

**UNDER**

The Resource Management Act 1991

**AND**

**IN THE MATTER OF**

Resource consent applications by Weka Irrigators Ltd, as follows:

CRC040880 and CRC040881 to divert, take, use and discharge water for irrigation purposes.

## **DECISION OF THE HEARING COMMITTEE**

Heard on 28 July 2010 at the Waipara Hall, Waipara.

**Hearing Committee:**

Mr Alan Withy (Chair)  
Ms Emma Christmas

**For the applicant:**

Mr Tony Whyte, Chairman, Weka Irrigators Ltd, and several other directors.

**Reporting Officer:**

Dr Don Vattala

**Consents Hearings Officer:**

Ms Sarah Drummond

### **1. INTRODUCTION**

Weka Irrigators Ltd (WIL) has applied for a water permit and a discharge permit to allow the continued operation of the Weka Irrigation Scheme. WIL currently hold consents CRC920803B.1, CRC920803C.3, CRC920803D.1 and CRC920803E.1, to divert and take water from Weka Creek and to discharge bywash water back to Weka Creek. These consents expired in April 2004, however the applicant has the right to continue to exercise them under Section 124 of the Resource Management Act. The consents were originally put on hold pending completion of a catchment water management plan. The proposed Waipara Catchment Environmental Flow and Water Allocation Plan was notified on 17 April 2010.

The following applications have been made:

CRC040880 – to divert, take and use up to 88,128 cubic metres of water per day at a maximum rate of 1,020 litres per second from Weka Creek for irrigation purposes; and

CRC040881 – to discharge bywash water from Weka Creek from an irrigation race for emergency purposes.

The Weka Irrigation Scheme consists of a dam across the Weka Creek, a tributary of the Waipara River, at Anthill's Bridge, from which water is taken into an irrigation canal. The maximum rate of diversion and take is 1,020 l/s. A minimum flow of 28 litres per second is maintained at this point into the Weka Creek below the dam, meaning the applicant only takes water when the river is in fresh or in flood. At times

of low flow, no water is taken and the flow in the Weka Creek below the dam typically reduces to zero through loss of water to the riverbed.

Water is taken into an irrigation race from where it is allocated to eight users, all of whom have private storage dams. Once all the dams are full, flow is returned to the Weka Creek at the dam. WIL hold a current consent to dam water (CRC920803A.1), expiring in 2027, hence this does not form part of the application.

Water is taken from the private storage dams and used for irrigation at the discretion of the landowners. The main land uses are viticulture, lucerne, greenfeed, olives and stock.

At the point at which the flow in the irrigation canal is allocated to the various users via a diversion structure, there is the facility to discharge excess flows back to Weka Creek. This discharge is for emergency purposes and to allow flow balancing and occurs for a maximum of 15 -20 days per year. The maximum rate of discharge applied for is 200 litres per second.

Floods may occur at any time of the year, and in every year since commissioning the scheme (1982) there has been sufficient flood flow in the Weka Creek to fill all the private storage dams.

Discharges occur elsewhere in the system, but it has been determined by ECan officers that consent for these is not required, presumably because they do not discharge directly to water or to land where they may enter water.

## **2. NOTIFICATION AND SUBMISSIONS**

The applications were publicly notified on 14 February 2004, as follows:

**Applicant:** Weka Irrigators Ltd  
**Address:** PO Box 19, Waipara

CRC040880 – to divert up to 88,128 cubic metres of flood water per day from Weka Creek at or about map reference NZMS 260 M34:8642-9822 at a maximum rate of 1,020 litres per second to a water race for storage purposes; to take and use up to 1,020 litres of water per second from Weka Creek for irrigation purposes at Antills Bridge, State Highway 7, Waipara. A consent duration of 35 years is sought.

CRC040881 – to discharge bywash water at a maximum rate of 200 litres per second via a corrugated steel flume into Weka Creek at Mackenzies Road, Waipara at or about map reference NZMS 260 M34:8831-9705. A consent duration of 35 years is sought.

