

17 May 2018



MHV Water Ltd & Ashburton  
Lyndhurst Irrigation Ltd  
Attn To: Mel Books & Carmen Foster  
18 Kermode Street  
**Ashburton 7700**

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

200 Tuam Street

PO Box 345  
Christchurch 8140

E. [ecinfo@ecan.govt.nz](mailto:ecinfo@ecan.govt.nz)

[www.ecan.govt.nz](http://www.ecan.govt.nz)

Dear Mel & Carmen

### **Notice of Resource Consent Decision**

**Record Number:** CRC183851  
**Applicant Name:** MHV Water Ltd & Ashburton Lyndhurst Irrigation Ltd  
**Activity Description:** To discharge nutrients.  
**Decision:** Granted

### **Decision**

The decision of Environment Canterbury is to grant your application on the terms and conditions specified in the attached resource consent document. The reasons for the decision are:

1. The activity will achieve the purpose of the Resource Management Act 1991.
2. Any adverse effects on the environment of the activity will be minor.

### **Commencement of consent**

Your resource consent commences from the date of this letter advising you of the decision.

If you object to or appeal this decision, the commencement date will then be the date on which the decision on the appeal is determined.

### **Lapsing of consent**

This resource consent will lapse if the activity is not established or used before the lapse date specified on your consent document. Application may be made under Section 125 of the Resource Management Act 1991 to extend this period.

### **Your rights of objection and appeal**

#### ▪ **Objection to Decision**

If you do not agree with the decision of the consent authority, you may object to the whole or any part in accordance with Section 357A(1)(g) of the Resource Management Act 1991 (RMA). Notice of any objection must be in writing and lodged with Environment Canterbury **within 15 working days** of receipt of this decision in accordance with Section 357C(1) of the RMA.

- **Right to Appeal**

You may appeal the decision of the consent authority to the Environment Court in accordance with section 120 of the RMA. The notice of appeal must be lodged with the Court within 15 working days of receipt of this decision, at PO Box 2069, Christchurch. A copy of the appeal should also be forwarded to Environment Canterbury within the same timeframe.

If you are in any doubt about the correct procedures, you should seek legal advice.

- **Objection to Costs**

Section 357B of the RMA allows you to object to costs. Your objection must be received **within 15 working days** of the date on which you receive your invoice.

Your objection must be in writing and should clearly explain the reasons for your objection as detailed in section 357C of the RMA.

### **Monitoring of conditions**

It is important that all conditions of consent are complied with, and that the consent holder continues to comply with all conditions, to ensure that the activity remains lawfully established.

You can find online Information regarding the monitoring of your consent at [www.ecan.govt.nz/monitoringconsent.pdf](http://www.ecan.govt.nz/monitoringconsent.pdf).

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.

### **Further information about your consent**

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. You can find online information about your consent document at [www.ecan.govt.nz/yourconsent.pdf](http://www.ecan.govt.nz/yourconsent.pdf).

### **Queries**

For all queries please contact Customer Services Section quoting your CRC number noted above.

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

Yours sincerely



**Consents Planning Section**

cc:  
Tavendale and Partners  
Attn To: Tom Evatt & Tania Paddock  
PO Box 324  
**Ashburton 7740**

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# RESOURCE CONSENT CRC183851

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

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

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GRANTS TO: Ashburton Lyndhurst Irrigation Limited, MHV Water Limited

A DISCHARGE PERMIT (S15): To discharge nutrients.

COMMENCEMENT DATE: 17 May 2018

EXPIRY DATE: 26 May 2019

LOCATION: Ashburton District, Ashburton

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

#### **Definitions**

- 1 *Existing Command Area:* are the three (3) areas indicated on Plan CRC121664.1A on being coloured brown, orange and green, and labelled Mayfield/Hinds, Valetta and Ashburton/Lyndhurst respectively. The Existing Command Area totals 94,486 ha.

*Existing Irrigation Areas:* are the areas of land within the Existing Command Area that had water supply agreements in place with the consent holder (or its agents) and were being irrigated prior to December 2013.

*Expanded Command Area:* is the area bounded by the Rakaia River, the Rangitata River, the foothills of Mt Taylor and Mt Hutt and the Pacific Ocean (refer Plan CRC121664.1A).

