

CRC200187
Rangitata Diversion Race Management Limited

This section 42A report includes:

- Part A: Overview Section 42A Report
- Part B: Summary Section 42A Report for CRC200187

Part A: Overview Section 42A Report for review of resource consent conditions for water permits in the Hakatere / Ashburton River catchment

Prepared By: Gillian Ensor

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INTRODUCTION

1. Notices of review have been issued under section 128(1)(b) of the Resource Management Act 1991 (RMA), for water permits to abstract surface water from, or groundwater connected to, the Hakatere / Ashburton River mainstem or its tributaries. The consents are being reviewed to implement the minimum flows, water metering and telemetry requirements set in the Canterbury Land and Water Regional Plan (LWRP).
2. Part A includes this overview section 42A report (the Overview Report) which applies to all consents that are being reviewed. A list of these is included as **Appendix 1**.
3. The Overview Report provides the decision maker with information and advice relating to:
 - a. The background to the consent reviews, including review scope, decision to review and review process;
 - b. Legal and planning matters relevant to the consent reviews, including notification and review decision;
 - c. The affected environment – the Hakatere / Ashburton River catchment;
 - d. Information about the assessment of potentially affected parties and the actual and potential effects of the review; and
 - e. Objectives and policies of relevant statutory documents.
4. Part B includes a summary section 42A report (Summary Report) for each consent proceeding to decision. The Summary Report provides the decision maker with information specific to each consent and advice relating to:
 - a. The activity that is consented;
 - b. The proposed new consent conditions and any alternative new conditions proposed by the consent holder;
 - c. An assessment of potentially affected parties;
 - d. An assessment of the effects of the proposed new conditions;
 - e. A notification recommendation;
 - f. The impact of the review on the viability of the consent; and
 - g. A grant/decline recommendation.

5. Both the Part A Overview Report and the Part B Summary Report for each consent must be read together.
6. The conclusions reached or recommendations made in these reports are not binding on the decision maker.
7. The following appendices are included with this Overview Report:
 - a. **Appendix 1** – List of consents subject to review;
 - b. **Appendix 2** – Canterbury Land and Water Regional Plan minimum flows to be met from 1 July 2023;
 - c. **Appendix 3** – A copy of the template Notice of Review letter;
 - d. **Appendix 4** – Information about the assessment undertaken by Environment Canterbury to determine stream depletion effect of groundwater consents in the catchment.

BACKGROUND TO THE CONSENT REVIEWS

Scope of review

8. The scope of the review is to implement:
 - a. The minimum flows set in Table 13(b) of the LWRP to be met from 1 July 2023; and
 - b. The water metering and telemetry provisions in the LWRP.
9. The review applies to all resource consents to take and use surface water and stream depleting groundwater, along with some consents to divert water, from the Hakatere / Ashburton River and its tributaries.
10. This review does not address water allocation. A key reason for this is that, while the consented allocation exceeds the LWRP allocation limits in some parts of the catchment, the actual use, determined by water metering data, is within the allocation limits of the LWRP.

Decision to review consents

11. Environment Canterbury has decided, on the recommendation of the Zone Committee, to review the conditions of resource consents to implement the planning provisions relevant to minimum flows, water metering and telemetry as provided for by section 128(1)(b) of the RMA. The reasons for the review are:
 - a. The LWRP was made operative in 2016 and includes minimum flows for the Hakatere / Ashburton River and its tributaries¹ to achieve the following priority outcomes for the catchment that are stated in the Zone Implementation Programme (ZIP):

¹ Land and Water Regional Plan, Table 13(b) – minimum flows for Hakatere / Ashburton River and tributaries must be met from 1 July 2023.

- i. Improved and protected natural character and mauri of the Hakatere / Ashburton River;
 - ii. Ecosystem health and biodiversity are protected and improved;
 - iii. Protect and improve water quality; and
 - iv. Efficiently used, secure and reliable supply of water.
 - b. More than half of the consents in the catchment have no minimum flow condition and there are very few that have a minimum flow that is compliant with the LWRP minimum flows.²
 - c. Hydrological modelling shows the benefits to the environment envisaged by the LWRP will only be realised when all resource consents for surface water takes and hydraulically connected groundwater are subject to the LWRP minimum flows at the same time.
 - d. Reviewing all the consents at the same time to impose new minimum flow conditions is the best way to ensure equity in the catchment.³ Minimum flows can only be imposed on a new consent, when a consent expires and is replaced, or as part of a consent review process. The expiry dates for consents in the catchment stretch until 2041, with very few consents expiring in the next 10 years. Waiting to impose new minimum flow conditions when consents expire and are replaced will mean that those whose consents expire later will benefit from improved reliability of supply as the minimum flow regime is imposed on those whose consents expire earlier.
12. Updating water metering and telemetry conditions are also included in the review because the LWRP requires all water permits with a minimum flow or flow restriction condition to also include a condition requiring water use records to be telemetered to Environment Canterbury or its nominated agent.⁴ This is to enable more accurate and real-time management of abstractions when the river flows are approaching or at the minimum flows.

Information considered

13. The following information was considered when making the decision to review the consents:
- a. Priority outcomes sought for the Hakatere / Ashburton River catchment by the Ashburton Water Zone Committee under the Canterbury Water Management Strategy;
 - b. The relevant provisions of the LWRP, the RMA and the Regulations;
 - c. Technical advice regarding hydrology, including water availability;
 - d. Environmental benefits;
 - e. Environment Canterbury's Long-Term Plan;
 - f. The impact of the new consent conditions on consent holders; and
 - g. Costs to ratepayers.

² Resource Consent Inventory (RCI) for the Hakatere / Ashburton River Catchment, November 2018, from page 27. Prepared by Enviser Ltd for Environment Canterbury.

³ Policy 13.4.9 of the LWRP provides for the review of all existing water permits prior to 1 July 2023 to ensure abstractions comply with the minimum flow requirements specified in the LWRP.

⁴ Policy 4.54 of the LWRP.

Review process

14. Environment Canterbury has been preparing for the consent reviews for a period of 18-months. This has included:

- a. Working with the Ashburton Zone Committee to ensure that the review of consents in the catchment would meet the outcomes anticipated by the LWRP. This involved a series of workshops which covered:
 - i. Review scope;
 - ii. Impacts on consent holder's ability to take water;
 - iii. Hydrological modelling – methods and results;
 - iv. Timing of review; and
 - v. Communication and engagement with consent holders and the community.
- b. Developing a comprehensive engagement strategy to determine when and how to engage with consent holders and the community throughout the reviews. Key components of the strategy were:
 - i. Community engagement;
 - ii. The timing of issuing notices of review on consent holders;
 - iii. Consent holder engagement; and
 - iv. Individual meetings with consent holders.

15. Formal notice of review letters were served on consent holders on 18 July 2019.

16. All consent holders, except ten, requested timeframes to be extended to give them more time to fully consider the impact of the proposed new conditions on their consented activity in order to determine if they wish to propose alternative new conditions.

Engagement

17. The following engagement with consent holders and the community has occurred:

- a. Prior to notices of review being served, two community meetings were held on 16 July, one in Ashburton and one in Methven. The meetings were hosted by the Zone Committee to discuss the key values of the catchment and the reasons the Zone Committee supports the review of consents. Environment Canterbury staff attended the meetings and introduced the review process. Meetings were well attended by community group representatives, individuals and consent holders.
- b. After notices of review was served, two consent holder meetings were held on 30 July, one in Ashburton and one in Methven. The meetings were hosted by Environment Canterbury and staff presented more detailed information about the review process and the impacts of the minimum flows on water availability. The meetings were well attended by 62 consent holders.

- c. After the consent holder meetings staff met with consent holders as required. There were quite a few meetings and site visits as well as other correspondence with consent holders.
 - d. Staff have contacted consent holders who did not attend one of the consent holder meetings to ensure that they had received the notice of review and that they understand the consent review process and impacts on water availability.
 - e. Two consent holder meeting were held in December 2019 at Greenstreet Hall. The meetings were hosted by Environment Canterbury and the project team provided an update on the review process and responded to questions from consent holders that had been asked in the previous few months.
 - f. Several drop-in sessions were held at various locations in the catchment in July and August 2020 which provided an opportunity for consent holders to discuss the consent review with staff.
 - g. A number of consent holders have joined with Ashburton River Irrigators Association (ARIA) who have been established to work collaboratively with Environment Canterbury on matters that are common to all consent holders.
18. Further information about engagement with individual consent holders is contained in the Summary Report for each consent.

Consideration of which consents to review

19. The following steps were undertaken to determine which consents to review:
- a. A comprehensive search of Environment Canterbury's resource consent database to identify all water permits within the Hakatere / Ashburton River catchment.
 - b. For groundwater consents, a desktop assessment of stream depletion effect was undertaken to classify degrees of connection in accordance with Schedule 9 of LWRP and the method and assessment results are included in **Appendix 4**.⁵
 - c. For surface water consents, where there was uncertainty about whether a consent should be included in the review, for example consent to divert water or where multiple uses are authorised, additional consent documentation was reviewed (original application, as well as officer report and decision document).
20. A list of all consents included in the review, by sub-catchment, is provided in **Appendix 1**.

LEGAL AND PLANNING MATTERS

21. The following sections set out the legal and planning matters relevant to a consent review.

⁵ Information about methodology used and assessment results can be found on Environment Canterbury website at <https://www.ecan.govt.nz/your-region/your-environment/water/whats-happening-in-my-water-zone/ashburton-water-zone/water-consents-review/>

Resource Management Act 1991 (RMA)

Consents being reviewed

22. All consents being reviewed have been issued in accordance with section 14 of the RMA.

Circumstances when consent conditions can be reviewed

23. Section 128 of the RMA specifies the circumstances under which consent conditions can be reviewed. The consent conditions are being reviewed under section 128(1)(b) to enable the minimum flows for the Hakatere / Ashburton River catchment that are set in the LWRP to be applied from 1 July 2023. Section 128(1)(b) states:

“..in the case of a coastal, water, or discharge permit, when a regional plan has been made operative which sets rules relating to maximum or minimum levels or flows or rates of use of water, or minimum standards of water quality or air quality, or ranges of temperature or pressure of geothermal water, and in the regional council's opinion it is appropriate to review the conditions of the permit in order to enable the levels, flows, rates, or standards set by the rule to be met.”

Notice of review

24. Section 129 of the RMA specifies the information that is to be included in a notice of review and states:

“1. A notice under [section 128](#)—

(a) shall advise the consent holder of the conditions of the consent which are the subject of the review; and

(b) shall state the reasons for the review; and

(c) shall specify the information which the consent authority took into account in making its decision to review the consent, unless the notice is given under [section 128\(1\)\(a\) or \(ba\)](#) or (2); and

(d) may propose, and invite the consent holder to propose within 20 working days of service of the notice, new consent conditions; and

(e) must advise a consent holder by whom a charge is payable under [section 36\(1\)\(cb\)](#)—

(i) of the fact that the charge is payable; and

(ii) of the estimated amount of the charge.”

25. Notices of review were served on the relevant consent holders in accordance with section 129 and a copy of the template Notice of Review letter is included in **Appendix 3**. The review notice for each consent is available on the consent file and the proposed new conditions, included with the consent notice for each consent, are included in the Summary Report for each consent. The proposed new consent conditions for each consent vary depending on the sub-catchment the consent is located in, whether the take is a groundwater or surface water abstraction and the type of intake system.

26. Environment Canterbury invited consent holders to propose alternative new conditions to give effect the minimum flows in the LWRP. The time period for consent holders to propose alternative new conditions was extended from 20 to 40 working days which meant that the time period closed on 12th September 2019.⁶

⁶ The timeframes were doubled from 20 to 40 working days as provided for by section 37A of the RMA.

27. Many of the consent holders requested the time period be extended until September 2020 to give them more time to fully consider the impact of the proposed new consent conditions on their consented activity and to determine if they will propose alternative new conditions. The extension is provided for by section 37 of the RMA and these requests were granted.

Notification

28. Section 130 of the RMA sets out matters relating to public and limited notification and states that sections 96 to 102 and 95 to 95G shall, with all necessary modifications, apply in respect of a review of any resource consent.

29. Section 130(1) establishes that the notification provisions apply as if the notice of review were an application for a resource consent, and the consent holder were the applicant.

30. Section 130(3) states that sections 95 to 95G of the RMA (notification requirements) apply, with all necessary modifications, as if;

"a) the review of consent conditions 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 review of the consent conditions and to the effects of the change of conditions respectively."