### **2.1 Submissions**

Ten submissions were received in opposition to each application. Three submissions on CRC040880 and 2 submissions on CRC040881 were received in support. Ten of the submitters in opposition initially indicated they wished to be heard, however this right was later withdrawn by two submitters. In the event, no submitters appeared at the hearing.

The submissions in opposition were primarily concerned with over-allocation of water from the Waipara River, effects on instream fauna and flora and cultural values, the

effect on groundwater and the need for a new allocation and minimum flow regime for the Waipara River.

Those in support commented that the Weka historically goes dry and the take is of flood water.

### **3. EVIDENCE PRESENTED**

#### **3.1 The Applicant's Case**

**Mr Tony Whyte** is the Chairman of WIL. He summarised the history of the scheme. It was originally developed by the government as part of a larger scheme but was sold to private interests mid-way through construction. The Weka Irrigators Company was then formed. The Weka Irrigation Scheme operates independently to irrigation from Home Creek and the Omihi Scheme, which originally formed part of the larger scheme.

The scheme is entirely gravity fed. The diversion dam is not a storage dam, but serves to raise the water level sufficiently for water to flow into the race to the first storage dam. The scheme was designed to irrigate the total irrigable area each year. As crops have been replaced with grapes, which require less water, the area able to be irrigated each year has increased.

The scheme has had a positive effect on the local environment, reducing dust storms and soil erosion and allowing grapes and olive crops to be developed, with significant positive socio-economic effects on the township. The storage dams attract bird life.

Mr Whyte considered the environmental effects to be minimal, as water was only taken at higher flows. Water discharged back to Weka Creek was natural creek water.

Mr Whyte accepted the need for water metering, but had concerns about the practicality of this. He strongly advocated for a 35 year duration, for reasons discussed later in this decision.

#### **3.2 Section 42A Report - Investigating Officer's Comments**

Dr Vattala's report was taken as read. He commented only on duration and consent conditions.

Dr Valetta stated that while he personally had no concerns with a longer duration, it was not ECan practice to recommend longer than 10 years for water takes. Consents in the area that had 35 year durations were granted prior to 2006, when the current ECan practice of 10 year durations for water permits was adopted, following the Environment Court decision on Lynton Dairy Ltd (C108/205).

He did not consider the recommendation in the Waipara Plan of five years to be appropriate in this instance.

With regard to conditions, he made a number of changes to his recommended conditions to address concerns raised by the applicant.

Following the adjournment of the hearing, and at our request, Dr Vattala discussed proposed condition 5, monitoring of the rate of take, with Mr John Young, ECan's Water Metering Manager. As a result of this discussion, Dr Vattala provided a revised condition.

### **3.3 Applicant in Reply**

Mr Whyte re-iterated the need to store floodwater rather than use run-of-the-river flow, in such a water-short catchment. He considered that a 35-year term would send a message to other irrigators that storage was the "direction to go".

Following Dr Vattala's response on the question of water metering, Mr Whyte responded to the revised condition. He highlighted the impracticality of telemetering at a remote site and the fact that for most of the time, no water will be taken.

## **4 SITE VISIT**

We undertook an initial drive around the local area prior to the hearing. Following the hearing we visited the Anthill diversion dam, from where water is taken, and McCaskey's storage dam, accompanied by Mr Whyte and Mr Fraher, both directors of Weka Irrigators. We did not view the emergency discharge point at Weka Creek due to poor access, but saw no need to do so for the purposes of our decision making.

## **5 ISSUES AND CONSIDERATION**

### **5.1 Status of the applications**

Dr Vattala advised that both applications are discretionary activities under the Transitional Regional Plan. We note that this was the only relevant plan in existence at the time the applications were lodged, and therefore determines the status of the applications.

### **5.2 Principal issues**

The hearing was unusual in that no submitters presented evidence. There has been a considerable time between notifying the applications and the hearing, the reason being the drafting of a water plan for the Waipara catchment. We presume that submitters are happy with the general thrust of the plan as it relates to WIL's take, ie maintenance of the status quo, as discussed below. The evidence presented during the hearing revealed only two major issues, the detail of consent conditions relating to the monitoring, and the duration of consent. Other effects were discussed fully in Dr Vattala's report and are summarised only briefly below, for completeness.