*New Irrigation Areas:* are any area(s) of land within the Expanded Command Area that did not have a water supply agreement in place with the consent holder (or its agents) or were not being irrigated with water supplied by the consent holder (or its agents) prior to December 2013 but are, or will be, irrigated under this consent.

*Other Managed Area:* are all other areas of land within the *Expanded Command Area* that are managed under the terms of this consent, the Environmental Management Plan (EMP) associated with CRC121664.1, or the EMP associated with this permit. *Other Managed Area* is limited to land which is part of a property receiving water from an irrigation scheme party to CRC121664.1 or this permit.

*Water Supply Consents:* are any, or all, of the following existing water permits being resource consent numbers: CRC011237, CRC011245, CRC134808 and CRC183850 (or their subsequent respective variations or replacements).

**Advice note:** For the purpose of implementing the rules and policies of the Land and Water Regional Plan, references to resource consent CRC121664 should also be considered as reference to this permit or CRC121664.1 (or their subsequent respective variations or replacements), as this permit is granted subservient to CRC121664.1.

### Consent Authorisation

- 2 Where the consent holder is supplying water in accordance with the *Water Supply Consents* this resource consent authorises:
  - a. The use of land for farming; and
  - b. The discharge of nutrients to water arising from the use of land for farming authorised in by clause (a) of this condition.
- 3 The land use and discharge specified in condition 2 of this resource consent shall be limited to a maximum land area of 94,486 hectares located within *Expanded Command Area*.
- 4 This consent shall not be exercised concurrently with consent CRC121664.1 (or any subsequent respective variations or replacements).

### Farm Environment Plan

- 5
  - a. A Farm Environment Plan shall be prepared:
    - i. by the 1st of July 2016 for all properties within the *Existing Irrigation Areas* that have water supplied by the consent holder under the *Water Supply Consents*;
    - ii. in advance of the consent holder supplying water (abstracted under the *Water Supply Consents*) to properties within the *New Irrigation Areas*; and
    - iii. prior to the submission of the annual Compliance report as part of adding *Other Managed Area* into the ASM programme.
  - b. All Farm Environment Plans prepared in accordance with this condition shall:
    - i. utilise the template which is attached to (as Annexure 2) and which forms part of this resource consent; or
    - ii. a subsequent version of the template or alternative template plan where the template has been approved (in writing) by the Canterbury Regional Council RMA Compliance and Enforcement Manager; or
    - iii. properties with an area of less than 10 ha can use the Environment Canterbury Lifestyle Block Management Plan (March 2015 version).

- c. The consent holder shall ensure that each water user, that the consent holder supplies water to, maintains detailed records of fertiliser application rates, location and crop type (including winter feed/forage crops), cultivation methods, stock units by reference to type and breed, and all other necessary inputs to the OVERSEER<sup>(TM)</sup> nutrient budgeting model. The records shall be made available to the Canterbury Regional Council on request.

### Environmental Management Plan

- 6 The consent holder shall prepare and implement an Environmental Management Plan (EMP) within 12 months of the granting of this resource consent. The EMP shall be detailed and described in a report that is prepared by a suitably qualified and experienced person and that report shall be submitted to the Canterbury Regional Council. Once the Canterbury Regional Council has certified that the EMP is adequate and is consistent with the obligations set out in this resource consent, the consent holder shall implement it.
  - a. The consent holder shall audit all properties (as per the terms of the EMP) that it supplies water to at least once every three years with at least a third of the total number audited each year. The audits shall assess the:
    - i. compliance with Condition 5 of this resource consent; and
    - ii. compliance with the obligations and undertakings given in the Farm Environment Plan that applies to the property being audited.
  - b. The audits required by this condition shall be undertaken by a suitably qualified and experienced auditor.
  - c. The consent holder shall prepare an annual report describing the results of the EMP, which includes the audits that have been conducted each year. The report shall include:
    - i. A record of the audit compliance grading;
    - ii. The average annual loss of nitrogen for the preceding 12-month farming season for:
      - a. The *Existing Irrigation Areas*;
      - b. The *New Irrigation Areas*; and
      - c. *All Other Managed Area*.
    - iii. The number of properties and the total area being irrigated in accordance with the requirements of this resource consent;
    - iv. Any incidence of non-compliance with the conditions of this resource consent, and/or with the requirements set out within the individual Farm Environment Plans;

- v. The actions taken by both the consent holder and (as necessary) the water user(s) supplied by the consent holder to remedy or mitigate a non-compliance that is identified in accordance with (c)(iv) of this condition.
- d. A copy of the annual report shall be provided to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager by the last working day of December each year.
- e. A copy of each Farm Environment Plan and all associated audits shall be provided to the Canterbury Regional Council, marked for the attention of the RMA Compliance and Enforcement Manager upon request.

