

MINUTES

TITLE: Environment and Planning Subcommittee
DATE: Friday, 24 November and Monday, 18 December 2006
TIME: 10.30 am
VENUE: Tasman Council Chambers, 189 Queen Street, Richmond
PRESENT: Crs E M O'Regan (Chair), S J Borlase, R G Kempthorne

IN ATTENDANCE: Consents Manager (J Hodson), Consent Planner (N Tyson),
Minute Secretary (V M Gribble)

1. REVIEW OF CONDITIONS – MT HESLINGTON DOWNS LTD, WEINGUT SEIFRIED LTD & A N and M D BAIGENT

Mr Tyson spoke to his report contained in the agenda. The applications relate to a review of conditions pursuant to Section 128(1)(a)(i) and (iii) of the Resource Management Act (the "Act") 1991 of the following consents.

Mt Heslington Downs Ltd (Appletons)

Consent NN000221 – Conditions 1, 5, 6, 7 and 9

Consent NN000222 – Conditions 1, 5, 6, 7, 9, 10, 11 and 12

Weingut Seifried Ltd

Consent NN000036 – Conditions 5 and 9

Consent NN000037 – Conditions 5 and 9

Consent NN000318 – Conditions 1 and 5

A N and M D Baigent

Consent NN000211 – Conditions 1, 5 and 6

Consent NN000212 – Conditions 1, 5, 6, 7 and 9

Consent NN000391 – Conditions 1, 2, 3, 4, 5, 6 and 11

Copies of these current consents were attached to the report.

Cr Kempthorne asked about the original consent for dams, what the current volume is that is being talked about, what is the survey volume, and what is requested in the current consent applications.

Mr Malone said the information is available in Baigents evidence.

Ms Reese requested that Mr Tyson provide the information available on Council files.

2. SUBMISSIONS

2.1 Mt Heslington Downs Ltd

Ms R Reese, supporting Mr Robert Appleton of Mt Heslington Downs, tabled and presented evidence in the review of consent conditions.

Mt Heslington Downs Ltd requested that the application RM060258 to alter the dam and the application RM060259 to contract the weir be approved. The other parties

at this hearing are not involved in these two applications. Mr Harvey who is an affected party has given his written approval.

Ms Hodson said it is important that the Committee should become as familiar with all parts of the application and review as Mr Tyson is, and suggested that the decision on these two consents could be made by Mr Tyson, under delegated authority.

Mr Appleton tabled and presented his evidence.

2.2 A N and M D Baigent

Mr G Malone presented on behalf of A N and M D Baigent.

Mr Malone said Council should not make a decision today on something that will have a detrimental affect on Baigents. Mr Malone challenged the validity of the review process.

Mr A W Baigent tabled and read his evidence. He said he understood the proposal in relation to the storage to be as follows:

Dam 34 – 65,000 current survey, proposed 75,000 cubic metres
Dam 233 – 32,005 current survey, proposed 52,599 cubic metres
Dam 260 – nothing currently unauthorised and has applied for 82,184 cubic metres
Dam 232 – 6,200 currently authorised, surveyed 9,400 cubic metres
Dam 262 – estimate only 2,000 cubic metres
Dam 239 – existing 180,000 cubic metres

Mr Baigent said they would like to increase storage to 134,000 cubic metres, which would allow them to give away all rights to Catchment A, with the right to supplement their storage once the Seifried and Appleton dams are full. Baigents propose to get one more water gun that goes to 50 cubic metres per hour, and then later get another similar water gun. Baigents have proposed extra storage to take the supplementary water from Catchment A when the others have all they need. He does not believe there will be any effects from the dam, either full or drawn-down. The base is clay and gravels. The next aquifer is 18 metres down. He can not see a direct hydraulic relationship between their dam and Seifrieds.

Cr Kempthorne said staff have commented that they do not know how it is possible for your dam to be sealed.

Mr Baigent said it fills up and overflows to Seifried's dam. He outlined the compaction undertaken on the eastern side of the dam and acknowledged that the dam was not totally sealed, but said that there was no noticeable loss of water. He said the 2.5 metre rule was good in keeping things in check, but when there is a flood it does not work. He said summer freshes have been an issue for both Seifrieds and Appletons.

2.3 H Seifried

Mr Fitchett said Council is here to review consent conditions. He expressed the opinion that the review process is valid and appropriate. In effect in year 2000 Mr Baigent's main dam was approved for 16,900 cubic metres but now he has a hole that holds 70,000 cubic metres. Mr Baigent had a consent to take gravel and he is

now using the enlarged hole as water storage. This had occurred without the water right being amended. You need to look at the actual hole in the ground and then say "is there really a change or not".