31. In making a recommendation for public or limited notification, the following interpretation has been made:

- a. The 'environment' upon which the effects are assessed will include the consent holders' current consented activity. The review should not reconsider the consented activity, just the effects of the change of conditions, as set out in clause 130(3)(b).
- b. The proposed new conditions will primarily adversely affect the consent holder. The effect on the consent holder of the change of conditions will be a change to their ability to take water. It is the minimum flows set in the LWRP that will affect water availability generally and other people in the catchment, and for this reason other people in the catchment are not considered to be affected by the review.
- c. Because the consent holder is to be treated as the applicant, as set out in clause s130(1)(b), the adverse effects on the consent holder are not considered, nor is the consent holder considered to be an affected person, for notification purposes.
- d. The consent holder's involvement in the review process, and their rights, are as if they are an applicant for a consent. Any impact on the consent holder is addressed through the review decision, as provided for by section 131(1)(a).

32. Information relevant for the notification decision for each consent, including a notification recommendation, is included in the Summary Report for each consent.

Matters to be considered in review

33. Section 131 of the RMA sets out the matters to be considered when making a decision on a consent that is being reviewed. Section 131(1) states:

“When reviewing the conditions of a resource consent, the consent authority—

(a) shall have regard to the matters in [section 104](#) and to whether the activity allowed by the consent will continue to be viable after the change; and

...

(b) may have regard to the manner in which the consent has been used.”

34. In making a decision on a consent that is being reviewed, the consent authority shall have regard to whether the consented activity will continue to be viable after the change brought about by the review.
35. The viability of the consented activity, the manner in which the consent has been used and section 104 matters relevant to an individual consent are discussed in the Summary report for each consent. Further information is also included later in this report in the section ‘Recommendation for grant or refuse’.

Canterbury Land and Water Regional Plan (LWRP)

36. As provided for by section 128(1)(a)(b), the RMA enables the review of the conditions of a resource consent when a regional plan has been made operative which sets rules relating to maximum or minimum levels or flows and in the regional council's opinion it is appropriate to review the conditions of the permit in order to enable the levels or flows set by the rule to be met.
37. Rule 5.123 is the region-wide rule that requires that consented takes do not result in any exceedance of any environmental flow limits set in sections 6 to 15 of the LWRP. The environmental flows (minimum flows) for the Hakatere / Ashburton River catchment are set in section 13 (Ashburton) and set out in Table 13(b). The minimum flows in Table 13(b) that are part of the review are replicated in **Appendix 2** for ease of reference.

ASSESSMENT OF POTENTIALLY AFFECTED PARTIES

38. This section discusses parties that may be potentially affected by the proposed new conditions as set out in the notice of review. If a consent holder has proposed alternative new conditions to give effect to the provisions in the LWRP, there may be potentially affected parties that have not been discussed here, and these are discussed in the Summary Report for each consent, as required.
39. As discussed from paragraph 31 under ‘notification’, the proposed new conditions will primarily affect the consent holder and the consent holder is to be treated as if they were an applicant for a resource consent. The consent holder is not considered to be an affected person for notification purposes.
40. The minimum flows set in the LWRP will affect water availability generally and other people in the catchment. The wider community are not considered to be affected by the review of consent conditions as they are not considered to be affected by the change of conditions as set out in the notice of review.

41. As set out above, no persons are considered to be adversely affected by the review of consent conditions as set out in the notice of review letters, to implement the minimum flows set in the LWRP.

DESCRIPTION OF THE AFFECTED ENVIRONMENT

42. The Ashburton Water Zone is described generally in section 13 of the LWRP. This section includes a detailed overview of the natural and physical resources and the communities of the Hakatere / Ashburton River catchment. The decision makers' report and recommendation on the LWRP also provide an outline of the Hakatere / Ashburton River catchment and environment, as does the Ashburton Zone Implementation Programme (ZIP).⁷ In summary:

- a. The Ashburton Water Zone is bordered by two large braided rivers – the Rakaia and Rangitata – and divided by the Ashburton and Hinds Rivers;
- b. The Hakatere / Ashburton River is the main braided river in the Ashburton Water Zone;
- c. The catchment boundary and sub-catchment surface water allocation zones are shown in Figure 1;
- d. The Hakatere / Ashburton River has a north and south branch, and tributaries which include Taylors Stream and Pudding Hill Stream;
- e. The surface waterbodies in the catchment provide habitat for rare birds, fish, plants and other species, as well as supporting a wide range of recreational values;
- f. Land within the Ashburton Water Zone has been extensively modified over the years to create one of the most productive agricultural regions in New Zealand; and
- g. Three rūnanga consider the Ashburton Zone part of their takiwā – Arowhenua, Taumutu and Ngāi Tūāhuriri. The rivers, lakes and wetlands that once covered large areas of the zone have always been an important place and food basket for Ngāi Tahu.

⁷ Ashburton Zone Implementation Programme, 2011. Prepared in accordance with the Canterbury Water Management Strategy.

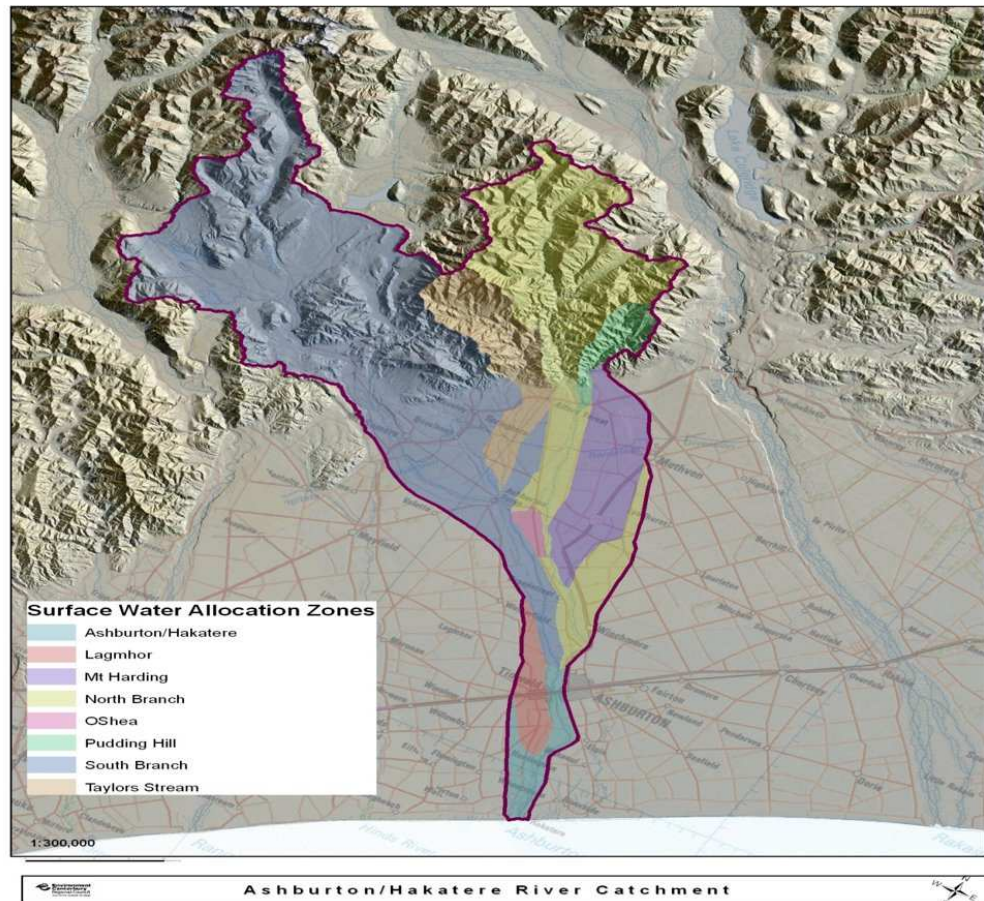


Figure 1: Ashburton / Hakatere River Catchment Surface Water Allocation Zones.

43. Environment Canterbury's online GIS tool, Canterbury Maps, identifies a number of key features of the catchment. These include:
 - a. The Ashburton River and its tributaries are a Statutory Acknowledgement Area;
 - b. Te Rūnanga o Arowhenua has interests in the catchment waterways;
 - c. The catchment is in the Department of Conservation (DOC) conservancy area of Ruapakupa and the Hakatere / Ashburton River is a DOC site of special wildlife significance;
 - d. The Hakatere / Ashburton River and tributaries are listed as:
 - i. Land of National Significance (DOC)
 - ii. Recommended area of protection (DOC)
 - iii. Site of special wildlife significance (DOC).
44. The above points show that the Hakatere / Ashburton River catchment holds high natural values.
45. Further discussion about the existing environment and how it relates to a consent that is being reviewed is contained in the Summary Report for each consent, if required.

ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS OF THE PROPOSED NEW CONDITIONS

46. This section discusses the actual and potential effects of the proposed new conditions that were included in the notice of review. If a consent holder has proposed alternative new conditions to give effect to the minimum flow provisions in the LWRP, there may be actual and potential effects that are not discussed here. A full assessment of effects is contained in the Summary Report for each consent.
47. Imposing new minimum flow conditions on a resource consent will impact on a consented activity by changing the availability of water for abstraction. A resource consent may be on restriction more frequently and for longer periods of time. As set out previously in this report, a consent holder is to be treated as if they were an applicant for a resource consent (section 130(1)). For this reason, the potential adverse effects on the consent holder are not discussed further here but are addressed as part of the review decision, as provided for by section 131(1)(a).
48. There are no additional adverse effects that need to be considered as part of the review.
49. There will be positive effects on the environment of implementing the minimum flows throughout the catchment. The purpose of the minimum flows is to protect the waterways' values and to ensure there is a reliable source of water for the environment, community and consent holders. Imposing new minimum flow conditions on resource consents will ensure that the aspirations of the community for the Hakatere/Ashburton River Catchment will be realised. Ensuring that all abstractions are monitored using a telemetered water metering system will mean that farmers are better able to manage the taking and use of water because they will know in real-time how much water they are allowed to take and use under the conditions of consent.
50. For the above reasons, it is considered that there are no adverse effects of the proposed new consent conditions, as included in the notice of review, that need to be considered further.

RELEVANT STATUTORY PROVISIONS

51. The National Policy Statement for Freshwater Management 2020 (NPSFM), the Canterbury Regional Policy Statement 2013 (CRPS) and the Land and Water Regional Plan (LWRP) are relevant to the consent reviews and discussion of relevant objectives and policies is contained within the following paragraphs.

National Policy Statement for Freshwater Management (NPSFM)

52. The NPSFM is relevant to the consent reviews because it provides local authorities with direction on how they should manage freshwater under the RMA.
53. The NPSFM 2014 came into effect on 1 August 2014 and was amended in August 2017. It was relevant to the consent reviews that were granted prior to the NPSFM 2020 coming into effect on 3 September 2020. The NPSFM 2020 replaces the NPSFM 2014 and is now the relevant document.

54. The objective of the NPSFM is:

“The objective of this National Policy Statement is to ensure that the natural and physical resources are managed in a way that prioritises:

(a) first, the health and well-being of water bodies and freshwater ecosystems

(b) second, the health needs of people (such as drinking water)

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.”

55. There are fifteen policies that set out how freshwater should be managed. Of particular importance for the Hakatere / Ashburton River consent reviews are the following policies:

- a. Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.
- b. Policy 2: Tangata whenua are actively involved in freshwater management (including decision-making), and Māori freshwater values are identified and provided for.
- c. Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.
- d. Policy 7: The loss of river extent and values is avoided to the extent practicable.
- e. Policy 9: The habitats of indigenous freshwater species are protected.
- f. Policy 10: The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.
- g. Policy 12: The national target (as set out in Appendix 3) for water quality improvement is achieved.
- h. Policy 15: Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.

56. Te Mana o te Wai is relevant to all freshwater management and is the fundamental concept of the NPSFM. Part 1.3(1) states that the concept refers to “...*the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment and the community*”. Te Mana o te Wai encompasses six principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater.

57. A discussion regarding the consent reviews and how they fit within the provisions of the NPSFM 2020 is contained later in this report from paragraph 79.

Canterbury Regional Policy Statement 2013 (CRPS)

58. The CRPS was reprinted in early 2017 to include corrections of minor errors under Clause 20A of Schedule 1 to the RMA, as well as amendments under Sections 21, 24 and 27 of the Canterbury Earthquake Recovery Act 2011.