### Nutrient Limits

- 7
  - a. The combined average annual amount of Nitrogen ('N') lost to water as calculated from the individual Farm Environment Plans prepared in accordance with the conditions of this resource consent, shall not exceed the following totals (derived using version 6.0.3 of the OVERSEER<sup>(TM)</sup> modelling software):
    - i. 6088 tonnes of N from the land within the *Existing Irrigation Areas*; and
    - ii. 263 tonnes of N from the land within the *New Irrigation Areas* located within Zone 1 as shown on Plan CRC121664.1B.
    - iii. 52 tonnes of N from the land within the *New Irrigation Areas* located within Zone 2 as shown on Plan CRC121664.1B.
    - iv. 211 tonnes of N from the land within the *New Irrigation Areas* located within Zone 3 as shown on Plan CRC121664.1B.
  - b. The consent holder may derive the N limits for the land that is the subject of this resource consent using a subsequent version of the OVERSEER<sup>(TM)</sup> modelling software, or an alternative model where the alternative model has been approved in writing by the Canterbury Regional Council RMA Compliance and Enforcement Manager. When deriving N limits, the consent holder shall calculate the losses using the following parameters:
    - i. For the *Existing Irrigation Areas* the mixture of land uses and management practices modelled shall be consistent with the activities described in the report prepared by Stuart Ford, dated October 2013 and entitled "RDRML Land Use Consent Application: Calculation and Explanation of the proposed Nitrogen and Phosphorous Load and Limits", a copy of which is attached to (as Annexure 3) and forms part of this resource consent; and
    - ii. For the *New Irrigation Areas* the method used to determine the nutrient limit shall be consistent with the approach used in the report prepared by Macfarlane Rural Business dated 14 December 2013 and entitled "Hinds catchment nutrient and on-farm economic modelling, Final report (version 4), Volume 1 - Main report"

- c. Where alternative N limits have been calculated in accordance with (b) of this condition they (along with the supporting information) shall be submitted to an appropriately qualified independent person for certification. The person shall only issue the certificate if satisfied that the new limits have been derived using the parameters listed in (b)(i) and (b)(ii) of this condition. Once the limits have been certified, they shall apply to all land use and discharge activities authorised by this resource consent and those set out in (a) in this condition shall cease to have effect.
- d. A report, setting out any alternative limits that have been derived in accordance with (b) of this condition and certified in accordance with (c), shall be provided to the Canterbury Regional Council (marked for the attention of the RMA Compliance and Enforcement Manager) within five working days of the alternative limits being certified.

### **Review**

- 8 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:
  - a. Dealing with any adverse effect on the environment which may arise from the exercise of this consent; or
  - b. Reviewing the effectiveness of the conditions in avoiding, remedying or mitigating adverse effects on the environment from the exercise of this consent; or
  - c. Reviewing the need to monitor the activities that are authorised by this resource consent (including the type and frequency of the monitoring that is undertaken by the consent holder); or
  - d. Reviewing the N limits that apply to the discharge, in order to provide for sustainable management of the watercourses and water bodies (including groundwater) within the New Irrigation Areas and/or the Existing Irrigation Areas.