Cr O'Regan said in all the consents, none of them have been operated within the bounds of consent conditions.

Mr Fitchett said it seems Mr Tyson has given up on the need to have sealed holes. If Council accepts Mr Malone's submission that there is no right to review conditions, it must become an enforcement action. It's better to review conditions and get practical new conditions which don't unduly benefit anybody who has blatantly breached the old ones.

Mr Seifreid tabled and presented his evidence. In answer to questions relating to volumes, he said that 120,000 cubic metres per year would be sufficient to maintain his operation out of dam 239.

Mr Glenn Stevens, Resource Scientist was in attendance at this point.

In reply to a question about whether the additional information request is necessary, Mr Stevens said they need to show the pond is truly sealed or that it is not interacting with the groundwater.

Cr O'Regan asked how you define a sealed pond?

Mr Stevens said groundwater will move in a down gradient direction. Unless the dam is sealed on all sides and underneath it won't be sealed. If ponds depend on seepage to fill up, it's difficult to have them sealed.

Cr O'Regan asked if Council has records on the permeability of interacting surfaces.

Mr Stevens said it was unlikely Council would have that information in terms of permeability at different depths.

Cr Borlase said Mr Seifried appeared to be adamant that Mr Baigent's ponds are leaking badly. Cr Borlase then asked if there was any evidence that the Seifried ponds are sealed and the Baigent ponds are leaking?

Mr Fitchett said Baigents emptied their dam and had to keep pumping to keep them empty, therefore showing it was leaking by inflow.

Cr O'Regan noted the conflicting evidence as to whether the pond on Mr Baigent's leaks. We have two views regarding the size and depth of ponds that conflict and we have two matters to adjudicate on. One is the review of consents as at situation on the ground today, the other matter is whether further information is required to process Consent RM060681.

Cr O'Regan proposed the adjournment of the meeting until Monday, 18 December 2006 at 9.00 am and requested that Joseph Thomas be in attendance. He asked for professional advisors, Taylors and Newtons to substantiate the documents tabled. If a complete new survey was done before that time it would be acceptable.

Ms Reese expressed concern that the matter is a review of the consent conditions to establish what exists today and is unrelated to the secondary matter of the further information request. She was concerned that the Committee is dealing with matters which might be required to be determined at a future consent hearing.

Cr O'Regan said in answering questions we have had nothing written at all from this area of expertise. Mr Stevens was very forthright but he hasn't been on the site for over three years. He expected in these circumstances there should be a staff report from a specialist staff member who has been on site within the last month.

Cr Kempthorne said we need to have final presentations and Joseph Thomas or Neil Tyson and then consider where to from there, taking on board the issues raised.

Mr Fitchett said he would not be producing any one to talk about permeability as it is irrelevant to the review of conditions.

Ms Reese concurred with Mr Fitchett and is concerned that the Subcommittee sticks to the matters relevant to the review.

Mr Fitchett said the question of permeability has been raised by Mr Tyson in his substantive report, before the further request. We want the historical matters to be regularised. When it comes to going beyond 70,000 cubic metres for the Baigent pond, at the appropriate stage there would be a proper hearing.

Ms Reese said permeability may be an issue for Mr Appleton, but not at this step, which is the review.

Cr O'Regan concurred that for the purpose of the review, permeability is not a relevant matter.

Mr Malone said if permeability not an issue and you make changes under review they have to be justified by some reason.

Cr O'Regan said the Subcommittee would definitely like the people responsible for survey information to be present as well.

Mr Baigent undertook to have the dams surveyed by a professional surveyor.

Cr Kempthorne said the committee wants a co-operative outcome.

Mr Fitchett said Mr Malone has implied he is unwilling to look at the review in isolation.

Cr O'Regan said because notices were given for two separate hearings, we have to deal with the review matter first then deal with the Section 357 objection.

Mr Malone said the existing survey levels must be relevant to existing consents.

The meeting was adjourned at 6.10 pm to reconvene on Monday, 18 December 2006, at 9.00 am.