#### **Effects of the diversion and taking of water**

Water is taken only at higher flows, and no water is taken when flows are 28 litres per second or below. Furthermore, at times of low flow, the creek dries naturally, and ceases to flow a short distance below the dam. Instream fauna is therefore limited. Consequently, the effects of the diversion and take on instream values, cultural and amenity values are considered to be low. There are no other users of water from the creek below the diversion dam. Water taken would otherwise be available to

downstream users from the Waipara River, however since water is only taken at times of flood, the effect on these users will be negligible.

### **Effects of the use of water**

The Proposed Natural Resources Regional Plan (PNRRP) contains guidelines for the maximum amount of water that should be used for irrigation of particular soil and crop types. The amount able to be stored, and therefore used, by the scheme, falls far short of the irrigation demand for the area. It is therefore highly likely that water will be used efficiently.

Dr Vattala detailed the areas irrigated, crop types and theoretical irrigation demand in his report. The dams are able to store approximately 39% of the total annual requirement. He notes that *'given the scarcity of water in the Waipara catchment, particularly in the Weka Creek area, and given the applicant will have to apply water ... efficiently to continue irrigating in a profitable manner, I consider the use of water within the Weka Irrigation Scheme is efficient.'* We concur.

### **Effect on the discharge of water**

The discharge is of water taken directly from Weka Creek, having passed along the irrigation canal. There are no additives to the water and limited or no opportunity for stock contamination. The water will contain natural sediment and other contaminants originally present in Weka Creek. The discharge will only occur at times of unexpected overflow, or when flow to the storage dams is being balanced. The applicant estimated that discharge occurred on up to 15 to 20 days per year.

We were unable to visit the discharge site, however were advised that bed or bank erosion resulting from the discharge was not a concern.

Overall we consider the effects of the discharge to be minor.

### **Monitoring**

The applicant accepts the need for monitoring of the rate and volume of water taken, however had concerns about the practicality.

Dr Vattala provided us with a revised condition, suitable for an open race. At the applicant's request, we have amended the time for installation of the metering system to twelve months, due to the ill health of Mr John Young, ECan's Water Metering Manager. However, we are certain that there will be other staff members within Environment Canterbury appropriately qualified to advise the applicants if Mr Young is unavailable.

We have amended the condition slightly such that telemetry is an option, if it is possible, but alternatively data is downloaded and provided to Environment Canterbury each year.

## **5.3 Section 104**

Section 104(1) requires that, subject to Part II of the Act, we must have regard to:

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

- (b) *any relevant provisions of*
  - (i) *a national policy statement*
  - (ii) *a New Zealand Coastal Policy Statement;*
  - (iii) *a regional policy statement or proposed regional policy statement;*
  - (iv) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant or reasonably necessary to determine the application.*

There are no relevant operative national policy statements. The New Zealand Coastal Policy Statement does not apply.

### **5.3.1 Section 104(1)(a) - Actual and Potential Effects**

These have been discussed above.

### **5.3.2 Section 104(1)(b) - Policy Statements and Regional Plans**

#### **Transitional Regional Plan**

We consider there is nothing in the Transitional Regional Plan which would affect this decision.

#### **Regional Policy Statement**

Chapter 9 of the Regional Policy Statement (RPS) is concerned with water quantity and quality. Policy 3 is to promote efficiency in the use of water. This is expanded on in Objective WQN5 and Policy WQN17 of the PNRRP. We consider that the water will be used efficiently.

Policy 6 lists matters we should consider when determining the application. Relevant matters have all been addressed. Objective 3 and Policy 9 are concerned with discharges to water and achieving and maintaining water quality appropriate to provide for a range of values. We do not consider there will be any effects on water quality in Weka Creek.

Chapter 6, Policy 3, is to recognise and provide for the relationship of tangata whenua, their culture and traditions through, amongst other things, decisions on resource consents. The effects on tangata whenua are discussed under Part II, below.