59. The CRPS provides an overview of the resource management issues of the region and Chapter 7 contains objectives and policies relevant to freshwater. Those relevant to the consent reviews are:

- a. Objective 7.2.1 seeks to ensure freshwater resources are managed sustainably, and any requirements for community and stock water supplies and customary uses are provided for;
- b. Objective 7.2.4 seeks freshwater to be managed in an integrated way within and across catchments;
- c. Policy 7.3.4 ensures the abstraction of surface water and groundwater are managed by establishing regimes which manage hydrological connections to protect flow freshes and flow variability, provide for existing or foreseeable drinking water needs, support customary uses, include flows to maintain wetlands or water for customary uses. The flow for the Ashburton River and tributaries seek to achieve all these matters.

Canterbury Land and Water Regional Plan (LWRP)

60. The LWRP includes objectives and policies to manage freshwater in the Canterbury region. There are twelve objectives that are particularly relevant to the consent reviews as follows:

- a. Objective 3.2 ensures that water management applies the ethic of ki uta ki tai (from the mountains to the sea) and that land and water are managed as integrated natural resources recognising the connectivity between surface water and groundwater, and between fresh water, land and the coast.
- b. Objective 3.6 ensures that water is recognised as essential to all life and is respected for its intrinsic values.
- c. Objective 3.7 ensures that freshwater is managed prudently as a shared resource with many in-stream and out-of-stream values.
- d. Objective 3.8 ensures that the quality and quantity of water in freshwater bodies and their catchments is managed to safeguard the life-supporting capacity of ecosystems and ecosystem processes, including ensuring sufficient flow and quality of water to support the habitat and feeding, breeding, migratory and other behavioural requirements of indigenous species, nesting birds and, where appropriate, trout and salmon.
- e. Objective 3.8A ensures that high quality fresh water is available to meet actual and reasonably foreseeable needs for community drinking water supplies.
- f. Objective 3.10 ensures that 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.
- g. Objective 3.11 ensures that water is recognised as an enabler of the economic and social wellbeing of the region.
- h. Objective 3.12 ensures that when setting and managing within limits, regard is had to community outcomes for water quality and quantity.
- i. Objective 3.15 ensures that those parts of lakes and rivers that are valued by the community for recreation are suitable for contact recreation.
- j. Objective 3.16 ensures that freshwater bodies and their catchments are maintained in a healthy state, including through hydrological and geomorphic processes such as flushing and opening hapua and river mouths, flushing algal and weed growth, and transporting sediment.

- k. Objective 3.17 ensures that the significant indigenous biodiversity values of rivers, wetland and hapua are protected.
 - l. Objective 3.19 ensures that the natural character values of freshwater bodies, including braided rivers and their margins, wetlands, hapua and coastal lagoons, are protected.
61. The policies in the LWRP set out the ways in which the objectives will be implemented. The objectives and policies must be read and considered together. The following policies are particularly relevant to the consent reviews.
62. Policy 13.4.8 sets out the minimum flow restrictions that will be applied to surface water and stream depleting groundwater abstractions in the Hakatere / Ashburton River catchment. This policy provides certainty about the minimum flows that shall apply from 1 July 2023 and states:
- “For the Ashburton River / Hakatere, the following restrictions shall be applied in respect of the abstraction of surface water and stream depleting groundwater in the Ashburton River / Hakatere catchment:*
- a. *between 1 July 2023 and until 30 June 2033 Rangitata Diversion Race A and B allocations shall be subject to the residual flow restrictions specified in [Table 13\(b\)](#).*
 - b. *between 1 July 2023 and until 30 June 2033 all abstractions except Rangitata Diversion Race intake shall be subject to the State Highway 1 minimum flow in addition to the relevant tributary minimum flow as per [Table 13\(b\)](#).*
 - c. *from 1 July 2033, all abstractions shall only be subject to the State Highway 1 minimum flow as per [Table 13\(b\)](#).*
 - d. *any Water Users' Group will be subject to pro rata reductions.*
 - e. *all abstractions except Rangitata Diversion Race allocations and Water Users' Group takes shall be subject to incremental stepped reductions as per [Table 13\(c\)](#).”*
63. Policy 13.4.8(a) provides clarity for the abstraction of water associated with the Rangitata Diversion Race (RDR) Scheme, that it will be subject to the specified residual flow restriction immediately downstream of the RDR intake point rather than the South Branch minimum flow specified in Table 13(b).
64. Policy 13.4.8(b) indicates that abstractions from a tributary shall be subject to the Ashburton River mainstem State Highway 1 minimum flow in addition to the relevant tributary minimum flow as per Table 13(b). For this reason, an abstraction from a tributary will have two minimum flows that must be met from 1 July 2023. This policy also clearly indicates that the taking of water at the Rangitata Diversion Race intake will not be subject to the Ashburton River mainstem minimum flow.
65. Policies 13.4.8(c) and (d) are not applicable to these consent reviews as the minimum flows that must be met from 1 July 2033 and Water Users' Groups are not included in the review scope.
66. Policy 13.4.8(e) ensures that all abstractions (except Rangitata Diversion Race) shall be subject to stepped reductions as set out in Table 13(c). Table 13(c) establishes partial flow restrictions for the Ashburton River mainstem when the flow at State Highway 1 drops below 7,700 (L/s). This means that any abstraction that is subject to the Ashburton River mainstem minimum flow must start reducing the rate of take when the flow in the Ashburton River mainstem at State Highway 1 drops below 7,700 (L/s). There are four steps to the restriction regime, commencing with 25% reduction when the flow is at 7,275 (L/s) and 100% reduction (complete cessation of the abstraction of water) when the flow is at 6,000 (L/s). There are no stepped reduction requirements for the tributary minimum flows.

67. Policy 13.4.9 provides guidance for the consent authority to complete a review of water permits prior to 1 July 2023 to ensure abstractions comply with the minimum flows set in Table 13(b) and states:

"In accordance with Section 128 of the RMA, Canterbury Regional Council may complete a review of all existing water permits in the Ashburton Catchment prior to 1 July 2023, to ensure the abstractions comply with the allocation limits and minimum flow requirements specified in [Table 13\(b\)](#)."

68. As discussed previously, allocation is not within the scope of this resource consent review.

69. Policy 4.54 is a region-wide policy, requiring all permits with a minimum flow or trigger level that signifies a restriction on take to measure and record water use and have the system telemetered to the regional council. For this reason, water metering and telemetry are included in the review. The policy goes beyond the requirements of the National Regulations for the Measuring and Monitoring of Water Takes (2010) by requiring permits to take water at a rate of 30 L/s or less to measure and record water use. This is to ensure the consent authority can effectively and efficiently manage river levels at times of low flow. The policy states:

"In addition to the requirements in the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010, any new water permit, replacement of an expiring water permit, transfer or review of an existing permit:

- 1. to take water at a rate of more than 30 L/s;*
- 2. to take water with a minimum flow or trigger level that signifies a restriction on take; or*
- 3. to take water within a water users group;*

shall include a condition requiring water use records to be telemetered \ to the Canterbury Regional Council or its nominated agent."

70. Policy 13.4.5 provides for the taking of deep groundwater as an alternative source of water, in order to address over-allocation of surface water and stream depleting groundwater in the Hakatere / Ashburton River catchment. This policy provides an allocation for any future consent application for a deep groundwater abstraction where the consent holder agrees to surrender a surface water take of an equal or greater rate and volume.
71. In assessing the objectives and policies of the relevant planning documents as set out above, it is considered that the consent reviews, as proposed in the notice of review, are consistent with the objectives and policies of the relevant planning documents. Where a consent holder has proposed alternative new conditions to give effect to the minimum flows in the LWRP, further assessment against the relevant planning provisions is required, and this is included in the Summary Report for a consent.

OTHER RELEVANT MATTERS

72. There are no additional relevant matters that are applicable to the consents that are being reviewed, as proposed in the notice of review. If a consent holder has proposed alternative new consent conditions to give effect to the minimum flows in the LWRP, further discussion regarding other relevant matters is included in the Summary Report for a consent.

RECOMMENDATION FOR NOTIFICATION (SECTION 130, RMA)

73. As set out previously in this report from paragraph 28, section 130 sets out matters relating to public notification and states that sections 95 to 95G apply, with all necessary modifications.
74. Section 95A of the RMA 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:
- a. Step One: Mandatory public notification is not required (s95A(2) RMA);
 - b. Step Two: Public notification is not precluded (s95A(4) RMA);
 - c. Step Three: Public notification is not required in certain circumstances (s95A(7) RMA); and
 - d. Step Four: Special circumstances do not exist which require the application to be publicly notified (s95A(9) RMA).

For the consents that are being reviewed, the public notification requirements above have been assessed, and the details of this, including a notification recommendation, are set out in the Summary Report for each consent.

75. 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 in statutory order below in accordance with s95B RMA:
- 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);
 - 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).

76. For the consents that are being reviewed, the limited notification requirements above have been assessed, and the details of this, including a notification recommendation, are set out in the Summary Report for each consent.

RECOMMENDATION FOR GRANT OR REFUSE (SECTION 131, RMA)

77. A decision recommendation for each consent that is being reviewed is included in the Summary Report for each consent. The following paragraphs contain information about the matters to be considered in review.
78. As set out previously in this report from paragraph 33, section 131 sets out matters to be considered in review and these are:
- a. Matters in section 104;
 - b. Whether the consented activity will continue to be viable after the change; and
 - c. The manner in which the consent has been used.

Matters in section 104

79. The consent authority shall have regard to the matters set in section 104 of the RMA, which states:

“When considering an application for a resource consent and any submissions received, the consent authority must, subject to [Part 2](#), have regard to—

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) any relevant provisions of—*
 - (i) a national environmental standard:*
 - (ii) other regulations:*
 - (iii) a national policy statement:*
 - (iv) a New Zealand coastal policy statement:*
 - (v) a regional policy statement or proposed regional policy statement:*
 - (vi) a plan or proposed plan; and*
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.”*

80. The assessment of the actual and potential effects undertaken for the purpose of notification and as set out from paragraph 46, determined that for those consents being reviewed as set out in the notice of review, there are no adverse effects of the proposed new conditions.

81. The consent authority must have regard to any relevant provisions of a national policy statement, a regional policy statement and a regional plan or proposed plan. The relevant objectives and policies of the NPSFM 2020, CRPS and LWRP are set out previously in this report and discussed here.

82. Section 13 of the LWRP (the Ashburton sub-regional section) was made operative in 2016 and was developed to implement the NPSFM 2014 and the CRPS. The objectives and policies in section 13 provide clear direction and guidance to enable the review of consents to impose the minimum flows in the Hakatere / Ashburton River catchment. The minimum flows were developed to achieve the following water management priority outcomes for the catchment:

- a. Improved and protected natural character and mauri of the Ashburton River / Hakatere.
- b. Ecosystem health and biodiversity are protected and improved.
- c. Protected and improved water quality
- d. Efficiently used, secure and reliable supply of water.

83. In my opinion, because the consent reviews will implement the minimum flows in the LWRP, they are consistent with the CRPS and further discussion of the consent reviews, as set out in the notice of review, in the context of the CRPS is not required. However, further discussion of the NPSFM 2020 is required because the NPSFM 2020 came into effect on 3 September 2020, after section 13 of the LWRP was made operative and the notice of reviews were issued.

84. As set out previously, the objective of the NPSFM 2020 is to ensure that natural and physical resources are managed in a way that prioritises:
- a. First, the health and well-being of water bodies and freshwater ecosystems
 - b. Second, the health needs of people (such as drinking water)
 - c. Third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
85. There are also fifteen policies in the NPSFM 2020 that set out how freshwater should be managed and many of those are relevant to the consent reviews. As discussed above at paragraph 56, the concept of Te Mana o te Wai is fundamental to the NPSFM 2020 and is relevant here.
86. In my opinion, the priority outcomes for the Hakatere/Ashburton River catchment, as included in section 13 of the LWRP and at paragraph 82 above, are well aligned with the NPSFM 2020 objective and policies. In reviewing the consents to implement the minimum flows in the LWRP, I consider that the health and well-being of water bodies and freshwater ecosystems in the Hakatere/Ashburton River catchment, which is the first priority of the NPSFM 2020 objective, is being achieved. This is particularly important in this catchment because the Hakatere/Ashburton River is a statutory acknowledgement area and has significant cultural importance to Te Runanga o Ngāi Tahu.
87. Where a consent holder proposes any alternative new conditions to give effect to the provisions in the LWRP, the potential adverse effects of the proposed alternative new conditions and the objectives and policies of the relevant planning documents, including the NPSFM 2020 and other matters, are discussed in further detail in the Summary Report for that consent.
88. There are no other matters considered relevant to the consent condition reviews.