TITLE: Reconvened Environment & Planning Subcommittee of Friday, 24 November 2006
DATE: Monday, 18 December 2006
TIME: 9.05 am
VENUE: Tasman Council Chambers, 189 Queen Street, Richmond
PRESENT: Crs E M O'Regan (Chair), S J Borlase, R G Kempthorne

IN ATTENDANCE: Consents Manager (J Hodson), Consent Planner (N Tyson), Resource Scientist (J Thomas), Minute Secretary (V M Gribble)

1. REVIEW OF CONDITIONS – MT HESLINGTON DOWNS LTD, WEINGUT SEIFRIED LTD AND A N and M D BAIGENT

Mr Thomas gave background on the sites and advised of groundwater levels. He noted that every dam is permeable. It is the degree of permeability that has to be assessed. The area is on the margin of terrace gravels overlaying the base rock. Water levels vary between summer and winter. The newer hole to the north east is deeper. Staff do not have an issue with water extracted from above spring level. If peizometers were installed and measurements taken as water level drops in the hole, you would know in one summer cycle if the ground water is caught. Until a peizometric survey is done we won't have proof of what is happening. The hole is deep compared with the first hole. He said all three existing holes have been there as part of an agreed system of water extraction. The gravels have a lot of localised variability. The base of the hole may be reasonably clogged. There is still water flowing through but at a very slow rate. We have asked for information to see whether there is an affect or not.

Cr O'Regan said clearly there is seepage or springwater going from the terrace to dams 232 and 233. That would give an indication of the groundwater level in the terrace. How long has the Baigent intake been at its present level and has a situation arisen where one pond has been pumped to low level while the other pond remains full.

Mr Tyson advised the intake has been at its present level for about two years. He said Baigents 233 has been pumped almost dry while Herman's 232 has been full and there is no obvious difference.

Mr Baigent advised that the survey map showed the area that has been compacted.

Cr O'Regan in referring to the Baigent application to take another 70,000 over which the Section 357 objection applies, asked to what depth the extraction was proposed.

Mr Malone advised it is proposed to go down approximately 2.5 metres. The AMSL level will be from 22.25 to 22.81, with no change within that 150 metres, but it will be wider.

Cr O'Regan asked if the current Baigent intake is 10 metres below water level.

Mr Tyson said it is 12 metres below water level.

Mr Fitchett asked what the current take out point is on Baigent 233.

Mr Baigent advised at the bottom of the foot valve is 25.88 and it is proposed to shift to 22.81.

Mr Tyson said the well has been lowered to the new level and the pump intake is still at the previous level. He said the well was deepened for the new hole.

Mr Thomas said that is a 3 metre increase in depth.

Cr Kempthorne said the objection has been that Baigents would have liked to have incorporated into the review of consents the deepening of the well. This hearing is reviewing conditions. With review of conditions is it your consideration that with some of the changes being made there is a need for peizometers to be installed and monitor what is happening in the groundwater.

Mr Tyson said as part of the review we are proposing monitoring of the dams.

Mr Thomas said had no problem with what Baigents have now, he only wants to be sure water is not coming back from the reservoir zone.

Cr Kempthorne asked Mr Tyson if dam 232 is full in summer, can any fresh water that's flowing be diverted to dam 233?

Mr Tyson said with dam 262 being unsealed it never gets full. He said if we want an identifier of when there is surplus flow from the catchment, the trigger would be water overflowing dam 232.

Cr Kempthorne said if we get a situation in summer when dam 232 is full, which is probably unlikely, and we have a summer fresh and divert all water to dam 233, what effect is that having on Waimea River recharge, is it noticeable or OK with the history of what is going on here, and not a problem to keep utilising summer fresh for irrigation from the three dams.

Mr Tyson said this amount of water in those circumstances is not having an adverse effect on groundwater on any user downstream of 262. There are water rights down stream but recharge is coming from the Wairoa.

Mr Malone said Mr Baigent has provided full copies of records to prove he is irrigating and to show the dams are being pumped out and not leaking.

Cr O'Regan said currently all three parties have limited consents to dam and store water and to take from storage until the end of May 2015. Under the current system, Mr Baigent has first priority for summer flows in Catchment A. Currently, flow diversion to storage and flow sharing devices could be said to be somewhat rudimentary. The Committee had looked at Mr Appleton's device and devices in stream that Mr Baigent sometimes uses to divert water and they are would not be classed as highly technical automated operations. At present there is no question that all three parties are bona fide users and all parties currently exceed permitted storage and probably permitted usage at this point of time. Mr Appleton has limited rights to take water through winter and is seeking greater dam capacity by raising the level of the dam, and a more accurate and efficient weir structure, and effectively some of what is Baigent's priority take from catchment A.

Ms Reese said the only disagreement relates to Mr Baigent having first priority to take summer fresh. The existing conditions are written in that way. We are reviewing them because of the circumstances, the size of the pond is no longer what was written into existing consents. It was not the intention that Appleton and Seifried would never have access to summer fresh flows.

