

11 August 2015

The Kowhais Limited  
Attn To: Tom Macfarlane  
1208 Middle Valley Road  
RD 17  
**Fairlie 7987**



**Customer Services**  
**P. 03 353 9007 or 0800 324 636**

PO Box 345  
Christchurch 8140

P. 03 365 3828  
F. 03 365 3194  
E. [ecinfo@ecan.govt.nz](mailto:ecinfo@ecan.govt.nz)  
[www.ecan.govt.nz](http://www.ecan.govt.nz)

Dear Sir/Madam

**NOTICE OF RESOURCE CONSENT DECISION(S)**  
**RECORD NO: CRC160485**  
**NAME: The Kowhais Limited**

The decision of Environment Canterbury is to grant your application(s) on the terms and conditions specified in the attached resource consent document(s). Your resource consent(s) commences from the date of this letter advising you of the decision. The reasons for the decision are:

1. Any adverse effects on the environment as a result of the proposed activity will be minor.

For some activities a report is prepared, with officer recommendations, to provide information to the decision makers. If you require a copy of the report please contact our Customer Services section.

If you do not agree with the consent authority decision, you may object to the whole or any part. Notice of any objection must be in writing and lodged with Environment Canterbury within 15 working days of receipt of this decision.

Alternatively you may appeal to the Environment Court, PO Box 2069, Christchurch. The notice of appeal must be lodged with the Court within 15 working days of receipt of this decision, with a copy forwarded to Environment Canterbury within the same timeframe. If you appeal this decision, the commencement date will then be the date on which the decision on the appeal is determined. If you are in any doubt about the correct procedures, you should seek legal advice.

Environment Canterbury takes every measure to improve both applications and processes, and we appreciate your feedback as an important component in ensuring this occurs. You can complete a consents survey on-line at <http://www.ecan.govt.nz/services/resource-consents/pages/surveys.aspx>. Alternatively, you can call our Customer Services Section on 0800 EC INFO who will be happy to complete the survey with you.

**Our Ref: CRC160485**  
**Your Ref: EC274398,EC351132**  
**Contact: Customer Services**

Charges, set in accordance with section 36 of the Resource Management Act 1991, shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of resource consents and for the carrying out of its functions under section 35 of the Act.

Thank you for helping us make Canterbury a great place to live.

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

Yours sincerely

A handwritten signature in black ink, appearing to be 'J. S.', written in a cursive style.

#### **CONSENTS PLANNING SECTION**

**CC Address:**

Irricon Resource Solutions Limited (Geraldine)  
Attn To: Keri Johnston  
1159 Winchester Hanging Rock Road  
RD 21  
**Geraldine 7991**

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# RESOURCE CONSENT CRC160485

*Pursuant to Section 104 of the Resource Management Act 1991*

## The Canterbury Regional Council (known as Environment Canterbury)

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GRANTS TO:	The Kowhais Limited
A WATER PERMIT:	to change conditions of CRC147151 - to take and use surface water from gallery J38/0779 for irrigation purposes
CHANGE TAKES EFFECT DATE:	11 Aug 2015
EXPIRY DATE:	09 Oct 2046
LOCATION:	Gudex Road, Middle Valley, Fairlie

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### **SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1 Water may only be taken from the Opuha River from gallery J38/0779, 3.5 metres width, five metres below the natural riverbed level, and extending up to 100 metres from map reference Topo50 BZ18:3889-1303 in a north east direction, as shown on Plan CRC160485, which forms part of this consent.
- 2 The rate at which water is taken from the Opuha River from gallery J38/0079 shall not exceed 65.6 litres per second, with a volume not exceeding 40,000 cubic metres in any seven consecutive day period, and 900,000 cubic metres between 01 July and the following 30 June;
- 3 The Canterbury Regional Council, Attention: Regional Manager, RMA Monitoring and Compliance, shall be informed immediately on first exercise of water being taken from proposed gallery BZ18/0010 by the consent holder.
- 4 Water taken from gallery J38/0779 may only be used for the irrigation of crops and pasture, on the area of land labelled "Irrigation Area", as shown on Plan CRC160485.
- 5 Except as provided for by condition (6) below, whenever the actual flow of the Opihi River at State Highway One Bridge (map reference NZMS 260 K38:718-591), as estimated by the Canterbury Regional Council, is at or below 15 cubic metres per second, the taking of water in terms of this permit shall cease.
- 6 Condition (5) of this consent shall not apply to the taking of water in terms of this permit provided that:
  - a. the lake level at the Opuha Dam is at or above 375 metres above Mean Sea Level in terms of the Lyttelton Datum (1937); and
  - b. the flow in the Opihi River at Saleyards Bridge (map reference NZMS 260 J38:618-603) during the relevant month is estimated by the Canterbury Regional Council is at or above the sum of the corresponding flow (in cubic metres per second) in the following table, plus the total rate at which water is currently authorised to be taken downstream of Saleyards Bridge that are at that time authorised to be taken pursuant to "AA", "BA" or "AN" permits (as defined in the Opihi River Regional Plan dated 28 September 2000):