**Issued at Christchurch on 17 May 2018**

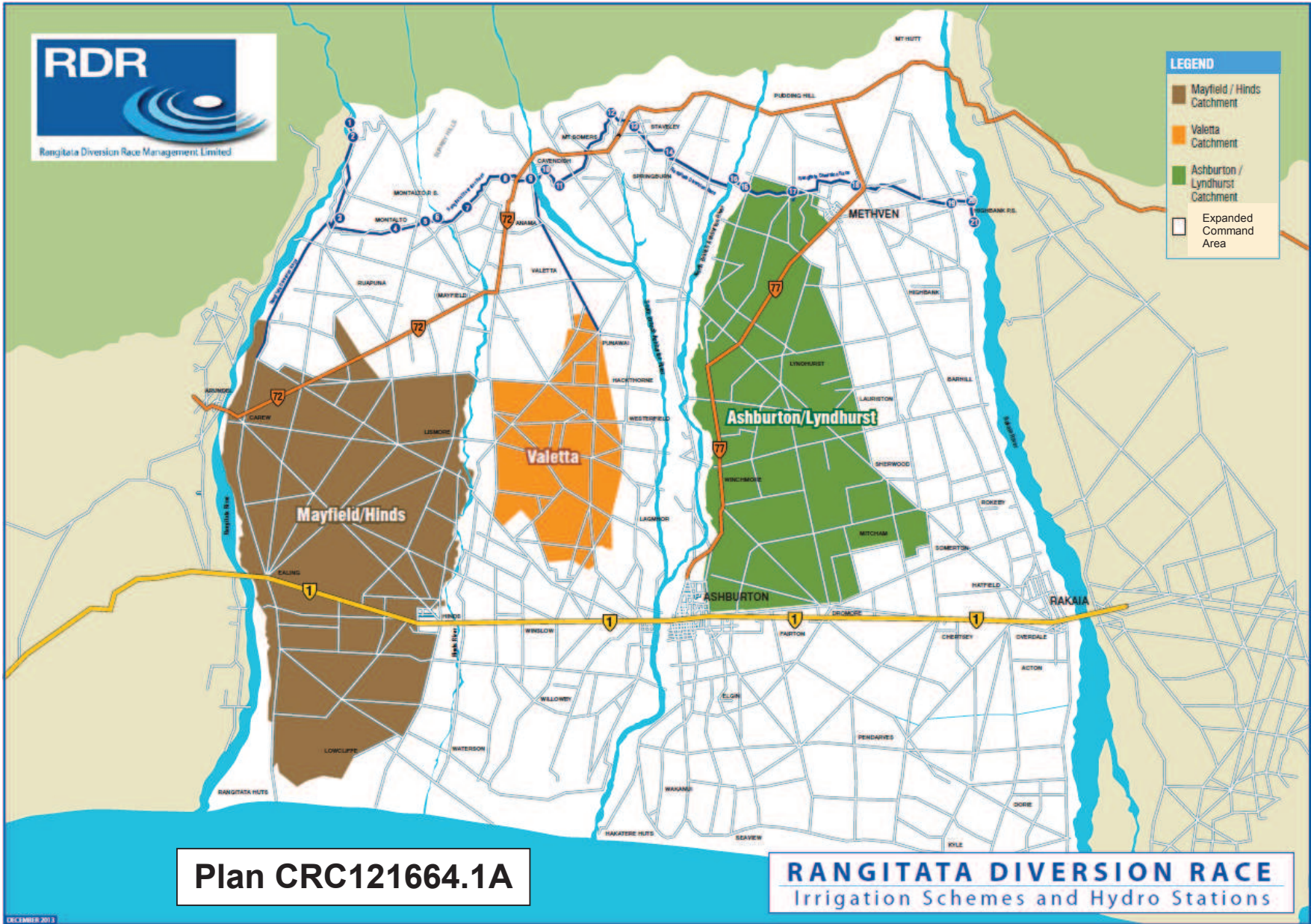
Canterbury Regional Council





**LEGEND**

- Mayfield / Hinds Catchment
- Valetta Catchment
- Ashburton / Lyndhurst Catchment
- Expanded Command Area