Cr O'Regan said Mr Baigent has priority over catchment A take and intercepts much of catchment B and the storage capacity that is approved in the consent is 16,900 cubic metres but currently there is over 70,000 cubic metres stored. Staff seek to rectify that. Mr Baigent seeks another 70,000 cubic metres of storage, some water from catchment A but only if Seifried's dam is full and in that circumstance he would offer to surrender the priority.

Mr Malone said Baigents currently have priority over summer freshes and priority over winter water over Seifreids. In terms of what they are seeking, they will give up all of catchment A access if they can increase the size of storage to 134,000, but if not, then they do not want to give up catchment A water.

Cr O'Regan noted that Mr Seifred has rights to residual catchment A that Appleton and Baigent do not need, plus rights to seepage to groundwater that naturally seeps into the pond. The take which is sought increased quite dramatically over the take in existing consents.

Mr Tyson said that Mr Seifried volunteered to accept a limit of 120,000 cubic metres per year to storage.

Cr O'Regan noted the recommendation to increase the authorised take from 55 cubic metres per hour to 70 cubic metres per hour for irrigation directly from the pond. The maximum rate of take for storage is to go to 95 cubic metres per hour, which is close to double. He asked was that requested by Mr Seifried, or is that staff recommendation based on the capacity of the pump.

Mr Tyson advised that Seifrieds have applied to implement a proposed agreement which had new pumping rates. Draft consents were circulated to all parties and that had the increased rates.

Mr Malone said if appears Council considers there is no impact or potential detriment arising from increasing the Seifried water take that needs to be taken into account. He suggested that it would be helpful for Council to obtain information through peizometers from dam 232 before the Baigents had water rights taken off them to be given to others. If dam 232 is losing a lot of water, then it would be wrong for Council to grant further water take to dam 232 without having data on water loss from that dam.

Mr Thomas said the key concern, policy wise, is deepening, as we do not have information to say there is or isn't an issue. If deepening is drawing water from reservoir zone, the whole of the reservoir zone should be notified as they get restrictions in summer. Council is trying to be fair as it has an obligation to maintain security of supply to users in the reservoir zone.

Cr O'Regan asked if it can be said with clarity that when dam 232 is drawn-down that it is not drawing back from eastern side.

Mr Thomas, said no, because everything is permeable to some degree. Staff want to be sure the change does not change existing dynamics.

Mr Baigent asked why Council would want to take his summer flow away when water is in Mr Seifried's dam.

Mr Tyson agreed that was a good point. We have got metered usage that shows water going up to dam 239. If 120,000 cubic metres on current water rights is not needed, then it is appropriate to be reviewed.

Mr Baigent said if water is there Mr Seifried should be allowed to use it, rather than take water away from himself.

Mr Seifried said there is not much water for 60 hectares of grapes and seven months irrigation. We are rationing water every day.

Cr Kempthorne said the question around Seifrieds has been the pumping rate rather than volume and that has been requested to change for capacity of the pump.

Mr Tyson said as part of the process is to get consent for what is there and happening.

Ms Reese asked with respect to changes to dam 233, from the time that existing conditions were drafted until today, what changes have occurred to that dam, in terms of scale.

Mr Tyson was not absolutely certain, but said it was a valid question.

Mr Baigent said there have been changes, but in the 2000 agreement there was a trigger point where priority to catchment A water had to stop and the water be shared.

Cr O'Regan noted the current consent provides for storage of 16,900 cubic metres and the proposal is to increase to 72,000 cubic metres. Ms Reese's question is in relation to what was the size of storage in 2000 and what is it physically now. From evidence received he understood currently there is 70,000 to 75,000 cubic metres of storage and in 2000 there was consented 16,900 cubic metres.

Mr Thomas said volume and levels relationship is not the same.

Cr O'Regan asked if the person who has priority increases the volume of storage, then the length of time the priority will apply will be increased.

Ms Reese said with 16,900 consented to 70,000 to 75,000 cubic metres shows there has been a dramatic change in the size of the pond in the interim.

Mr Fitchett said in 2000 there was summer flow in catchment B, now there is never any.

Mr Tyson advised on the site visit, he showed the committee where he had seen catchment B flowing into Hosie and Holland properties, certainly when water tables

were very high. On the site visit it was not running. It would have to be an exceptional summer fresh for catchment B to flow into the Hosie property.

Mr Thomas agreed that catchment B only flows in exceptional rainfall. He suspects it is going to dam 260 and leaking and that is why staff are concerned about deepening. With making the size of the dam bigger, the run out would be smaller, which decreases the frequency of someone else getting water.