Part 2 Matters (Purpose and Principles of the RMA)

89. Under section 104(1) of the RMA, the consent authority must consider applications “subject to Part 2” of the RMA, specifically sections 5, 6, 7 and 8.
90. The Purpose of the RMA (Section 5) is to:
- “promote the sustainable management of natural and physical resources.”*
91. The Court of Appeal has recently considered the application of Part 2 under section 104 in *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316, [2018] 3 NZLR 283. This decision found that decision-makers are required to consider Part 2 in making decisions on consent applications, where it is appropriate to do so. Whether it is “appropriate” to refer to Part 2 depends on the planning documents in question.
92. The Court of Appeal stated that consent authorities should continue to undertake a meaningful assessment of the objectives and policies of the relevant plan. Where the planning documents have been prepared having regard to Part 2 of the RMA, and with policies designed to achieve clear environmental outcomes, consideration of Part 2 is not likely to be necessary.
93. Where this is the case, the Court of Appeal found that the consent authority should implement the policies of the plan. In this case, “genuine consideration and application of relevant plan considerations may leave little room for Part 2 to influence the outcome.”

The consideration of Part 2 is not prevented, but it cannot be used to justify an application that is otherwise not supported by objectives and policies.

94. Consideration under Part 2 is appropriate where the consent authority has doubt as to whether the planning documents have been prepared in a manner that appropriately reflects Part 2.
95. In light of the Court of Appeal judgment, Part 2 is required to be considered when determining an application for resource consent (and consent being reviewed), but the objectives and policies still hold significant weight, and in most cases (unless the plan has not been prepared in accordance with Part 2), will largely be determinative.
96. Given the direction of the Court of Appeal judgement, the consent reviews have still been assessed against Part 2 of the RMA 1991, and I am of the view that the proposed reviews, as set out in the notices of review will achieve the purpose of the RMA.

Viability of consent

97. The consent authority shall have regard to whether the activity allowed by the consent will continue to be viable after the change of consent conditions (section 131(1)(a)).
98. Implementing the minimum flows set in the LWRP will change the availability of water for abstraction. This may mean that consents are on restriction more frequently and for longer periods of time. This change to water availability will affect consented activities differently depending on, for example, the minimum flow(s) that apply to a consent, farming practices, and efficiency of water use.
99. Environment Canterbury has undertaken a detailed hydrological modelling assessment to determine the impact of the LWRP minimum flows on water availability for consent holders. The modelling methodology and results are presented in a technical report from the Science Group.⁸ In summary, the modelling shows that in implementing the LWRP minimum flows, there will be:
 - a. An increase in the number of days on restriction for most consent holders;
 - b. Some tributaries will be impacted more than others; and
 - c. Mt Harding Creek, O'Shea Creek and Lagmhor Creek show the greatest decrease in water availability.
100. The impact of the minimum flows on whether a consented activity will continue to be viable is discussed in the Summary Report for each consent.

Manner in which a consent has been used

101. The consent authority may have regard to the manner in which the consent has been used (section 131(1)(b)).
102. The extent in which a consent has been used is discussed in the Summary Report for each consent.

Consent conditions

103. Section 132 of the RMA states that sections 106 to 116 (which relate to conditions, decisions, and notifications) apply to a decision on review of consent conditions.

⁸ Environment Canterbury Report No. R19/97. Hakatere/Ashburton River Modelling for Consent Review. August 2019.

104. The recommended new conditions to include, if granted, are attached to the Summary Report for each consent.

Duration


105. The consent duration cannot be changed as part of a review of consent conditions.

DECISIONS ON REVIEW OF CONSENT CONDITIONS

106. Section 132 of the RMA outlines the matters that are to be considered when making decisions on the review of consent conditions. Sections 106 to 116 (which relate to conditions, decisions, and notification) and section sections 120 and 121 (which relate to appeals) apply, with all necessary modifications, to a review under section 128.
107. Notification and decision recommendations are included in the Summary Report for each consent.

Signed:  Date: 21 September 2020

Name: Gillian Ensor
Consents Planner

Signed by  Date: 21 September 2020

Reviewer: Bianca Sullivan
Name: Ashburton Consent Review
Project Manager

REFERENCES

- Canterbury Regional Council, 2015. Land and Water Regional Plan: Chapters 4, 5 and 13.
- Canterbury Regional Council, 2013. Canterbury Regional Policy Statement, including the amended CRPS provisions effective 12 June 2015 and 23 July 2015.
- Canterbury Regional Council Technical Report No. R19/97. Hakatere / Ashburton River Modelling for Consent Review. August 2019.
- Ministry for the Environment National Policy Statement for Freshwater Management 2014 and amendments from 2017.
- Ministry for the Environment National Policy Statement for Freshwater Management 2020 (August 2020),
- Resource Management (Measurement and Reporting of Water Takes) Regulations 2010
- Te Rūnanga o Ngāi Tahu Freshwater Policy Statement 1999
- Mahaanui Kurataiao Ltd. Mahaanui Iwi Management Plan 2013
- Tau, T.M., Goodall, A., Palmer, D. and Tau, R, 1990. Te Whakatau Kaupapa. Ngai Tahu Resource Management Strategy for the Canterbury Region. Aoraki Press.
- Te Poha o Tohu Raumati, Te Rūnanga o Kaikōura Environmental Management Plan 2009.
- Te Rūnanga o Ngai Tahu and Department of Conservation Te Papa Atawhai, 2005. Te Waihora Joint Management Plan (Mahere Tukutahi o Te Waihora).
- The Resource Management Act 1991. Consolidated version incorporating all the amendments to that Act including the Resource Management Amendment Act 2013.
- Resource Consent Inventory for the Hakatere / Ashburton River catchment, 2018

Appendix 1: List of consents being reviewed

Ashburton River mainstem sub-catchment

New Consent Number	Consent Holder	Existing Consent Number	Consent Type
CRC200262	John Robert Cunliffe	CRC951740	Take Surface Water
CRC200217	Lake Extension Trust Limited	CRC162112	Take Surface Water
CRC200249	H Bennett & Sons	CRC940402	Take Groundwater
CRC200270	Michael John Hanham	CRC960085	Take Groundwater
CRC200203	Mr W J & Mrs J L Donald	CRC110621	Take Groundwater
CRC200221	Mr G S & Mrs J M Lovett	CRC171382	Take Groundwater
CRC200236	Mr D B & Mrs J H Pike	CRC192337	Take Groundwater
CRC200235	Lake Extension Trust Limited	CRC191677	Take Groundwater
CRC200198	Ashburton District Council	CRC031004.2	Take Groundwater
CRC200209	Robert Alan Bennett	CRC150894	Take Groundwater

South Branch sub-catchment

New Consent Number	Consent Holder	Existing Consent Number	Consent Type
CRC200219	Ashburton District Council	CRC169512	Take Surface Water
CRC200220	Mr N K & Mrs K L Hammond	CRC170632	Take Surface Water
CRC200263	Donald Grenville Aschen	CRC951747	Take Surface Water
CRC200228	Barry Ross Aschen	CRC176317	Take Surface Water
CRC200237	Webbs Sand Mine Limited	CRC193990	Take Surface Water
CRC200257	Gregory Partnership	CRC951119	Take Surface Water
CRC200261	Mr N K & Mrs K L Hammond	CRC951604.1	Take Surface Water
CRC200266	Mr & Mrs R J & B J Tait	CRC951956	Take Surface Water
CRC200268	Mertyn Trust	CRC952061.1	Take Surface Water
CRC200242	Greenstreet Irrigation Society Limited	CRC921547J	Take Surface Water
CRC200241	Greenstreet Irrigation Society Limited	CRC921547H	Take Surface Water
CRC200194	Valetta Holdings Limited	CRC030336.1	Take Groundwater
CRC200256	Gregory Partnership	CRC951118	Take Groundwater
CRC200271	Michael Norman Holdaway	CRC961553.1	Take Groundwater
CRC200215	Bentower Dairies Limited	CRC155220	Take Groundwater
CRC200189	Messrs A J & M J Sim	CRC020255.1	Take Groundwater
CRC200204	Valetta Holdings Limited	CRC132046	Take Groundwater
CRC200240	Greenstreet Irrigation Society Limited	CRC921547C	Take Surface Water
CRC200214	Align Clareview Limited	CRC154478	Take Groundwater
CRC200222	John Francis Snowden	CRC171990	Take Groundwater
CRC200213	Pekanga O Te Awa Farms Limited	CRC152835	Take Groundwater
CRC200187	Rangitata Diversion Race Management Limited	CRC011245	Take Surface Water

North Branch Sub-catchment

New Consent Number	Consent Holder	Existing Consent Number	Consent Type
CRC200223	Southern Pastures (Lochan Mor Farm) Limited Partnership	CRC173404	Take Surface Water
CRC200225	Cairndhu Dairy Limited	CRC175063	Take Surface Water
CRC200224	Alford Forest Dairies Limited	CRC175053	Take Surface Water
CRC200216	Mr D A & Mrs A K Shearer	CRC158152	Take Groundwater
CRC200213	Pekanga O Te Awa Farms Limited	CRC152835	Take Groundwater
CRC200199	Methven Golf Club Inc	CRC031720	Take Surface Water
CRC200210	Daniel Symons	CRC151569	Take Surface Water
CRC200269	Mr & Mrs C D & L A Galloway	CRC952441	Take Surface Water
CRC200190	Pekanga O Te Awa Farms Limited	CRC021057.1	Take Groundwater
CRC200186	Willowdale Farm Limited	CRC010365	Take Groundwater
CRC200226	Christopher John Bell	CRC176167	Take Groundwater
CRC200201	Monty Fields Limited	CRC050465.1	Take Groundwater
CRC200191	Mr C J & Mrs A M Allen	CRC021199	Take Groundwater
CRC200243	Greenstreet Irrigation Society Limited	CRC921550B	Take Groundwater
CRC200195	Red Cow Farms Limited	CRC030337	Take Groundwater
CRC200196	Mr D D & Mrs M E Stewart	CRC030557	Take Groundwater
CRC200244	Greenstreet Irrigation Society Limited	CRC921550C	Take Groundwater
CRC200207	Mr S J & Mrs T M Weily	CRC144570	Take Groundwater
CRC200265	Cairndhu Dairy Limited	CRC951934.2	Take Surface Water
CRC200245	Greenstreet Irrigation Society Limited	CRC921550D	Take Groundwater
CRC200246	Greenstreet Irrigation Society Limited	CRC921550E	Take Groundwater
CRC200247	Greenstreet Irrigation Society Limited	CRC921550G	Take Groundwater
CRC200188	J and J Van Polanen Family Trust	CRC020211	Take Groundwater
CRC200192	Pencarrow Farm Ltd	CRC021680	Take Groundwater
CRC200185	Ashburton District Council	CRC002108	Take Groundwater
CRC200219	Ashburton District Council	CRC169512	Take Surface Water

Pudding Hill sub-catchment

New Consent Number	Consent Holder	Existing Consent Number	Consent Type
CRC200219	Ashburton District Council	CRC169512	Take Surface Water

Taylors Stream sub-catchment

New Consent Number	Consent Holder	Existing Consent Number	Consent Type
CRC200218	Fairview Dairies Limited	CRC167516	Take Surface Water

New Consent Number	Consent Holder	Existing Consent Number	Consent Type
CRC200229	Mr C W M & Mrs D Shannon	CRC176434	Take Surface Water
CRC200251	Mr C J & Mrs A M Allen	CRC950884	Divert Surface Water
CRC200253	Alford Park Limited	CRC950927.1	Divert Surface Water
CRC200206	Picnic Creek Stock Water Scheme Committee	CRC134426	Take Surface Water
CRC200273	Mr C J & Mrs A M Allen	CRC972504.1	Take Surface Water
CRC200252	Mr C J & Mrs A M Allen	CRC950885	Take Surface Water
CRC200255	Mr C J & Mrs A M Allen	CRC950931.1	Take Surface Water
CRC200254	Alford Park Limited	CRC950930.2	Take Surface Water
CRC200264	Jetol Farm Limited	CRC951862.4	Take Surface Water
CRC200197	Mr R D L & Mrs D J Withers & A W Trustee Services Limited	CRC030598.2	Take Groundwater
CRC200232	Lawnhayes Farms Limited	CRC180918	Take Groundwater
CRC200212	Daniel Symons	CRC152538	Take Groundwater
CRC200276	Mr C J & Mrs A M Allen	CRC991516.1	Take Groundwater
CRC200193	Jetol Farm Limited	CRC021736.5	Take Groundwater

O'Shea Creek sub-catchment

New Consent Number	Consent Holder	Existing Consent Number	Consent Type
CRC200238	Greenstreet Irrigation Society Limited	CRC194731	Take Surface Water
CRC200211	Greentree Farms Limited	CRC151902	Take Groundwater
CRC200260	Wallaura Farm Limited	CRC951596.1	Take Groundwater
CRC200208	Greentree Farms Limited	CRC150344	Take Groundwater
CRC200275	Mr M F M & Mrs A B B Talbot and Whitehouse Ten Trustees Limited	CRC980368.2	Take Groundwater
CRC200239	Spreadeagle Dairies Limited	CRC194937	Take Groundwater
CRC200227	Barry Ross Aschen	CRC176315	Take Groundwater

Mt. Harding Creek sub-catchment

New Consent Number	Consent Holder	Existing Consent Number	Consent Type
CRC200259	Mr D A & Mrs A K Shearer	CRC951530	Take Surface Water
CRC200231	William George Clark	CRC180091	Take Groundwater
CRC200272	Taralea Farms Limited	CRC970931.1	Take Groundwater
CRC200216	Mr D A & Mrs A K Shearer	CRC158152	Take Groundwater

Lagmhor sub-catchment

New Consent Number	Consent Holder	Existing Consent Number	Consent Type
CRC200205	Mr D B & Mrs P K McIlwrick	CRC134008	Take Surface Water
CRC200250	Mr G W J & Mrs E J Small	CRC950326	Take Surface Water
CRC200258	Wallace Henry Breach	CRC951475.2	Take Surface Water
CRC200267	Mr & Mrs R J & B J Tait	CRC951957	Take Surface Water
CRC200274	Peterhead Farm Limited	CRC980236.1	Take Groundwater

Appendix 2: Hakatere/Ashburton River catchment minimum flows to be met from 1 July 2023

Note: these minimum flows are copied from Table 13(b) of the LWRP for ease of reference.