#### **Proposed Natural Resources Regional Plan**

The relevant chapters of the PNRRP (Chapters 4 and 5) were notified after the consent applications were lodged. They are still in a proposed state, with decisions on submissions due to be released later this year. It is therefore relevant to consider these chapters under Section 104(1)(b). We note, however, that a variation to the PNRRP (Variation 17) was notified on 17 April 2010. This variation amends the NRRP such that it no longer controls the taking, use, diverting or damming of water within the Waipara catchment. Variation 17 does not apply to the discharge of water.

Although the PNRRP has been in existence considerably longer than the proposed Waipara Plan, both are effectively at the same stage, decisions on submissions not

yet having been released. Therefore, while we discuss the provisions of the PNRRP, in matters specific to the catchment, for example allocation and minimum flow issues, we give more weight to the Proposed Waipara Plan.

#### *Water allocation and minimum flow*

The PNRRP contains detailed provisions for determining the allocation limit for any surface water body and setting an appropriate minimum flow. In brief, the allocation limit (Policy WQN14(5)) is the difference between the minimum flow set in Appendix WQN2 and the flow that occurs for 85% or more of the time. Where this cannot be determined due to lack of data, a precautionary approach shall be taken, and taking and diversion shall only be allowed where it can be demonstrated that the reliability of the proposed take will be the same or better than set out in Policy WQN14(4).

Dr Vattala did not provide us with the allocation limit as determined under Policy WQN14. The Waipara Plan sets a new allocation and minimum flow regime for the catchment based on technical analyses and community consultation between 2002 and 2009. As discussed below, it is based on the existing consented allocation. We are unable to say how this compares to an allocation derived under Policy WQN14, but consider that it has more relevance than the somewhat theoretical NRRP figure.

We note that the minimum flow in the PNRRP Appendix WQN2 (taken from the existing consent) is 28 litres per second at Anthills dam. The take is therefore consistent with the Waipara Plan allocation and minimum flow, and (at least) the NRRP minimum flow provision.

#### *Efficient use of water*

Objective WQN5 and Policy WQN17 (Chapter 5) are concerned with the efficient use of water for irrigation. As discussed above, due to relatively small volume of water that will be taken compared to the irrigation demand for the area to be irrigated, we consider the water will be used efficiently.

#### *Measurement and recording of water abstraction*

Policy WQN16 requires that water measuring and recording devices are installed at the point of take or diversion for all water permits. A condition is attached requiring water metering.

#### *Surface water quality*

Objective WQL1.1 (Chapter 4) sets overall goals for river water quality. Policy WQL1(1)(b) details matters that must be considered before a discharge of water to water is allowed. We have considered these matters and are of the opinion that the discharge will not result in any unacceptable effects.

### **Proposed Waipara Catchment Environmental Flow and Water Allocation Regional Plan**

The proposed Waipara Plan recognises that the Waipara area has high irrigation demand and that readily available surface and groundwater has already been allocated. It also recognises, in Objective 2, the economic and social benefits deriving from the abstraction of surface water and seeks to provide for these, while maintaining existing ecological, cultural, recreational and amenity values in the catchment, and the reliability of supply for existing irrigators.

This is achieved by capping the A allocation block at a rate equivalent to existing abstraction and ensuring that replacement consents are granted for no more than the previous take (Policies 1.7 and 1.8).

All takes are required to comply with the relevant minimum flow specified in the plan (Policy 1.4). The minimum flow for the Weka Creek A block is set at 28 litres per second downstream of the dam, with an allocation rate of 1,020 litres per second and 88,128 m<sup>3</sup> per day.

Policy 1.2 details a number of matters that must be achieved when a consent to take and divert is granted. These include:

- maintenance of a residual flow sufficient to maintain or where, practical, enhance existing in-stream values
- maintenance of flow variability and sediment transfer
- compliance with the environmental flow and allocation regime set out in the plan
- allowing freshes and floods to pass downstream with sufficient frequency and duration to maintain the ecological, recreational, cultural and amenity values of the catchment and 'reset' the riverine ecosystem

The application complies with both the minimum flow and allocation limit set within the plan. There are few instream values below the take as a result of the creek drying naturally below the dam. The dam and associated residual flow have been in place for over 20 years, and maintenance of this minimum flow will preserve whatever instream values there are in the creek.