Mr Tyson said for groundwater consents we want area and volume specified. Dams are less critical, but we should stick with the principle. He suggested an advice notice could be added below condition 1 reading: "*irrigated area stated in condition 1 is derived from known storage in the dam applied as irrigation for 14 weeks at a rate of 35 mm per week*". If more than 15 hectares was irrigated that could be at the consent holders own risk.

Cr O'Regan noted the existing consent for Mt Heslington had 20 hectares and is now suggested to be 15 hectares. Would it be better to say irrigated area is 15 hectares at 35 mm per week or any other area that consent holder wishes at a reduced rate.

Mr Tyson agreed.

Mr Fitchett asked for the right to advise Council if in fact that legal description does not include all the Seifried land.

Ms Reese agreed that the right to review existing consents is a valid right. The clause is specific as to the purpose, referring to water sharing agreement and parties to that agreement. Original consents and sharing agreement contemplated summer fresh being shared between parties. It is not comparing apples with apples any longer, comparing what was a modest Baigents pond, now increased in size dramatically. The ability for trigger level to be reached is unlikely to occur. A clearer and fairer condition is as Mr Tyson has drafted. Mr Tyson circulated conditions to parties and Mt Heslington supports, subject to amendments. They request removal of condition 8 from consent NN000222. Looking at consent NN000221, with reference to 15 hectares. She understands the relevance of including an advice note, but retaining as 15 hectares as consent conditions is problematic. They are concerned with the condition referring to a specific area when in fact a greater area is irrigated. She requested the Committee circulate draft consent conditions to parties giving a couple of weeks to respond. The dam and weir applications are before the Committee and the Committee may choose to leave them for Mr Tyson to process on a non-notified basis under delegated authority.

Mr Malone tabled evidence. Baigents do not accept it is appropriate or legitimately possible for Council to proceed in the manner it proposes. Any changes to conditions to the other two parties will affect Baigents ability to take water and the effect on them will not be determined until their own associated application to enlarge their dams and storage has been determined. They submit the appropriate action is to adjourn and deal with the review in conjunction with the Baigents latest application to remove material and increase dam size.

Mr Fitchett submitted that Mr Seifried does not accept that

- the conditions agreed to in 2000 are not enforceable;

- there is no power to review; and most importantly;
- the review should only take place in conjunction with the hearing and determination of the Baigents October applications.

Seifrieds main concern is to ensure:

- Baigents cease to have any entitlement to water from Catchment A; and
- Secondly, that no permission is granted to Baigents (as part of the present review of conditions) which could result in a head of over two metres between Seifried 232 and Baigent 233.

Mr Fitchett was happy for the committee to adjourn and obtain its own legal advice.

Cr O'Regan thanked the parties and advised the Committee will reconvene after lunch to consider an objection pursuant to Section 357A to Council's request for further information.

The meeting concluded at 12.30 pm.

RESOLUTION TO EXCLUDE THE PUBLIC

**Moved Crs O'Regan / Kempthorne
EP06/12/28**

THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

Mt Heslington Downs Ltd, Weingut Seifried Ltd & A N and M D Baigent

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for passing this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Mt Heslington Downs Ltd, Weingut Seifried Ltd & A N and M D Baigent	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

**Moved Crs O'Regan / Kempthorne
EP06/12/29**

THAT the open meeting be resumed and the business transacted during the time the public was excluded be adopted.

CARRIED

**Moved Crs Kempthorne / Borlase
EP06/12/30**

**THAT Pursuant to Section 128 and 132 of the Act, the Committee resolved to change the conditions of the consents as detailed in the following report and decision.
CARRIED**

Report and Decision of the Tasman District Council through its Hearings Committee

Meeting held in the Tasman Room, Richmond

on 24 November 2006 and 18 December 2006, commencing at 10.30 am and 9.00 am respectively.

A Hearings Committee ("the Committee") of the Tasman District Council was convened to hear the matter of a review under Section 128 of various existing consents held by:

A N and M D Baigent (NN000211, NN000212, NN000391)
Mt Heslington Downs Ltd (NN000221, NN000222)
Weingut Seifried Ltd (NN000036, NN000037, NN000318)

Relating to the taking, diverting, storage and use of water for irrigation associated with the Mt Heslington North Catchment at Brightwater.