Month	Flows
January	3.5
February	3.5
March	7.5
April	8.0
May	4.5
June	4.0
July	4.0
August	4.5
September	6.0
October	8.5
November	7.0
December	6.0

OR

- a. the lake level at the Opuha Dam is between 370 metres and 375 metres above Mean Sea Level in terms of the Lyttelton Datum (1937); and
- b. the flow in the Opihi River at Saleyards Bridge (map reference NZMS 260 J38:618-603) during the relevant month is estimated by the Canterbury Regional Council is at or above the sum of the corresponding flow (in cubic metres per second) in the following table, and the rate of abstraction is no more than 51.2 litres per second, plus the total rate at which water is currently authorised to be taken downstream of Saleyards Bridge that are at that time authorised to be taken pursuant to "AA", "BA" or "AN" permits (as defined in the Opihi River Regional Plan dated 28 September 2000):

Month	Flows
January	3.35
February	3.35
March	5.35
April	5.6
May	3.85
June	3.6

July	3.6
August	3.85
September	4.6
October	5.85
November	5.1
December	4.6

- 7 The taking of water authorised under this permit shall cease for a period of up to 48 hours on notice from the Canterbury Regional Council, to allow measurement of the flow in the Opuha River.
- 8 The taking of water in terms of this permit shall only occur while the consent holder holds an entitlement to be supplied by the Dam Company (as defined in the Opihi River Regional Plan dated 28 September 2000) or its successor, with water equivalent to the maximums provided for in condition (1), and where the consent holder has provided the Canterbury Regional Council with details of the shares, agreement or other entitlement, and with a written undertaking that the water taken under the entitlement is to be used exclusively for irrigation of the land covered by this permit.
- 9 The consent holder shall notify the Canterbury Regional Council in writing within three working days if the consent holder ceases to hold, reduces the number of shares held in, or varies the entitlement to have water supplied by, the Dam Company, or proposes that the water taken under the entitlement is to be used wholly or in part for the irrigation of land other than the land covered by this permit.
- 10 The consent holder shall, before 01 September 2014, install an easily accessible straight pipe(s), with no fittings or obstructions that may create turbulent flow conditions, of a length at least 15 times the diameter of the pipe, as part of the pump outlet plumbing or within the mainline distribution system.
- 11 The consent holder shall before 01 September 2014:
  - a.
    - i. install a water meter(s) that has an international accreditation or equivalent New Zealand calibration endorsement, and has pulse output, suitable for use with an electronic recording device, which will measure the rate and the volume of water taken to within an accuracy of plus or minus five percent as part of the pump outlet plumbing, or within the mainline distribution system, at a location(s) that will ensure the total take of water is measured; and
    - ii. install a tamper-proof electronic recording device such as a data logger(s) that shall time stamp a pulse from the flow meter at least once every 15 minutes, and have the capacity to hold at least one season's data of water taken as specified in clauses (b)(i) and (b)(ii), or which is telemetered, as specified in clause (b)(iii).
  - b. The recording device(s) shall:
    - i. be set to wrap the data from the measuring device(s) such that the oldest data will be automatically overwritten by the newest data (i.e. cyclic recording); and

- ii. store the entire season's data in each 12 month period from 1 July to 30 June in the following year, which the consent holder shall then download and store in a commonly used format and provide to the Canterbury Regional Council upon request in a form and to a standard specified in writing by the Canterbury Regional Council; or
    - 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. No data in the recording device(s) shall be deliberately changed or deleted.
  - c. The water meter and recording device(s) shall be accessible to the Canterbury Regional Council at all times for inspection and/or data retrieval.
  - d. The water meter and recording device(s) shall be installed and maintained throughout the duration of the consent in accordance with the manufacturer's instructions.
  - e. All practicable measures shall be taken to ensure that the water meter and recording device(s) are fully functional at all times.
- 12 Within one month of the installation of the measuring or recording device(s), or any subsequent replacement measuring or recording device(s), and at five-yearly intervals thereafter, and at any time when requested by the Canterbury Regional Council, the consent holder shall provide a certificate to the Canterbury Regional Council, Attention: Regional Manager, RMA Monitoring and Compliance, signed by a suitably qualified person certifying, and demonstrating by means of a clear diagram, that:
- a. The measuring and recording device(s) has been installed in accordance with the manufacturer's specifications; and
  - b. Data from the recording device(s) can be readily accessed and/or retrieved in accordance with clauses (b) and (c) of condition (11).
- 13 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;
  - 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.
- 14 If the irrigation system is used to distribute diluted effluent, fertiliser or added contaminants the consent holder shall ensure:
- a. An effective backflow prevention device is installed and operated within the pump outlet plumbing or within the mainline to prevent the backflow of contaminants into the water source;
  - b. The backflow prevention device is tested at the time of installation and annually thereafter by a suitably qualified or certified person in accordance with Canterbury Regional Council approved test methods for the device used; and
  - c. The test report is provided to the Canterbury Regional Council Attention: Regional Manager, RMA Monitoring and Compliance, within two weeks of each inspection.