River or stream	Location of recorder site	From 1 July 2023	
		Minimum flow for A permits (L/s)	Minimum flow for B permits (L/s)
Ashburton River mainstem	SH1 Bridge	6,000	14,000
South Branch	Residual flow immediately downstream of RDR intake	3,200 (Feb – Apr) 2,300 (May – Jan)	4,000
South Branch	At North Branch confluence	4,650	10,500
North Branch	Above confluence	1,000	4,000
Pudding Hill	Below ADC water race	80	1,600
Taylor's Stream	Above South Branch confluence	500	3,700
O'Shea Creek	Bywash to North Ashburton	450	1,000
Mt. Harding Creek	Aitkens Road	500	1,000
Lagmhor Creek	Frasers Road	100	-

Appendix 3: Copy of Template Review Notice

Note: The proposed new conditions differ for each consent depending on location within the catchment. Details of the proposed new conditions for each consent are included in the Summary Report for each consent.

[insert consent holder name and address]



Dear Sir/Madam

Notice of Review under s128(1)(b) of the Resource Management Act (RMA)

APPLICANT NAME: [insert consent holder]

RESOURCE CONSENT NUMBER: [INSERT CONSENT NUMBER]

Overview

I hope that you are aware of the proposals of the Ashburton Zone Committee and now of my council to review some 93 resource consents in the Hakatere / Ashburton River catchment. I hope accordingly that it does not come as a surprise that we are now commencing a final consent review process as set out below.

The Canterbury Land and Water Regional Plan (LWRP) sets minimum flows for the Hakatere / Ashburton River mainstem and tributaries that must be met from 1 July 2023. It also requires water permits with minimum flow conditions to be measured and monitored using water meters and telemetry.

You have received this letter because the water permit listed above allows you to abstract surface water from, or groundwater connected to, the Hakatere / Ashburton River or its tributaries. All water permits of this kind are being reviewed to implement the minimum flow and water metering and telemetry requirements of the LWRP. If you do not have minimum

flow conditions, then new minimum flow conditions will be added to your consent through the review. These will take effect from 1 July 2023. Only minimum flow and water metering and telemetry conditions are being reviewed; all other conditions will remain unchanged.

Attachment 1 includes a copy of your resource consent, which includes the proposed new minimum flow and water metering conditions that are proposed by this review. You do have an opportunity to propose alternative conditions for your water permit. The process for this is outlined later in this letter.

Section 128(1)(b) of the Resource Management Act 1991 (RMA) provides for conditions of resource consents to be reviewed so that the consents align with the provisions of an operative plan.

This is a notice in accordance with sections 128 and 129 of the RMA that the minimum flow and telemetry conditions of your consent listed above are to be reviewed.

I hope you have been able to attend one of our two public meetings to date. There will be two additional meetings for consent holders on **Tuesday 30 July** and I encourage you to attend one of the following meetings:

- Tuesday 30 July, Hotel Ashburton, Racecourse Road, Ashburton from 2 pm – 4 pm
- Tuesday 30 July, Mt Hutt Memorial Hall, Main Street, Methven from 6.30 pm – 8.30 pm

At these meetings, Environment Canterbury staff will present consent holders with further background to the reviews and provide more detailed information on the consent review process. You will also be able to discuss the review process one-to-one with Environment Canterbury staff.

Please RSVP to consentsreviews@ecan.govt.nz or phone 0800 324 636 so that we can confirm room and catering requirements for the meetings.

Reasons for Review

Minimum flows

The outcomes for the catchment are guided by the Ashburton Zone Committee and regulated through the LWRP. The LWRP became operative in 2016 and Section 13 of the plan sets minimum flow limits for the Hakatere / Ashburton River mainstem and its tributaries. The following sustainable water management priority outcomes for the Hakatere / Ashburton River catchment have been identified by the Ashburton Zone Committee:

- Improved and protected natural character and mauri of the Hakatere / Ashburton River
- Ecosystem health and biodiversity are protected and improved
- Protect and improve water quality
- Efficiently used, secure and reliable supply of water.

To achieve these outcomes, the flow regime set in the LWRP establishes minimum flows for the Hakatere / Ashburton River mainstem and tributaries that must be met from 1 July 2023 (see Table 13(b) under section 13.7). Policy 13.4.9 of the LWRP indicates that the Council may complete a review of all existing water permits to implement these minimum flow requirements.

Environment Canterbury has decided, with the support of the Zone Committee, to review the conditions of resource consents to align them with the minimum flows set out in the LWRP as provided for by s128(1)(b) of the RMA. This review applies to all resource consents to take

and use surface water and stream depleting groundwater, along with some consents to divert water, from the Hakatere / Ashburton River and its tributaries.

Water metering

The Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 (the Regulations) came into effect in 2010 to ensure accurate, complete and current water information is available to manage water use and environmental flows. While the water metering regulations apply directly to consent holders and do not require regional councils to review conditions of consents to impose water metering conditions, Environment Canterbury has more stringent water metering requirements than set out in the Resource Management Regulations. Policy 4.54 of the LWRP requires all water permits with a minimum flow or flow restriction condition to also include a condition requiring water use records to be telemetered to Environment Canterbury or its nominated agent.

Environment Canterbury has decided to include water metering and telemetry conditions as part of the consent review to ensure that the minimum flow requirements set by the LWRP are met and to implement the water metering requirements of the LWRP.

Information considered in deciding to review consents

The following information was considered when making the decision to review the consents:

- Priority outcomes sought for the Hakatere / Ashburton River catchment by the Ashburton Water Zone Committee under the Canterbury Water Management Strategy
- The relevant provisions of the LWRP, the RMA and the Regulations
- Technical advice regarding hydrology, including availability and reliability of supply
- Environmental benefits
- Environment Canterbury's Long-Term Plan (page 18)
- The effects of the new consent conditions on consent holders
- Costs to ratepayers.

You can view the LWRP on Environment Canterbury's website using the new ePlan tool: <https://www.ecan.govt.nz/your-region/plans-strategies-and-bylaws/eplan/>.

Conditions which are the subject of the review

Any existing condition on your water permit which restricts the rate of take during times of low flows in the Hakatere / Ashburton River or its tributaries will be replaced with new minimum flow conditions that will apply from 1 July 2023. The existing minimum flow condition(s) will apply until 30 June 2023.

If your water permit currently does not have a minimum flow condition, new minimum flow conditions will be added to your consent and these will apply from 1 July 2023. You will continue to have no minimum flow condition until 30 June 2023.

Regardless of whether you have an existing minimum flow condition or not, new or updated water metering conditions will be added to your consent and these will apply from 1 July 2023. All other conditions on your consent will remain unchanged.

Your water permit, including the new or amended conditions, is included as **Attachment 1**. You should have a copy of your original water permit in your records, however if not, you can find a copy online at <https://www.ecan.govt.nz/data/consent-search> or contact our Customer Services team.

Can I propose alternative conditions?

If you wish to propose alternative new conditions, you can do so under section 129(1)(d) of the RMA. It is important to note that any new conditions that you propose proposed will need to give effect to the minimum flow and water metering requirements of the LWRP These will need to be received by Environment Canterbury in writing no later than **Thursday 12 September**. A diagram of the consent review process is provided in **Attachment 2**.

New consent number

Your existing consent number will be replaced with a new consent number, as well as new conditions being added. Your new consent number is located at the top of the attached proposed conditions. Please note these proposed conditions are not your formal consent documents. Your formal consent document will be sent to you once the review has been decided.

What does the review cost?

There is no cost to you associated with the review. However, should you decide to engage a consultant to assist you, these costs will need to be met by you.

Other changes to my consent

Should you wish to make additional changes to your water permit, you are welcome to do so, however additional changes cannot be made through the review process and must be sought through a separate consenting process at your cost. Please note you are entitled to an hour free pre-application advisory time with one of our Consent Planners which I recommend you consider should you wish to pursue additional changes.

Email address

We send correspondence by post as well as email (if we have your email address on file), however we prefer to correspond with you via email as this is much faster when it comes to getting important documents such as your new consent documents to you.

This is a good opportunity for us to ensure our records are up to date with your contact details. We would appreciate it if you could please send an email from the account you use, quoting the CRC number on either this letter or your draft conditions then we can update our records. You can email this to: consentsreviews@ecan.govt.nz.

How do I get advice on the review process and proposed conditions?

Attachment 3 includes some frequently asked questions to help you understand this process. If you have any questions or would like to discuss the changes to your conditions, there are several options available to you.

1. Attend one of the consent holder meetings on Tuesday, 30 July. The details of these meetings are provided in the first section of this letter. Please remember to RSVP.
2. We are more than happy to discuss the review and your consent conditions on the phone, or meet with you in person (at Environment Canterbury's office in Ashburton or Christchurch) at no cost to you. Please email us at consentsreviews@ecan.govt.nz to arrange a convenient time.
3. You may wish to seek independent advice about the review. If you have a consultant who helps with your resource consent matters, they would be a good place to start.

Please remember you have until **Thursday, 12 September** to propose alternative conditions. With this in mind, should you wish to meet with us we recommend you get in touch as soon as possible so that you have sufficient time to make an informed decision. We look forward to working with you through this process that your Zone Committee has decided is needed, to ensure we all meet water goals for Ashburton.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bill Bayfield', written in a cursive style.

Bill Bayfield

Chief Executive

Attachment 1: Copy of consent document, including proposed new conditions

Attachment 2: Consent review process diagram

Attachment 3: Frequently asked questions

Appendix 4: Assessment method to determine stream depletion effect of groundwater consents

Note: The following information, as well as an excel spreadsheet with the stream depletion results, is available on the Environment Canterbury website at <https://www.ecan.govt.nz/your-region/your-environment/water/whats-happening-in-my-water-zone/ashburton-water-zone/water-consents-review/>

Introduction

A desktop exercise has been undertaken to estimate potential stream depletion in the Canterbury Region.

Because of the lack of real, site specific testing, the Theis (1941) stream depletion solution model has been used as the calculation method of stream depletion rates.

This solution requires the least number of input parameters and is a good first estimate because of the conservative assumptions used in the model.

These assumptions will tend to overestimate depletion, however, a storativity value of 0.1 which is considered to be high (when compared to aquifer testing) has been used.

This value reduces the amount of water that the model will predict is coming from surface water (i.e. stream depletion).

The potential for the Theis model to overestimate stream depletion means that this model is a good initial method for determining which consents should be subject to minimum flows, and included in allocation blocks, however, a consequence of the conservative estimation of stream depletion is that the surface water allocation blocks may appear more utilised than will be the case in reality.

Field-testing (aquifer tests and stream conductance surveys) would refine the estimates of stream depletion, and this could result in lower estimates of stream depletion.

Method

The Theis (1941) stream depletion solution has been used to estimate stream depletion rates over 7 and 150 day pumping periods.