PRESENT:

Hearings Committee

Cr O'Regan, Chairperson
Cr Borlase
Cr Kempthorne

CONSENT HOLDERS:

A N and M D Baigent represented by Mr G Malone and Mr Aaron Baigent
Mt Heslington Downs Ltd represented by Ms R Reese and Mr R Appleton
Weingut Seifried Ltd represented by Mr J Fitchett and Mr H Seifried

CONSENT AUTHORITY:

Tasman District Council

Mr N Tyson - Consent Planner, Water
Mr G Stevens - Resource Scientist, Natural Resources
Mr J Thomas - Resource Scientist, Natural Resources

IN ATTENDANCE:

Ms J Hodson , Manager Consents - Assisting the Committee
Mr B Moore - Committee Secretary

1. DESCRIPTION OF THE PROPOSED REVIEW OF CONSENT CONDITIONS

The three parties are involved in a water sharing/allocation arrangement relating to the Mt Heslington North Catchment which was reflected by consents and conditions in 2000. Since then, a number of circumstances have changed which has led to the need for the review of consent conditions to reflect both “what is in existence” and what is a fair water sharing arrangement in light of the current situation.

2. PROPOSED TASMAN RESOURCE MANAGEMENT PLAN (“PTRMP”) ZONING, AREAS AND RULE(S) AFFECTED

According to the PTRMP the following apply to the subject properties:

Zoning: Rural 1

Area(s): Wai-iti Water Management Zone and Reservoir Water Management Zone

3. NOTIFICATION AND SUBMISSIONS RECEIVED

The review was notified on a limited basis on 7 March 2006 pursuant to Section 94 of the Act. Each party lodged submissions regarding the proposed review of conditions, both in relation to their own consents and those of the other parties to the water sharing agreement. In summary, two parties (Weingut Seifried Ltd and Mt Heslington Downs Ltd) generally accepted the proposed amended conditions which amend the previous water sharing arrangement, but one party, (A N and M D Baigent) did not accept all the proposed amended conditions.

4. PROCEDURAL MATTERS

A N and M D Baigent have applied for consents to excavate an additional 70,000 cubic metres of gravel and soil to increase their storage volume to 134,000 cubic metres (RM060861) and for retrospective consent for the deepening of the intake well and for corresponding changes to the water permits. Further information has been requested regarding the effects on groundwater in relation to the proposed excavation and this matter is the subject of a Section 357 objection. The applicant wished for the increased storage proposal to be dealt with together with the review of consents, however, the Committee was clear that the two matters were separate and needed to be dealt with separately.

The issue of the validity of the review condition and hence the review process itself was raised. The Committee was satisfied that the review condition (while acknowledging that it was not perfect) was valid as it had not been legally challenged and subsequently “set aside” by the Environment Court, and that the intention of the condition was clear. They were satisfied that the review process was valid and appropriate.

Mt Heslington Downs Ltd has made an application to alter their dam (RM060258) and to construct a new diversion weir (RM060259). The Committee was satisfied that these applications can be dealt with under delegated authority by staff on a non-notified basis and they do not form part of this decision document.

5. EVIDENCE HEARD

The Committee heard evidence from the consent holders, the Council's reporting officer and other technical staff. The following is a summary of the evidence heard at the hearing.

5.1 Council's Reporting Officer's Report and Evidence

Mr Tyson explained the layout of the various ponds, streams, groundwater flows and gave background to the water sharing agreement put in place in 2000 and the circumstances that have changed since that time bringing about the need to review the various consent conditions. He considered that proposed conditions provided certainty for the parties and would be a fair method of water sharing. He stated that there was sufficient water within the Catchment to provide enough water for all the parties on an annual basis with the use of storage.

5.2 Mt Heslington Downs Ltd Evidence

Ms Reece expressed the opinion that the review process was valid. They supported the suggested amended conditions in general but had concerns regarding the limitation on the amount of water to be extracted to storage (limited to 75,000 cubic metres per annum) and the restriction on the area allowed to be irrigated (15 hectares). They sought the removal of both these restrictions.

Mr Appleton explained his current commercial land use and associated water needs and expanded on his concerns regarding the proposed amended conditions.

In the right of reply Ms Reece noted that the original agreement included the sharing of summer freshes but that this is no longer possible because of the enlargement of the Baigent's pond, thus making the trigger unlikely to be ever reached.

5.3 A N and M D Baigent Evidence

Mr Malone expressed the view that Council should not proceed to vary the consent conditions as proposed as it would have a detrimental effect on Baigent's ability to obtain sufficient water for their needs. The better path is to consider the matter at the same time as their proposal to increase the storage volume to 134,000 cubic metres. Baigents do not wish to lose their priority over water from Catchment A for summer irrigation unless they have their increased storage. He expressed the view that the review condition contained in the various consents is invalid and therefore the review process is invalid as Baigents do not agree to it.