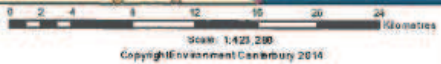
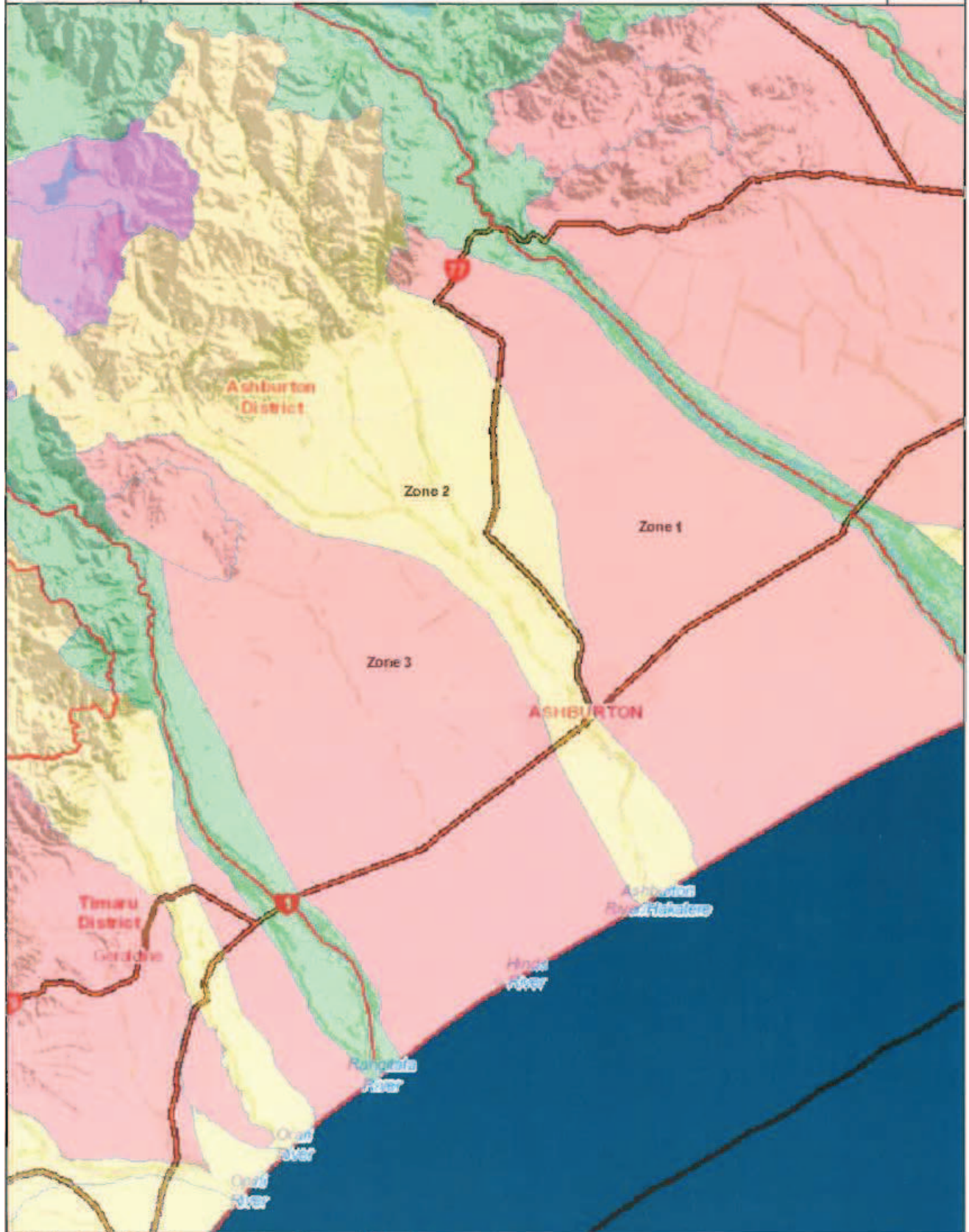
**Plan CRC121664.1A**

**RANGITATA DIVERSION RACE**  
Irrigation Schemes and Hydro Stations



# Plan CRC121664.1B - RDRML nutrient allocation zones

Data sourced from our Canterbury Map Partners at Environment Canterbury



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Map created by helen@an2-19-59.g.m



## Exercising of resource consent CRC183851

**It is important that you notify Environment Canterbury when you first start using your consent.**

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<b>GRANTED TO:</b>	MHV Water Ltd & Ashburton Lyndhurst Irrigation Ltd
<b>A DISCHARGE PERMIT (S15):</b>	To discharge nutrients.
<b>LOCATION:</b>	Ashburton District, Ashburton

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Even if the consent is replacing a previous consent for the same activity, you need to complete and return this page.

Providing this information will:

- Validate your consent through to its expiry date
- Minimise compliance monitoring charges
- Help provide an accurate picture of the state of the environment.

If consent CRC183851 is not used before 26 May 2019 this consent will lapse and no longer be valid.

**Declaration:**

I have started using this resource consent.

**Action taken:** (e.g. pasture irrigated, discharge from septic tank/boiler/spray booth etc).

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**Approximate start date** (*Note: this may be different to the date the consent was granted*): \_\_\_\_\_

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Full name of person signing** (please print): \_\_\_\_\_

**Please return to:**

**Environment Canterbury**  
**PO Box 345**  
**Christchurch 8140**

**File: CRC183851**