- 15 Fish Exclusion (Gallery J38/0779):
- a. Water may only be taken from gallery J38/0779 when a fish screen with a mesh size or slot width not exceeding five millimetres is operated and maintained across the intake to ensure that fish and fish fry are prevented from passing through the intake;
  - b. The fish screen shall be positioned to ensure that there is unimpeded fish passage to the Opuha River, to avoid the entrapment of fish at the point of abstraction;
  - c. The design and maintenance of the fish screen shall ensure that the velocity of flow at and through the screen will prevent fish and fish fry being trapped on the screen; All practicable measures shall be taken to avoid the stranding of fish in pools and channels; and
  - d. The consent holder shall within 24 hours of the fish screen becoming damage or ineffective notify the Canterbury Regional Council of the situation and of any remedial measures including fish salvage to be implemented.
- 16 Condition not transferred
- 17 Prior to 01 September 2014, the consent holder shall prepare a Farm Environment Plan (FEP), in accordance with Appendix One, which forms part of this consent. On farm practice shall be in accordance with the FEP and the FEP shall be updated as necessary to reflect any changes in the farming operation over time. A copy of the FEP shall be provided to the Canterbury Regional Council, Attention: RMA Monitoring and Compliance Manager on request.
- 18 The Farm Environment Plan (FEP) referred to in Condition (17):
- a. shall be audited by a Farm Environment Plan Auditor to determine the compliance of the FEP with the provisions of Appendix One and on farm practice with the provisions of the FEP;
  - b. audit shall be undertaken in accordance with Part C of Appendix One. A copy of the audit shall be provided to the Canterbury Regional Council, Attention: RMA Monitoring and Compliance Manager within two months of the audit being completed; and
  - c. audit shall occur annually, except following three of consecutive audits graded as fully compliant, the audit frequency shall reduce to at least once every three years. However, if an audit is graded as non-compliant or the manager of the farm changes, then the audit frequency reverts to annual.
- 19 The Canterbury Regional Council may, once per year, on any of the last five working days of May or November each year, serve notice of its intention to review the conditions of this consent for the purposes of:
- a. dealing with any adverse effect on the environment which may arise from the exercise of this consent; or
  - b. amending the instantaneous rate of take and/or volume of take per return period to reflect any changes in shareholding in the Dam Company.