Concern was expressed about the logic behind the method of calculating irrigation requirements as no allowance is made for recharge and that irrigation is not consistent over a 14 week period.

Mr Baigent explained the farming operation and associated water needs on their land. He also showed a number of photos which demonstrated the various water flows within the streams under different conditions. He outlined a number of issues relating to the other water users and the impact of these concerns. He stated that the need for the review was not solely driven by changes made by Baigents and that others parties had made changes on their properties as well.

If Baigents are given consent for the changes they propose, then they would be happy to see the changes wanted by the other parties granted also, but to allow one without the other was unfair. He raised a concern regarding the matter of accurate survey data in terms of the size of the Seifried pond and why it was unfair that this was not a requirement. The same issue was raised with regards to metering, either this should apply to all parties or none. He indicated the work which had been undertaken to seal the ponds. He expressed concern about the limitation on the amount of land which could be irrigated and the limit on the annual take to storage.

In the right of reply Mr Malone provided submissions reiterating concerns regarding the validity of the review process and that proceeding would unfairly impact on the Baigents' farming operation while being of benefit to the other two parties. His suggestion is that the hearing should be adjourned and the matter of the review should be considered along with the proposed increase in Baigent's pond storage capacity.

5.4 Weingut Seifried Ltd Evidence

Mr Fitchett expressed the opinion that the review of consent conditions is valid as the increase in the size of the pond on Baigent's land has created a completely different situation compared to what existed at the time of the 2000 agreement and reflected in the current consent conditions.

Mr Seifried indicated that he generally supported the recommendations made by the staff in terms of the review. He agreed that there was plenty of water in the Catchment (A and B) to supply all the parties if it was stored properly. He outlined the steps taken by the Company to ensure adequate water supply for the development of the vineyard. He was concerned that the increased depth and storage capacity in the Baigent's holes may reduce or stop him receiving water in Dam 232 as it is intercepted and potentially lost through leakage and not available to flow down to his pond. He offered to reduce the proposed take of water to storage in Dam 239 to 120,000 cubic metres per annum.

6. PRINCIPAL ISSUES

The principal issues that were in contention were:

- a) That Baigents do not agree to an outcome whereby they lose their priority access to the flow from the unnamed Mt Heslington Stream (Catchment A) unless their proposed new excavation was approved. Is the Baigent's priority access to the flow in the unnamed stream justified or not?
- b) The degree of seal of the Baigents ponds and the effect of that degree of seal.
- c) The degree of compliance of all the parties with their consent conditions and whether any non-compliance is having any adverse effect on any other party.
- d) That the reviewed conditions were reasonable and equitable and within the scope and powers provided under the Act.

7. MAIN FINDINGS OF FACT

The Committee considers that the following are the main facts relating to this application:

- a) The Committee considered allowing the continuation of the Baigent priority access to the unnamed Mt Heslington Stream. It would require determining the actual storage volume below the original 33.4 metre level and allowing this volume of water to be taken by Baigents before the other two parties. However, this was rejected by the Committee, as Baigents clearly enjoy a substantially improved water availability situation owing to their deeper and enlarged holes and it is therefore inequitable to provide for a continued priority over the summer flows. Baigents acknowledge there is no reason to provide them with priority in the winter months.
- b) Based on the technical evidence heard by the Committee, it was found that none of the excavated holes can be considered to be sealed storage as sealing below the water table is impractical.
- c) Two of the three parties (Baigents and Seifried) are not operating strictly within their respective current consents. In the Baigents case, their storage volume is substantially understated but, more importantly the exercising of the Baigents current consent given new /more accurate survey date and their enlarged holes means that the other two parties may potentially be denied access to water.
- d) In summary, the Committee considered that the reviewed conditions were fair and equitable and setting them was within the powers set out in the Resource Management Act 1991.

8. RELEVANT STATUTORY PROVISIONS

8.1 Policy Statements and Plan Provisions

In considering this review, the Committee has had regard to the matters outlined in Section 104 of the Act. In particular, the Committee has had regard to the relevant provisions of the following planning documents:

- (i) Tasman Regional Policy Statement (TRPS);
- (ii) the proposed Tasman Resource Management Plan (TRMP);

8.2 Part II Matters

In considering this review, the Committee has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act as well as the overall the purpose of the Act as presented in Section 5.

9. DECISION

Pursuant to Section 128 and 132 of the Act, the Committee **resolved to change** the conditions of the consents as set out in the following documents.