The resulting depletion rate is then used to classify the hydraulic connection of the takes using Schedule 9 of the Canterbury Land and Water Regional Plan (LWRP).

Inputs for the stream depletion model were obtained from the Environment Canterbury wells database, Environment Canterbury consents database and Environment Canterbury GIS layers.

Key points:

- The wells which have been modelled are linked to active abstraction consents to take and use groundwater.
- The Q7 (short term (7 day) pumping rate) and Q150 (long term (150 day) pumping rates were obtained from Environment Canterbury databases, and represent maximum pumping regimes for the granted consents.
- All wells screened less than 35 metres, were considered. Where no screen information was available a maximum well depth of 40 metres was used.

- Distance to the nearest river as shown by Environment Canterbury GIS layers; primarily the River Classification layer with adjustments made for River Zones and alpine river extents. No maximum distance from the river was applied.
- Aquifer parameters derived from aquifer tests or estimates of T derived from Winsorized mean specific capacity data within 2.5 km of the subject bore using Bal (1996) this has been constrained to a lower limit of 500 and an upper limit of 10,000 m²/day. T estimates where no specific capacity data or aquifer test data is present a T of 1500 m²/day has been adopted.
- Assumed storativity of 0.1

References

Bal, AA., 1996. Valley fills and coastal cliffs buried beneath an alluvial plain: evidence from variation of permeabilities in gravel aquifers, Canterbury Plains, New Zealand. *Journal of Hydrology (NZ)* 35 No. 1. Environment Canterbury, 2015. Canterbury Land And Water Regional Plan volume 1 December 2016. Theis, C.V., 1941. The effect of a Well on the Flow of a Nearby Stream. *Transactions of the American Geophysics Union*, Vol. 22, pp 734-738.

Stream Depletion Assessment results

Consent Holder	Review consent number	Existing consent number	Well number	Well location		Separation distance	Aquifer Tests	QAR	T Estimate	S	7 day depletion			150 day depletion			First Stream Depletion Rate	Degree of connection	
				NZTMX	NZTMY						Weekly Vol m3	SD1 7	% 7 SD	150 Day Vol m3	SD1 150	% 150 SD			
Ashburton District Council	CRC200185	CRC002108	K36/0129	1482259	5170291	121	0	5	1500	0.1	9296	12.1	79	199200	14.6	95	14	High	
Willowdale Farm Limited	CRC200186	CRC010365	8X20/0038	1486894	5157280	270	0	5	1500	0.1	20520	18.0	56	254026	17.6	90	17	High	
J and J Van Polanen Family Trust	CRC200188	CRC020211	K37/1333	1498143	5143545	73	0	5	2500	0.1	27216	40.5	90	500590	37.9	98	37	Direct	
Messrs A J & M J Sim	CRC200189	CRC020255.1	K36/0218	1483223	5154251	705	0	5	1500	0.1	6653	1.3	12	113969	6.5	74	6	High	
Messrs A J & M J Sim	CRC200189	CRC020255.1	K36/0772	1483167	5154227	741	0	5	1500	0.1	6653	1.2	11	113969	6.4	73	6	High	
Pekanga O Te Awa Farms Limited	CRC200190	CRC021057.1	K37/1430	1497114	5141487	117	0	5	1700	0.1	24192	32.4	81	424515	31.4	96	31	High	
Mr C J & Mrs M A Allen	CRC200191	CRC021199	K36/0549	1483759	5157137	39	0	5	2600	0.1	15725	24.7	95	275940	21.1	99	25.99	Direct	
Pencarrow Farm Ltd	CRC200192	CRC021680	K37/1388	1499469	5143557	1355	0	5	3000	0.1	29030	1.9	4	492005	24.7	65	24	High	
Jetol Farm Limited	CRC200193	CRC021736.5	K36/0101	1480771	5157207	249	0	5	2000	0.1	11491	12.1	64	175275	12.4	92	12	High	
Jetol Farm Limited	CRC200193	CRC021736.5	K36/0203	1480801	5157265	185	0	5	2000	0.1	11491	13.9	73	175275	12.7	94	12	High	
Valetta Holdings Limited	CRC200194	CRC030336.1	K36/0631	1481518	5155400	50	1	5	875	0.1	14515	21.4	89	311040	23.5	98	23	High	
Red Cow Farms Limited	CRC200195	CRC030337	K36/0217	1486310	5159264	482	0	5	3200	0.1	43546	33.8	47	544217	37.0	88	36	High	
Mr D D & Mrs M E Stewart	CRC200196	CRC030557	K37/0431	1496352	5143126	134	0	5	1500	0.1	23587	30.0	77	339612	24.9	95	24	High	
Mr R D L & Mrs D J Withers & A W Trustee Services Limited	CRC200197	CRC030598.2	K36/0922	1477594	5165100	483	0	5	500	0.1	30719	3.6	7	394901	21.0	69	21	High	
Ashburton District Council	CRC200198	CRC031004.2	L37/1721	1503179	5123897	112	0	5	1500	0.1	6048	8.1	81	129300	9.6	96	9	High	
Ashburton District Council	CRC200198	CRC031004.2	L37/1736	1503219	5122117	374	0	5	1500	0.1	6048	4.1	41	129300	8.6	86	8	High	
Gregory Partnership	CRC200200	CRC042190.2	K36/0704	1484161	5153727	601	0	5	1600	0.1	6308	2.1	20	135173	8.1	78	8	High	
Monty Fields Limited	CRC200201	CRC050465.1	K36/0819	1483995	5166675	271	0	5	1500	0.1	17388	15.8	55	139725	9.7	90	9	High	
Mr W J & Mrs J L Donald	CRC200203	CRC110621	K37/0178	1497072	5139012	171	0	5	1500	0.1	6930	8.1	71	85580	6.2	94	6	High	
Valetta Holdings Limited	CRC200204	CRC132046	K36/0225	1480604	5154312	934	0	5	2000	0.1	13729	1.8	8	210782	11.4	70	11	High	
Valetta Holdings Limited	CRC200204	CRC132046	K36/0387	1481362	5155196	231	0	5	2000	0.1	10886	11.9	66	167140	11.9	92	11	High	
Mr S J & Mrs T M Weely	CRC200207	CRC144570	K37/0015	1496904	5145775	656	0	5	900	0.1	6664	0.7	6	117753	6.3	69	6	High	
Greentree Farms Limited	CRC200208	CRC150344	K36/0110	1486056	5155334	456	0	5	4000	0.1	15380	13.7	54	211240	14.7	90	14	High	
Greentree Farms Limited	CRC200208	CRC150344	K36/0111	1486993	5154515	150	0	5	4400	0.1	11534	16.2	85	158409	11.9	97	11	High	
Greentree Farms Limited	CRC200208	CRC150344	K36/1008	1486297	5155197	241	0	5	1500	0.1	15380	15.3	60	211240	14.8	91	14	High	
Robert Alan Bennett	CRC200209	CRC150894	BV21/0039	1504669	5124866	798	0	5	2900	0.1	21168	7.4	21	453600	27.7	79	27	High	
Greentree Farms Limited	CRC200211	CRC151902	K36/0087	1488656	5152328	260	1	5	6640	0.033	14200	18.5	79	280966	20.6	95	20	High	
Daniel Symons	CRC200212	CRC152538	K36/0832	1478014	5166457	1	0	2	1500	0.1	280	0.5	100	6000	0.5	100	0.46	Direct	
Pekanga O Te Awa Farms Limited	CRC200213	CRC152835	K37/1430	1497114	5141487	117	0	5	1700	0.1	44156	59.1	81	642731	47.6	96	47	High	
Pekanga O Te Awa Farms Limited	CRC200213	CRC152835	K37/2358	1496867	5141418	288	0	5	1600	0.1	19348	17.3	54	281619	19.6	90	19	High	
Align Clareview Limited	CRC200214	CRC154478	K36/0201	1487243	5151313	416	0	5	4300	0.1	45360	44.3	59	972000	68.3	91	68	High	
Bentower Dairies Limited	CRC200215	CRC155220	K36/0322	1475515	5154733	352	0	5	200	0.1	22982	1.5	4	339087	17.0	65	17	High	
Mr D A & Mrs A K Shearer	CRC200216	CRC158152	K36/0103	1490626	5151988	16	0	5	1500	0.1	9100	9.5	97	54547	4.2	99	Direct	Direct	
Mr G S & Mrs J M Lovett	CRC200221	CRC171382	L37/0214	1502959	5131207	330	1	5	1600	0.1	27216	22.1	49	442889	30.1	88	30	High	
John Francis Snowden	CRC200222	CRC171990	K36/0574	1485955	5152378	263	0	5	4100	0.1	15120	18.3	73	168860	12.2	94	12	High	
Christopher John Bell	CRC200226	CRC176167	K37/0354	1495026	5145810	347	0	5	1800	0.1	7056	5.7	49	104000	7.1	88	7	High	
Barry Ross Aschen	CRC200227	CRC176315	K36/0086	1487119	5154093	359	0	5	4000	0.1	14703	15.3	63	315058	22.4	92	22	High	
Barry Ross Aschen	CRC200227	CRC176315	K36/0116	1486741	5153804	228	0	5	4400	0.1	14703	18.7	77	315058	23.1	95	23	High	
William George Clark	CRC200231	CRC180091	K36/0134	1489428	5153491	171	0	5	5000	0.1	12701	17.6	84	272160	20.2	96	20	High	
Lawnhayes Farms Limited	CRC200232	CRC180918	K36/0208	1477326	5168144	248	0	5	1500	0.1	7258	7.1	59	94826	6.7	91	6	High	
Rangitata Holdings Limited	CRC200233	CRC181738	L37/0143	1502705	5130671	349	0	5	1600	0.1	60480	46.0	46	530664	35.6	87	35	High	
Rangitata Holdings Limited	CRC200233	CRC181738	L37/0144	1504294	5129746	790	1	5	4500	0.00037	0	31607	16.7	32	277325	17.8	83	17	High
Lake Extension Trust Limited	CRC200235	CRC191677	L37/1770	1501113	5133065	591	0	5	1500	0.1	5040	1.7	20	108000	6.5	78	6	High	
Spreadeagle Dairies Limited	CRC200239	CRC194937	K36/0085	1486011	5155195	514	0	5	3800	0.1	27216	21.6	48	365967	24.8	88	24	High	
Greentree Irrigation Society Limited	CRC200243	CRC215508	K37/0385	1493926	5147790	447	0	5	1300	0.1	11000	5.3	29	211512	13.4	82	13	High	
Greentree Irrigation Society Limited	CRC200244	CRC215500C	K37/0386	1494058	5146296	225	0	5	1900	0.1	28728	31.4	66	434775	30.9	92	30	High	
Greentree Irrigation Society Limited	CRC200245	CRC215500	K37/0463	1494641	5146046	160	0	5	2400	0.1	15750	20.3	78	305514	22.4	95	22	High	
Greentree Irrigation Society Limited	CRC200246	CRC215500E	K37/0342	1496865	5142867	14	0	5	2300	0.1	13675	20.1	89	272903	21.1	100	21	High	
Greentree Irrigation Society Limited	CRC200247	CRC215500G	K37/0388	1492926	5148189	68	0	5	2500	0.1	9225	14.6	89	193886	14.7	98	14	High	
H Bennett & Sons	CRC200249	CRC240402	L37/0565	1504303	5123663	387	0	5	500	0.1	18850	4.4	14	403929	23.4	75	23	High	
Gregory Partnership	CRC200256	CRC951118	K36/0109	1484190	5153919	443	0	5	1600	0.1	13335	7.7	35	250721	16.3	84	16	High	
Wallaura Farm Limited	CRC200260	CRC951596.1	K36/0043	1487477	5153707	268	0	5	4000	0.1	12901	15.4	72	221186	16.0	94	16	High	
Michael John Hanham	CRC200270	CRC960085	K37/0348	1499496	5135155	192	0	5	1100	0.1	6048	6.2	62	120599	8.6	92	8	High	
Michael Norman Holdaway	CRC200271	CRC961553.1	K36/0150	1488796	5149311	524	0	5	3600	0.1	9278	7.1	46	171266	11.5	87	11	High	
Michael Norman Holdaway	CRC200271	CRC961553.1	K36/0151	1487977	5148638	1111	0	5	3400	0.1	9278	1.7	11	171266	9.6	73	9	High	
Michael Norman Holdaway	CRC200271	CRC961553.1	K36/0323	1487977	5148638	1111	0	5	3400	0.1	9278	1.7	11	171266	9.6	73	9	High	
Michael Norman Holdaway	CRC200271	CRC961553.1	K37/0645	1487257	5147399	1081	0	5	4100	0.1	9278	2.3	15	171266	10.0	76	10	High	
Michael Norman Holdaway	CRC200271	CRC961553.1	K37/0893	1487901	5148105	672	0	5	3500	0.1	9278	5.2	34	171266	11.1	84	11	High	
Michael Norman Holdaway	CRC200271	CRC961553.1	K37/2394	1487901	5148105	672	0	5	3500	0.1	9278	5.2	34	171266	11.1	84	11	High	
Taralea Farms Limited	CRC200272	CRC970931.1	K36/0179	1489705	5153626	124	0	5	5000	0.1	27500	40.0	88	550577	41.2	97	41	High	
Peterhead Farm Limited	CRC200274	CRC980236.1	K37/0727	1495329	5134689	1625	0	5	3200	0.1	6958	0.2	2	133047	6.2	60	6	High	
Mr M F M & Mrs A B B Talbot and Whitehouse Ten Tr	CRC200275	CRC980368.2	K36/0186	1484726	5156777	739	0	5	4200	0.1	21170	11.9	34	198920	12.9	84	12	High	
Mr C J & Mrs A M Allen	CRC200276	CRC991516.1	K36/0213	1482434	5158329	152	0	5	2500	0.1	39312								