**Issued at Christchurch on 11 August 2015**

Canterbury Regional Council



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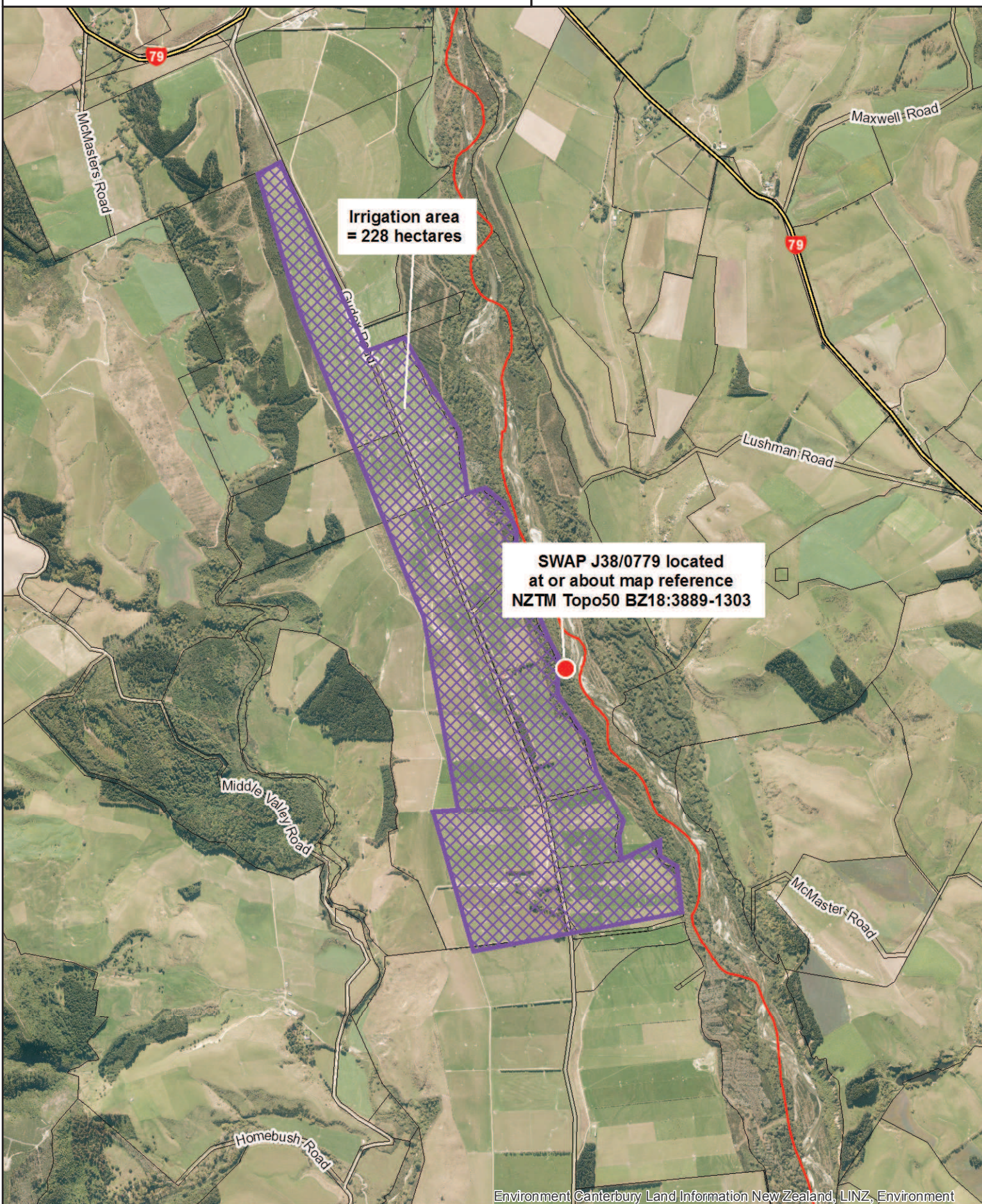
Information from this web site may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before taking any action in reliance upon it.



0 0.35 0.7 1.05 1.4  
Kilometres

Scale: 1:25,000 @A4

Map Created by Environment Canterbury on 23/07/2015 5:26:03 p.m.





## **Appendix One: Farm Environmental Plan**

### **Part A**

#### **Farm Environment Plans**

A Farm Environment Plan can be based on either of:

1. The material set out in **Part B** below;

OR

2. Industry prepared Farm Environment Plan templates and guidance material that:
  - a. Include the following minimum components:
    - i. The matters set out in 1, 2 and 3 of Part B below;
    - ii. Contains a methodology that will enable development of a plan that will identify actual and potential environmental effects and risks specific to the property, addresses those effects and risks and has a high likelihood of appropriately avoiding, remedying or mitigating those effects;
    - iii. Performance measures that are capable of being audited as set out in Part C below; and
  - b. Has been approved as meeting the criteria in (a) and being acceptable to the Canterbury Regional Council by the Chief Executive of the Canterbury Regional Council.

### **Part B**

#### **Farm Environment Plan Default Content**

***The plan requirements will apply to:***

1. A plan prepared for an individual property or farm enterprise; or
2. A plan prepared for an individual property which is part of a collective of properties, including an irrigation scheme, principal water supplier, or an Industry Certification Scheme.

***The plan shall contain as a minimum:***

1. Property or farm enterprise details:
  - a. Physical address;
  - b. Description of the ownership and name of a contact person; and
  - c. Legal description of the land and farm identifier.
2. A map(s) or aerial photograph at a scale that clearly shows:
  - a. The boundaries of the property or land areas comprising the farm enterprise;
  - b. The boundaries of the main land management units on the property or within the farm enterprise;