Taking all flow above 28 litres per second has the potential to reduce flow variability, however the evidence we heard was that flows rise quickly after a rainfall of 50 mm or so, and as flow increases, it spills over the dam spillway. While there will be periods when the flow in the creek is held at 28 litres per second, these will be relatively short in duration and floods and freshes will continue to flow down the river at times when flows exceed 1020 l/s or when the storage dams are full. We observed on our site visit a reasonable flow in the creek. These flows help to maintain the values of the Waipara River, as well as recharging groundwater.

Objective 4 and Policy 3.3 are concerned with efficient use of water. Policy 3.3 is to work towards maximum efficiency in the taking and use of water by minimising leakage of infrastructure, requiring at least 80% irrigation efficiency and requiring that the rate of abstraction is appropriate and reasonable. Efficient use has been discussed earlier.

Policy 3.4 is to require the installation and operation of water metering and data recording devices. This issue has been discussed above.

We therefore conclude that the proposal is consistent with all relevant plan provisions.

### **5.3.3 s104(1)(c) Any other matter the consent authority considers relevant and reasonably necessary to determine the application**

#### **Te Runanga o Ngai Tahu Freshwater Policy**



The Te Runanga o Ngai Tahu Freshwater Policy is relevant. It seeks to sustain the mauri of freshwater resources and protect their cultural values and uses. This can be achieved by actions such as the maintenance of adequate minimum flows, flow variability and preventing unnatural mixing of waters. The scheme has negligible adverse effects and while altering the flow of Weka Creek below the dam, provides for a minimum flow and continued flow variability. We consider the effects on Ngai Tahu values to be minor.

#### **5.4 Section 105**

Section 105 specifies additional matters that the consent authority must have regard to when considering applications for discharge permits. These are:

- a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and*
- b) the applicant's reasons for the proposed choice; and*
- c) any possible alternative methods of discharge, including discharge into any other receiving environment.*

The discharge is of water taken from Weka Creek, without the addition of any contaminants. The reasons for it are discussed above. We consider there are negligible adverse effects resulting from the discharge and consideration of alternative methods is not necessary.

#### **5.4 Section 107**

Section 107 sets restrictions on the granting of discharge permits that would give rise to certain effects. We do not consider that the discharge is likely to give rise to any of the stated effects and conclude that it complies with s107.

### **6 PART II OF THE RESOURCE MANAGEMENT ACT 1991**

The purpose of the Act is to promote the sustainable management of natural and physical resources. Sustainable management involves managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety.

However, the Act promotes the use and development of natural resources only while (s5):

- (a) sustaining the potential of natural and physical resources ... to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.*

The effects of the proposed activities have been discussed above. We consider the life-supporting capacity of the Weka Creek will be safeguarded, the effects on the environment will be minor and the proposal represents sustainable use of the water resource.

## **Section 6 and 7**

We do not consider any matters in sections 6 and 7 will be compromised by granting the consents sought. There are positive benefits for the amenity values in the catchment as a result of the diversion and storage dams, and the proposal represents the efficient use and development of the water resource.

## **Section 8**

Section 8 requires us to take into account the principles of the Treaty of Waitangi. Both Te Runanga O Ngāi Tahu and Te Ngai Tuahuriri Runanga submitted on the applications, however did not appear at the hearing. Their submissions identify that the applications (along with a number of other applications to take water in the Waipara area) threaten the integrity of cultural values held by Ngai Tahu toward the Waipara area. They seek that suitable minimum flow regimes and allocation frameworks are prepared, to ensure that ecological values are maintained whilst ensuring socio-economic values that existing establishments provide to the region are maintained. The submissions also recognise the benefit of off-stream water storage.

