manner that will not adversely affect any matter set out in Section 6.

Other Matters – Section 7

Section 7 of the Act sets out those matters that have particular regard attributed to them in achieving the purpose of the Act. Those matters are as follows:

- (a) *Kaitiakitanga;*
- (b) *The efficient use and development of natural and physical resources;*
- (c) *The maintenance and enhancement of amenity values;*
- (d) *Intrinsic values of ecosystems;*
- (e) *Recognition and protection of heritage values of sites, buildings places, or areas;*
- (f) *Maintenance and enhancement of the quality of the environment;*
- (g) *Any finite characteristics of natural and physical resources;*
- (h) *The protection of the habitat of trout and salmon.*

With the mitigation measures proposed, it is considered that this activity will not compromise any of the matters included in Section 7.

The Principles of the Treaty of Waitangi

The Act states in s8. that:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The Court of Appeal has identified four principles, which form the basis of developing a relationship of partnership and communication. These are the Essential Bargain, Tribal Self-Regulation, The Treaty Relationship, and Active Protection. The third principle, the Treaty Relationship, accords Maori with special status as a Treaty Partner, distinct and separate from status as an ‘affected party’. The Runanga was not contacted regarding this application as they were not considered to be a potentially adversely affected party. A specific assessment against Tangata Whenua values has been carried out, and it is considered that the activity will not compromise any matters in Section 8.

9.0 SUMMARY AND RECOMMENDATIONS

Having considered all relevant matters under s104 (A-D) including the policies and objectives of the NPS, RPS, LWRP, it is considered that the application can be granted on a non-notified basis because the effects on the environment are less than minor, with no persons adversely affected as per s95E(3)(a) of the RMA. The proposal is considered to be broadly consistent with the relevant Objectives and Policies of the NPS, RPS, LWRP, and Part 2 of the RMA. Accordingly, this application can be granted as sought.