Ashburton Consent Reviews

Part A Overview section 42A Report

Originally prepared 8 October 2019; updated 3 June then 21 September 2020

Part B

Summary s42A Report for

Consent CRC200187

Rangitata Diversion Race Management

Limited

Review of CRC011245

CRC200187

Rangitata Diversion Race Management Limited

Part B: Summary section 42A Report and Decision

Section 42A Report By: Gillian Ensor

Date: 29 September 2020

INTRODUCTION

1. Rangitata Diversion Race Management Limited (RDRML) was granted consent CRC011245 in 2008 to dam, divert and take water from the South Ashburton River (South Branch) for irrigation and stock water purposes and to generate electricity at Highbank Power Station. The water is dammed via a weir on the South Branch and diverted into an RDR intake structure at a continuous rate of 7.1 cubic metres per second. Consent CRC011245 expires 16 April 2043.
2. The consent is subject to a minimum flow on the South Branch of 2.3 cubic metres per second and variable minimum flows on the Ashburton River of 3.5 – 8.0 cubic metres per second. The consent is being reviewed to ensure that the relevant minimum flow which is set by the operative Canterbury Regional Plan (LWRP) for the South Branch is applied to the consent. Notice of review of CRC011245 was issued 18 July 2019.
3. This summary section 42A report (the Summary Report) should be read in conjunction with the Overview section 42A report (the Overview Report) which sets out:
 - a. Information about the consent review, including the decision to review consents, review scope and review process;
 - b. Legal and planning matters relevant to the consent review, including notification and review decisions;
 - c. The affected environment – the Hakatere / Ashburton River catchment;
 - d. Information about the assessment of potentially affected parties and the actual and potential effects of the review;
 - e. A discussion of the objectives and policies relevant to the consent reviews.
4. The Summary Report includes information about:
 - a. The activity that is consented;
 - b. The proposed new conditions and any alternative new conditions proposed by the consent holder;
 - c. An assessment of potentially affected parties;
 - d. An assessment of the effects of the proposed new conditions;
 - e. A notification recommendation;
 - f. The impact of the review on the viability of the consented activity;
 - g. A grant/decline recommendation; and
 - h. Where the consent holder has proposed alternative new conditions further discussion where required of the legal and planning matters and objectives and policies relevant to the review.
5. The following Attachments are included with this report:

- a. **Attachment A:** The recommended consent conditions for CRC200187 which includes:
 - i. the existing conditions of consent CRC011245 (conditions 1 – 6) and
 - ii. the new conditions recommended as part of the review (conditions 7 – 9).
- b. **Attachment B:** Notification assessment for consent CRC200187.

REVIEW PROCESS

6. Notice of review was served on the consent holder on 18 July 2019 to review consent CRC011245.
7. The consent holder was invited to propose within 40 working days of the notice being served, alternative new conditions to implement the minimum flow and water metering provisions in the LWRP. This timeframe ended on 12 September 2019.
8. The consent holder requested the timeframe be extended under section 37 RMA until 12 September 2020 to allow more time to assess the impacts of the proposed new conditions on the consented activity in order to determine whether to propose alternative new conditions.
9. The consent holder attended a meeting at Greenstreet Hall in December 2019.
10. The consent holder did not propose alternative new conditions to implement the minimum flows in the LWRP but did propose some minor changes to the wording of the minimum flow condition and the water metering and telemetry conditions. The proposed changes have been reviewed and amended in agreement with the consent holder. They do not alter the minimum flow or monitoring requirements of the consent holder but instead improve their clarity.
11. The consent holder engaged Sue Ruston and David Greaves of Enspire to assist with their response to the consent review.
12. The consent holder did not request to be heard under section 100 of the RMA.
13. The consent being reviewed can proceed to a notification and grant/decline decision at this time.

THE ACTIVITY THAT IS CONSENTED

14. The consent conditions for CRC011245 are contained in **Attachment A** and are conditions 1 - 6. The consent authorises the following activity:
 - a. To dam the South Ashburton River (South Branch) to a maximum height of 1.5 metres above the riverbed.
 - b. To divert and take water continuously at a maximum rate of 7.1 cubic metres per second, into the Rangitata Diversion Race via an intake structure
 - c. To use water for irrigation and stockwater, and to generate electricity at Highbank Power Station.
 - d. The maximum combined take between the South Ashburton River and Rangitata River should not exceed 35.4 cubic metres per second.
 - e. The rate at which water is taken and diverted is measured and records made available to Canterbury Regional Council (CRC).
 - f. The rate at which water is passed below the South Branch Ashburton Intake is measured and the taking of water ceases when the flow falls below 2.3 cubic metres per second.

- g. The abstraction of water from the South Branch is subject to the following restrictions when the flow in the Ashburton River, measured at State Highway 1 Bridge, reaches the following levels:

Ashburton River Abstraction Restrictions

MONTH	RESTRICTION			
	STOCKWATER	RDR + INDIVIDUAL IRRIGATION		
	80%	50% ¹	25% ²	0% ³
January	5.0	4.5	4.5	4.5
February	4.0	3.5	3.5	3.5
March	4.0	3.5	3.5	3.5
April	5.5	5.0	5.0	5.0
May	5.5	5.0	5.0	5.0
June	5.5	5.0	5.0	5.0
July	5.5	5.0	5.0	5.0
August	7.0	6.5	6.5	6.5
September	8.5	8.0	8.0	8.0
October	8.5	8.0	8.0	8.0
November	7.0	6.5	6.5	6.5
December	5.5	5.0	5.0	5.0

¹ = Both the RDR and Individual Irrigation is cut by 50% of the consented abstraction maximum when the flow at State Highway 1 Bridge reaches this level.

² = When the flow at State Highway 1 Bridge reaches these flows, the RDR is restricted to 25% of consented abstraction rate, and individual Irrigators are to cease the abstraction of water from the Ashburton River.

³ = When the flow at State Highway 1 Bridge falls to these minimum flows, then the RDR is to cease abstraction.

15. I have reviewed the original consent application and subsequent information provided as part of that consent process and there are no additional matters that need to be noted here regarding the consented activity.

THE MANNER IN WHICH THE CONSENT IS USED

16. The consent is currently used and there are no compliance issues with the use of the consent. The most recent compliance monitoring report that is available is for the 2019-2020 water year and shows that the consent holder fully complied with the consent conditions that were monitored. There were no exceedances of the maximum rate of take or volume.
17. There are no additional matters with the way in which the consent is used that I consider need to be discussed here.

THE RECOMMENDED NEW CONSENT CONDITIONS

18. Environment Canterbury proposes to insert new conditions onto consent CRC011245 to implement the minimum flow, water metering and telemetry requirements of the LWRP for the South Branch sub-catchment. The new consent number is CRC200187 and the recommended new conditions are included in **Attachment A**:

- a. Insert new condition 7, which is the new minimum flow condition for the South Branch sub-catchment and Ashburton River mainstem⁹;
 - b. Insert new conditions 8 and 9 which are the new water metering and telemetry conditions.
- 19. From 1 July 2023, the taking of water will be subject to the minimum flow for the South Branch of the Ashburton River immediately downstream of the RDR intake (condition 7) instead of the existing minimum and residual flows which are contained in conditions 3 and 6. The water metering conditions will also be updated.
- 20. As set out previously, the consent holder did not propose alternative new conditions to implement the minimum flows on the LWRP but did propose some minor amendments to the wording of the minimum flow condition and the water metering and telemetry conditions. The proposed amendments have been reviewed by relevant ECan technical staff to ensure that they are appropriate. I do not consider that the proposed amendments alter the minimum flow or water metering requirements of the consent holder and I therefore recommend they be included on the new consent. The proposed changes included:
 - a. Additional wording for condition 7 to ensure it's clear that the taking of water may recommence when the flow in the South Branch Ashburton River exceeds the minimum flows set in clause 7(b)(i) and (ii).
 - b. Amendments to condition 8 to:
 - i. Reference the updated Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 instead of the 2010 version which was included in the notice of review.
 - ii. Reordering the clauses and minor changes to the wording to improve their clarity.

LEGAL AND PLANNING MATTERS

- 21. The legal and planning matters relevant to the consent review are set out and discussed in the Overview Report.
- 22. There are no additional legal and planning matters relating to this consent that need to be further discussed here.

ASSESSMENT OF POTENTIALLY AFFECTED PARTIES

- 23. The consent holder did not propose alternative new conditions to implement the provisions of the LWRP relevant to the consent review, therefore, as set out in the Overview Report, no persons are considered to be adversely affected by the review of consent conditions.

DESCRIPTION OF THE AFFECTED ENVIRONMENT

- 24. A description of the Hakatere / Ashburton River catchment is set out in the Overview Report. The consent is located within the South Branch sub-catchment as defined in the LWRP.
- 25. There are no additional matters relating to the affected environment that need to be discussed further.

ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS OF THE

⁹ As provided for by Policy 13.4.8(b) of the LWRP.

PROPOSED NEW CONDITIONS

26. The consent holder proposed only minor amendments to the proposed new consent conditions, as discussed above, which still implement the provisions of the LWRP relevant to the consent review. Therefore, as set out in the Overview Report, there are no adverse effects of the proposed new conditions that need to be considered.

OBJECTIVES AND POLICIES

27. The objectives and policies that are relevant to the consent review are set out in the Overview Report.
28. The consent holder proposed only minor amendments to the proposed new conditions which still implement the provisions of the LWRP relevant to the consent review. Therefore no further discussion on the objectives and policies is needed here.

OTHER RELEVANT MATTERS

29. There are no other relevant matters that require discussion.

RECOMMENDATION FOR NOTIFICATION (SECTION 130, RMA)

30. Section 130 of the RMA states that sections 95 to 95G apply, with all necessary modifications. The relevant provisions for the notification recommendation for a consent review are discussed in the Overview Report and the notification assessment for consent CRC200187 is included in **Attachment B** to this Summary Report.
31. The consent holder proposed minor amendments to the proposed new consent conditions which I consider still implement the provisions of the LWRP relevant to the consent review. Therefore I recommend that consent CRC200187 can be decided without limited or public notification.

RECOMMENDATION FOR GRANT OR REFUSE (SECTION 131, RMA)

32. Section 131 of the RMA outlines the matters that are to be considered in a consent review. These matters are discussed in the Overview Report and are:
- a. Shall have regard to the matters in section 104 and whether the activity allowed by the consent will continue to be viable after the change; and
 - b. May have regard to the manner in which the consent has been used.

Consent viability

33. From 1 July 2023, the consent will change from being subject to partial and cessation restrictions that change each month depending on the flow in the Ashburton River mainstem at the State Highway 1 bridge and maintaining a residual flow in the South Branch Ashburton River of 2.3 m³/s, to being subject to a minimum flow on the South Branch Ashburton River only. The South Branch minimum flow will be 3.2 m³/s during the months of February to April, and 2.3 m³/s during the months of May to January.
34. The consent holder has not raised any concerns with me regarding the impact of the proposed minimum flow on the consented activity and/or whether the consent will continue to be viable after the change.
35. I am satisfied that the impact of the proposed new conditions on the viability of the consent does not require further discussion and should not impact on the consent review decision.

Manner in which consent is used

36. The extent to which consent CRC011245 is currently used is set out previously in this report.
37. I do not consider that the manner in which the consent is used should impact on the review decision.