The Waipara River is a Statutory Acknowledgement Area under the Ngai Tahu Claims Settlement Act 1998. There are a number of urupa and wahi tapu along the river and associated coastline that are the focus for whanau traditions. The river and coast were a significant mahinga kai, and knowledge of whakapapa, traditional trails, tauranga waka, places for gathering kai and taonga, and tikanga for sustainable use of the resources remain important values to Ngai Tahu.

The preparation of the proposed Waipara Plan achieves the goals sought in the submission. Existing abstractors are able to continue to take water, while additional allocation is only available as a 'B' permit, for storage. The applicant's activities, of abstraction to storage, will have minimal adverse environmental effects. We consider effects on Ngai Tahu's values and their relationship with their ancestral lands, water and taonga to be minor.

Overall, we consider that granting these applications, with the conditions proposed, will achieve the overall purpose of the Act.

## **4 DURATION**

The applicant has requested a 35 year duration, for reasons as follows: the scheme has operated for 26 years with no known detrimental effects, no other users take water from Weka Creek, other water takes have been granted in the area for 35 years, a small volume of water is taken compared to the total catchment through-flow, the need for certainty to secure long term investment, that harvesting floodwater represents sustainable irrigation, and the cost of consent replacement. Mr Whyte considered that a 35 year term would send a message to other irrigators that storage of flood flows was an appropriate way to manage irrigation in the future.

Mr Whyte also referred us to section 1.3.5 of the NRRP, which he considered more relevant to the issue of duration than Policy 3.8 of the Proposed Waipara Plan, which limits the duration of consents to no more than five years until the plan is operative.

Dr Vattala's comments on duration are summarised earlier in this decision. Several submitters in opposition commented on duration and considered that 10 to 15 years maximum was appropriate. The Water Rights Trust reasoned that poor monitoring of consents has led to declines in water quality and quantity across the region and consent conditions have been unable to protect either the environment or reliability of supply for existing abstractors. One submitter in support sought a duration 35 years, on the grounds that it has operated without fault for 20 years.

We largely agree with Mr Whyte. As discussed above the effects of the scheme are minor. This has been demonstrated by the scheme's operation over the past 26 years. We acknowledge the approach ECan has taken to consent duration following the Lynton Dairy Ltd Environment Court decision, but that situation, the abstraction of groundwater in a highly allocated zone, differs markedly from this situation. The effects (or lack of them) of this scheme are well known. Any future reduction in rainfall in the catchment may result in less water into storage – it will not affect the base flow in the river at times that the scheme is taking water.

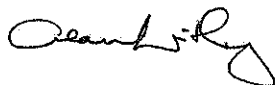
We acknowledge Policy 3.8 of the Proposed Waipara Plan. The primary concern appears to be the situation where an allocation limit might be reduced as a result of the submissions process, and this could not be addressed until consents expire. (An increase to the minimum flow levels could easily be dealt with by means of consent review.) In the Weka Creek situation, where the only user in the catchment takes water at times of high flow, we consider it unlikely that the allocation limit would be reduced. It is not a run-of-the-river take.

Consideration of the matters in section 1.3.5 of the NRRP, leads us to conclude that a longer duration is appropriate. We consider that 35 years gives the applicant the certainty it requires for long term investment and recognises the fact that this scheme is taking floodwater.

## **5 DECISION**

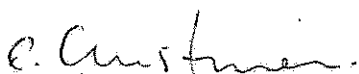
For the reasons discussed above, we grant applications CRC040880 and CRC040881, subject to the conditions set out in Annexure 1 below, for a duration of 35 years.