- c. The location of permanent or intermittent rivers, streams, lakes, drains, ponds or wetlands;
  - d. The location of riparian vegetation and fences adjacent to water bodies;
  - e. The location on all waterways where stock access or crossing occurs; and
  - f. The location of any areas within or adjoining the property that are identified in a District Plan as “significant indigenous biodiversity”.
- 3. A list of all Canterbury Regional Council resource consents held for the property or farm enterprise.
- 4. An assessment of the adverse environmental effects and risks associated with the farming activities and how the identified effects and risks will be managed, including irrigation, application of nutrients, effluent application, and stock exclusion from waterways, offal pits and farm rubbish pits.
- 5. A description of how each of the following objectives will, where relevant, be met:
  - a. Nutrient management: To maximise nutrient use efficiency while minimising nutrient losses to water.
  - b. Irrigation management: To operate irrigation systems efficiently and ensuring that the actual use of water is monitored and is efficient.
  - c. Soils management: To maintain or improve the physical and biological condition of soils in order to minimise the movement of sediment, phosphorus and other contaminants to waterways.
  - d. Collected animal effluent management: To manage the risks associated with the operation of effluent systems to ensure effluent systems are compliant 365 days of the year.
  - e. Livestock management: To manage wetlands and water bodies so that stock are excluded as far as practicable from water, to avoid damage to the bed and margins of a water body, and to avoid the direct input of nutrients, sediment, and microbial pathogens.
  - f. Offal pits: to manage the number and locations of pits to minimise risks to health and water quality.

***The plan shall include for each objective in 5 above:***

- a. Detail commensurate with the scale of the environmental effects and risks;
- b. Defined measurable targets that clearly set a pathway and timeframe for achievement and set out defined and auditable “pass/fail” criteria;
- c. A description of the good management practices together with actions required; and

- d. The records required to be kept for measuring performance and achievement of the target.
6. A nutrient budget shall be prepared annually using the current version of the OVERSEER<sup>TM</sup> nutrient budget model, or equivalent model approved by the Chief Executive of Environment Canterbury, to cover the property or farming enterprise for the upcoming 12 months. At the end of each 12 month period the modelling shall be revised, if necessary, to accommodate any differences between the projected modelling and actual farm practise, to calculate the average annual amount of nitrogen loss from the property or farm enterprise.

## **Part C**

### **Farm Environment Plan Audit Requirements**

The Farm Environment Plan must be audited by a Farm Environment Plan Auditor who is independent of the farm being audited (i.e. is not a professional adviser for the property) and has not been involved in the preparation of the Farm Environment Plan.

A Farm Environment Plan Auditor is a person who can provide evidence of at least 5 years' professional experience in the management of pastoral, horticulture or arable farm systems and holds either:

1. A Certificate of Completion in Sustainable Nutrient Management in New Zealand Agriculture from Massey University;
2. A Certificate of Completion in Advanced Sustainable Nutrient Management in New Zealand Agriculture from Massey University; or
3. Another qualification that has been approved by the Chief Executive of the Canterbury Regional Council as containing adequate instruction and assessment on agricultural sciences and nutrient management.

The farming activity occurring on the property will be audited against the following minimum criteria:

1. An assessment of the performance against the objectives, targets, good practices and timeframes in the Farm Environment Plan;
2. An assessment of the robustness of the nutrient budget/s;
3. An assessment of the efficiency of water use (if irrigated).

The audit shall identify any non-compliance with the Farm Environment Plan, detail any action required to remedy instances of non-compliance and provide an overall grade based on the assessment of the property.

## **Part D**

### **Farming Information**

Whenever one of Rules 5.41-5.58 requires information to be submitted, the following is to be provided:

1. The OVERSEER<sup>TM</sup>, or equivalent model approved by the Chief Executive of



Environment Canterbury, input and output files for the property; or

2. Information detailing:

- a. The site area to which the farming activity relates;
- b. Monthly stocking rates (numbers, types and classes) including breakdown by stock class;
- c. Annual yield of arable or horticultural produce;
- d. A description of the farm management practices used on each block including:
  - - i. Ground cover – pasture, crops, fodder crops, non-grazed areas (including forestry, riparian and tree areas) and any crop rotation;
    - ii. Stock management – lambing/calving/fawning dates and percentages, any purchases and sales and associated dates, types and age of stock;
    - iii. Fertiliser application – types and quantities per hectare for each identified block, taking into account any crop rotation;
    - iv. Quantities of introduced or exported feed;
- e. Farm animal effluent, pig farm effluent, feed pad and stand-off pad effluent management including:
  - - i. Area of land used for effluent application;
    - ii. Annual nitrogen loading rate and nitrogen load rate per application;
    - iii. Instantaneous application rate;
- f. Irrigation – areas, rates, monthly volumes and system type.
  -

The information is to be collated for the period 1 July to 30 June in the following year and be provided annually, no later than 31 of October.