Matters in section 104 of the RMA

38. A discussion of the matters in section 104 of the RMA and how these relate to the consent review is included in the Overview Report.
39. The consent holder proposed minor amendments to the proposed new consent conditions which I consider still implement the provisions of the LWRP relevant to the consent review, therefore the discussion in the Overview Report is applicable to this consent.

Summary of recommendation for grant or refuse

40. Having considered the matters set out in section 131 of the RMA, which includes consideration of whether the activity allowed by the consent will continue to be viable after the change brought about by the new consent conditions, the manner in which the consent has been used, and the matters set out in section 104 of the RMA, I recommend that consent CRC200187 be granted without limited or public notification.

Duration

41. The consent duration cannot be changed as part of a review of consent conditions.

Signed:  Date: 29 September 2020
Name: _____
Consents Planner

Signed by 
Reviewer: _____ Date: 30 September 2020
Name: Ashburton Consent Review
Project Manager

DECISIONS ON REVIEW OF CONSENT CONDITIONS

42. I have adopted the Overview and Summary reports prepared under section 42A of the RMA in their entirety, including the non-notification and grant recommendations.
43. It is the decision of the Canterbury Regional Council, pursuant to sections 128, 130, 131 and 132 of the RMA, to change the conditions of consent as set out in **Attachment A**.
44. In reaching this decision, the Council considers that the adverse effects of the proposed changes on the environment will be no more than minor, and that they are consistent with the objectives and policies of the Land and Water Regional Plan.

Dated at Christchurch on 7 October 2020.



Tania Harris
Senior Manager Operational Support

REFERENCES

- Canterbury Regional Council, 2015. Land and Water Regional Plan: Chapter 3, 4, 5 and 13.
- Canterbury Regional Council, 2013. Canterbury Regional Policy Statement, including the amended CRPS provisions effective 12 June 2015 and 23 July 2015.
- Ministry for the Environment National Policy Statement for Freshwater Management 2011.
- Resource Management (Measurement and Reporting of Water Takes) Regulations 2010
- Te Rūnanga o Ngāi Tahu Freshwater Policy Statement 1999
- Iwi Management Plan of Kati Huirapa for the area Rakia to Waitaki July 1992
- Mahaanui Kurataiao Ltd. Mahaanui Iwi Management Plan 2013
- Tau, T.M., Goodall, A., Palmer, D. and Tau, R, 1990. Te Whakatau Kaupapa. Ngai Tahu Resource Management Strategy for the Canterbury Region. Aoraki Press.
- Te Poha o Tohu Raumati, Te Rūnanga o Kaikōura Environmental Management Plan 2009.
- Te Rūnanga o Ngai Tahu and Department of Conservation Te Papa Atawhai, 2005. Te Waihora Joint Management Plan (Mahere Tukutahi o Te Waihora).
- The Resource Management Act 1991. Consolidated version incorporating all the amendments to that Act including the Resource Management Amendment Act 2013.

ATTACHMENT A: RECOMMENDED CONDITIONS FOR CONSENT CRC200187

Note: The recommended new conditions are:

- Condition 7 – New minimum flow condition
 - Condition 8 and 9 – New water metering conditions.
-

- 1 The maximum rate at which water may be diverted and taken shall be 7.1 cubic metres per second, such that the combined take with that from the Rangitata River does not exceed 35.4 cubic metres per second.
- 2 The consent holder shall measure and record the rate at which water is taken and diverted at not greater than 30 minute intervals and shall make such records available to Canterbury Regional Council upon request.
- 3 The consent holder shall measure and record the rate at which water is passed below the South Branch Ashburton Intake at not greater than 30-minute intervals and shall make such records available to Canterbury Regional Council on request. The range within which these flow records are to be kept is between zero and eight cubic metres per second (m^3/s). The consent holder shall cease to take water when the flow measured at this point falls below 2.3 cubic metres per second.
- 4 The consent holder shall take such measures as are appropriate to ensure that, so far as is reasonably practicable fish are able to pass the dam and are prevented from becoming entrained in the Rangitata Diversion Race. To that end:
 - a. The consent holder shall ensure that a fish pass over the dam be provided and maintained so the passage of fish is not significantly impeded;
 - b. By 1 August 2009 the consent holder shall install and commission a system for the purpose of diverting fish so that they are not entrained in the Rangitata Diversion Race. The system will be installed and commissioned in accordance with consents CRC082583, CRC080840 and CRC070275;
 - c. Within three years of the commencement of this consent the consent holder shall provide the consent authority with a report, prepared by a person appropriately qualified and experienced in freshwater fisheries biology, detailing the extent to which the pass referred to in paragraph (a) and the fish diversion system referred to in paragraph (b) above is meeting the object of this condition and making recommendations, if such are thought by that person to be necessary, as to the way in which that object may better be met;

- d. At any time within the fourth year of this consent and during every fourth year thereafter the consent authority may review this condition (pursuant to s 128) for the purpose of determining what steps should be taken by the consent holder so as better to achieve the object of this condition;
- e. The consent holder may at any time apply to the consent authority for a change to this condition, but for the sole purpose of the better achievement of its object.

5 The term of this consent shall be 35 years.

6 The abstraction of water from the South Ashburton River shall occur in accordance with the following table:

Ashburton River Abstraction Restrictions

MONTH	RESTRICTION			
	STOCKWATER	RDR + INDIVIDUAL IRRIGATION		
	80%	50% ¹	25% ²	0% ³
January	5.0	4.5	4.5	4.5
February	4.0	3.5	3.5	3.5
March	4.0	3.5	3.5	3.5
April	5.5	5.0	5.0	5.0
May	5.5	5.0	5.0	5.0
June	5.5	5.0	5.0	5.0
July	5.5	5.0	5.0	5.0
August	7.0	6.5	6.5	6.5
September	8.5	8.0	8.0	8.0
October	8.5	8.0	8.0	8.0
November	7.0	6.5	6.5	6.5
December	5.5	5.0	5.0	5.0

[Notes: All flows are expressed as cubic metres per second measured at State Highway 1 Bridge.

¹ = Both the RDR and Individual Irrigation is cut by 50% of the consented abstraction maximum when the flow at State Highway 1 Bridge reaches this level.

² = When the flow at State Highway 1 Bridge reaches these flows, the RDR is restricted to 25% of consented abstraction rate, and individual Irrigators are to cease the abstraction of water from the Ashburton River.

³ = When the flow at State Highway 1 Bridge falls to these minimum flows, then the RDR is to cease abstraction.]

- 7 Notwithstanding any other flow restriction contained within the conditions of this consent, from 1 July 2023:
- a. The consent holder shall measure and record the flow rate of the South Branch of the Ashburton River, immediately downstream of the Rangitata Diversion Race intake point, at or about map reference BX20:721-576, at no greater than 30 minute intervals and shall make such records available to the Canterbury Regional Council on request.
 - b. With the exception of stockwater, there shall be no taking of water in terms of this permit during the next succeeding day whenever the flow in the South Branch immediately downstream of the measurement site set out in (a) is:
 - i. at or below 3,200 litres per second, between the period of 1 February and 30 April; or
 - ii. at or below 2,300 litres per second, between the period of 1 May and the following 31 January.

The taking of water in terms of this permit may recommence when the flows set in (i) and (ii) are exceeded.

Advice Note 1: The environmental flow regime specified in this condition takes effect from the 1 July 2023. Until such time, the consent holder is subject to any existing restrictions on the consent. As of this date, those conditions shall cease to apply and instead the abstraction will be managed on this flow regime.

- 8
- a. Notwithstanding any other conditions on this consent, in addition to adhering to the “Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020”, or any subsequent revision, the consent holder shall, no later than 1 July 2023:
 - i. install, operate and maintain a flow measuring device which measures the rate at which water is abstracted to demonstrate compliance with all consented rates of take.
 - ii. install a data logger(s) to record the flow measurement with a time stamp from the measuring device of at least once every 15 minutes; and
 - iii. connect the measuring and recording device to a telemetry system which continually collects and stores the data; and
 - iv. archive and store the data.
 - b. All flow and water level measurement and recording including equipment, systems and procedures shall be installed, operated

- and maintained at all times in accordance with the National Environmental Monitoring Standards (or any updated versions).
- c. The water measuring device described in clause 8(a) shall be available for inspection at all times by the Canterbury Regional Council.
 - d. The consent holder shall make the data available, as described in the "Environment Canterbury Data Management Guidelines", at all times to the Canterbury Regional Council.
 - e. The consent holder shall provide an end of year report containing modified use data for the preceding season with detailing reasons for the modifications, including but not limited to any changes to rating curves, and the report shall be provided to the Canterbury Regional Council, attention: RMA Compliance and Environment Manager, no later than 31 July each year, and when requested in writing by the Canterbury Regional Council.

Advice note:

The following National Environmental Monitoring Standards can be located at: <http://www.nems.org.nz/>.

The "Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020" can be located on the New Zealand Legislation website: <http://www.legislation.govt.nz>

Guidance on practices which are considered acceptable by the Canterbury Regional Council can be found in Environment Canterbury's report "Data Management Guidelines – Water Use" R17/23 6100, or any revision of that report, which is available on the Environment Canterbury website and stored at Environment Canterbury as (C19C/39863)

This condition is to ensure the consent holder has a telemetered water metering system in place for when the minimum flow regime takes effect on 1 July 2023. Should the consent holder already comply with this condition then no further work will be required. Where a consent does not currently require telemetry and none is installed, the consent holder has until 1 July 2023 to upgrade their system.

- 9 Notwithstanding any other conditions on this consent, by no later than 1 July 2023 and in addition to adhering to the "Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020", or any subsequent revision, for verification of the measuring and recording device(s):
- a. the consent holder shall provide an Open Channel and Partially Filled Pipe Installation and Commissioning Form to the

Canterbury Regional Council, attention: RMA Compliance and Enforcement Manager, signed by a suitably qualified hydrologist.

- b. The form in clause (a) of this condition shall be provided within one month of the installation of the measuring or recording device(s), or any subsequent replacement measuring or recording device(s), and
- c. A review of the site shall be carried out every five years by a qualified hydrologist with their findings provided in the form in clause (a) of this condition, and at any time when requested by the Canterbury Regional Council.

Advice note:

The installation and commissioning form is available on the Environment Canterbury website www.ecan.govt.nz

ATTACHMENT B: NOTIFICATION ASSESSMENT FOR CRC200187

The following table sets out the steps undertaken for the assessment of whether public notification or limited notification of consent CRC200187 is required.

<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, go 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 style="padding-left: 40px;"><i>(b) the application is for a resource consent for 1 or more of the following, but no other, activities:</i></p> <p style="padding-left: 80px;"><i>(i) a controlled activity:</i></p>	<p>Is the activity a residential activity?</p> <p>1. Activity requires consent under a regional or district plan and is associated with the construction, alteration, or use of dwelling house/s:</p> <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p>2. Activity is within land intended to be used for residential purposes:</p> <p><input type="checkbox"/> Yes (Residential, Rural Residential)</p> <p><input checked="" type="checkbox"/> No (Business, Conservation, Cultural, Open Space, Rural, Special Purpose)</p> <p>3. Activity is a residential activity.</p> <p><input type="checkbox"/> Yes (Answers to 1 and 2 above are yes.)</p>

<p>(ii) a restricted discretionary or discretionary activity, but only if the activity is a subdivision of land or a residential activity:</p> <p>(iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity:</p> <p>(iv) a prescribed activity (see section 360H(1)(a)(i)).</p> <p>(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.</p>	<p><input checked="" type="checkbox"/> No (Answers to one or both above was no.)</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>Step 3: if not precluded by step 2, public notification required in certain circumstances</p> <p>(7) Determine whether the application meets either of the criteria set out in subsection (8) and, —</p> <p>(a) if the answer is yes, publicly notify the application; and</p> <p>(b) if the answer is no, go to step 4.</p> <p>(8) The criteria for step 3 are as follows:</p> <p>(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:</p> <p>(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.</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>Step 4: public notification in special circumstances</p> <p>(9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and, —</p> <p>(a) if the answer is yes, publicly notify the application; and</p> <p>(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.</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><i>(4) Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).</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, go to step 2</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>Is limited notification precluded in certain circumstances?</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>(i) a controlled activity that requires consent under a district plan (other than a subdivision of land):</i></p> <p><i>(ii) a prescribed activity (see section 360H(1)(a)(ii)).</i></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><i>(a) in the case of a boundary activity, an owner of an allotment with an infringed boundary; and</i></p> <p><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><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>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>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><i>(a) if the answer is yes, notify those persons; and</i></p> <p><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>