**DATED** the 6<sup>th</sup> day of September 2010



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A Withy, Chairman



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E Christmas, Commissioner

## **Annexure 1 – Conditions of Resource Consents**

### **CRC040880 To divert, take and use water**

- 1)
  - (a) Water may only be diverted and taken from Weka Creek, at map reference NZMS 260 M34:8643-9818,
  - (b) Water may be diverted and taken at a rate not exceeding 1,020 litres per second and 88,128 cubic metres per day.
- 2) A flow of at least 28 litres per second shall be maintained in Weka Creek, immediately downstream of the diversion point, at all times when this consent is being exercised.
- 3) Water shall only be used for irrigation of crops and vine grapes, on the area of land shown in attached plan CRC040880, which forms part of this consent.
- 4) The consent holder shall, within twelve months:
  - (a) install a water measuring device in a location that will enable the determination of the continuous rate of flow and volume of water being abstracted to within an accuracy of 10 percent. The measuring device shall, as far as is practicable, be installed, operated and maintained at a site likely to retain a stable relationship between flow and water level. The measuring device shall be installed by, or under the supervision of, a suitably qualified hydrologist.
  - (b) install a tamper-proof electronic recording device such as a data logger(s) that shall time stamp a reading from the water measuring device at least once every 15 minutes.
  - (c) The recording device(s) shall:
    - (i) be set to wrap the data from the measuring device such that the oldest data will be automatically overwritten by the newest data (i.e. cyclic recording); and
    - (ii) store the entire years data in each 12 month period from 1 July to 30 June in the following year, which the consent holder shall then download annually and store and provide to the Canterbury Regional Council in a format and standard specified in the Canterbury Regional Council's form for Water Metering Data Collection; and be readily accessible for inspection by the Canterbury Regional Council or by a person authorised by the Canterbury Regional Council: RMA Compliance and Enforcement Manager; or
    - (iii) shall be connected to a telemetry system which collects and stores all of the data continuously with an independent network provider who will make that data available in a commonly used format at all times to the Canterbury Regional Council and the consent holder.
  - (d) The water measuring and recording devices described in clauses (a) and (b) shall be available for inspection at all times by the Canterbury Regional Council, including access to the data recorded in accordance with clause (c).
  - (e) All data from the recording device described in clause (b), and the corresponding relationship between the water level and flow (a(i)), shall be provided to the Canterbury Regional Council annually in the month of June, and shall be accessible and available for downloading at all times by the Canterbury Regional Council.

- 5) Within one month of the installation of the measuring or recording device(s), specified in Condition (4), or any subsequent replacement measuring or recording device(s), or at any time when requested by the Canterbury Regional Council, 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.

Advisory note: the installation and commissioning form is available on the Environment Canterbury website [www.ecan.govt.nz](http://www.ecan.govt.nz)

- 6) At five yearly intervals or at any time when requested by the Canterbury Regional Council, 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 confirming the information submitted in accordance with Condition (5).
- 7) The taking of water in terms of this permit shall cease for a period of up to 48 hours, on notice from the Canterbury Regional Council, to allow measurement of flow levels in the Waipara River and Omihi Stream.
- 6) The consent holder shall take all practicable steps to:
  - (a) Ensure that the volume of water used for irrigation does not exceed that required for the soil to reach field capacity; and
  - (b) Avoid leakage from pipes and structures; and
  - (c) Avoid the use of water onto non-productive land such as impermeable surfaces and river or stream riparian strips.
- 9) The Canterbury Regional Council may, once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of this consent for the purposes of dealing with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.

#### **CRC040881 to discharge water**

- 1)
  - (a) The discharge shall only be unused irrigation bywash water that has been diverted and taken in accordance with resource consent CRC040880 or any subsequent variations thereof;
  - (b) The water discharged shall be free of any added contaminants;
  - (c) Water may be discharged only via a steel flume into Weka Creek at Mackenzies Road, at map reference NZMS 260 M34:8831-9705 as shown on Plan CRC040881 which forms part of this consent;
  - (d) The rate at which water is discharged to Weka Creek shall not exceed 200 litres per second.
- 2) The discharge of water shall not adversely affect public access along existing legal routes to and along the Weka Creek.

- 3) The discharge shall not cause erosion to the bed or banks of the Weka Creek.
- 4) The discharge to surface water shall not give rise to the following effects:
  - (i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended material;
  - (ii) any conspicuous change in colour or visual clarity;
  - (iii) any emission of objectionable odour;
  - (iv) the rendering of fresh water unsuitable for consumption by farm animals; and
  - (v) any significant adverse effects on aquatic life.
- 5) The Canterbury Regional Council may, once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of this consent for the purposes of dealing with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.