10. REASONS FOR THE DECISION

The Committee was satisfied that a review of the conditions of the consents held by the three parties (Baigents, Seifried and Appleton) was appropriate and the process was lawful and valid. In the case of Baigents and Seifried, there have been various changes including the capacity of the dams and excavated holes and Dam 233 relative to the datum 33.4 metres AMSL. There is now acceptance that the excavated holes are not sealed which for Baigents is a fundamental change from that envisaged in 2000 agreement and the consents. These changes mean it is no longer appropriate or equitable to continue to allocate priority use of stream flow to the Baigents. The Committee considered that the review of consent conditions was a more appropriate action than the possibility of taking enforcement action.

The Committee considered that it was appropriate that conditions be reflective of the actual situation and thus provides certainty to the parties (and the Council) in terms of obligations and limitations.

It is acknowledged that new information has come to hand over time (storage volumes and pumping rates) which demonstrates that the consents do not reflect exactly "what is".

The Committee noted that Seifried and Appleton generally accepted the proposed conditions of consent and the revised water sharing arrangement and the Committee was satisfied that the viability of the Baigent's farming operation under the reviewed consents would not be undermined.

The Committee noted that in the event of new information becoming available from the investigation of local groundwater systems, the review condition may be used to reduce the rates of take granted to those authorised prior to the January 2007 review.

11. COMMENTARY ON CONDITIONS OF CONSENT

The Committee considers that increasing the directly irrigated area of land for Seifried (from 10 hectares to 20 hectares) has only a minor effect on the other two water users as Seifried is the most downstream water user. Any adverse effect on users in the Reservoir Zone is also considered to be minor as the Seifried dam 233 is largely unmodified. The Committee considered it would be unnecessary to limit Seifried by restricting when water can be pumped to storage versus to irrigation.

The Committee consider that increasing the land area allowed to be irrigated from storage (from 20 hectares to 40 hectares) for Mt Heslington Downs Ltd, to 38 hectares for Baigents and 60 hectares for Seifried is appropriate as it allows landowners greater flexibility and there will be no effect on other water users. It also rejects the staff's suggested annual allocation as unnecessary and impractical.

The Committee has been advised that Baigents are no longer dependent upon access to the unnamed Mt Heslington Stream to fill their holes as this occurs from seepage and spring recharge. In summer months, this stream can go dry but typically it is the only source of summer flow. The revised arrangement is that any summer flow is shared equally between the three parties and this seems fair and reasonable.

12. DURATION OF CONSENT

The expiry date of the various consents has not been changed.

Issued this 1st day of February 2007

Councillor O'Regan
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: NN000221V

Pursuant to Section 132 of the Resource Management Act 1991 ("the Act"), the Tasman District Council (Council) has resolved to grant a change of consent conditions to:

MT HESLINGTON DOWNS LTD

(hereafter referred to as "the Consent Holder")

Activity authorised by this consent: Taking Water from Storage for irrigation

Location details:

Address of property: Mt Heslington Rd, Brightwater
Valuation number: 1939030302-3

This change of conditions of consent NN000221 is granted subject to an unchanged expiry date of **31 May 2015** and the following revised conditions:

1.1.1 CONDITIONS

1. Site, Taking and Use Details:

Legal Description of irrigated land:	Lot 1 DP16296 Lot 2 DP15493 Pt Sec 13 and 23 Waimea South
Water Source:	Storage
Zone:	Wai-iti
Catchment:	Waimea
Irrigated Area (ha):	40
Averaged Rates of Take Authorised:	50 cubic metres per hour 765 cubic metres per day 5,357 cubic metres per week
Location:	Easting: 2519235 Northing: 5979221
Dam ID:	34

2. The Consent Holder shall keep such records as may be reasonably required by the Council and shall, if so requested, supply this information to the Council. During the review period the Council may require the Consent Holder to install measuring devices to enable accurate records to be kept. The installation, operation and maintenance of such devices shall be at the expense of the Consent Holder.

3. Council reserves the right to require from the Consent Holder a Farm Irrigation Management Plan (FIMP) identifying the soil type(s) irrigated under this consent, their soil(s) moisture-holding capacity and the irrigation method, equipment, irrigation

rotation and the irrigation application rate for the soil(s) that avoids both subsurface drainage below the crop rooting zone and any surface run-off.

4. The Council may, within the period 1 June until 31 August each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
 - (a) to deal with any unexpected adverse effect on the environment which may arise from the exercise of the consent; and/or
 - (b) to require the adoption of the best practical option to remedy or reduce any adverse effects on the environment; and/or
 - (c) to comply with requirements of any operative regional plan, including any allocation limit, minimum flow regime, rate of use limit, rationing, or rostering restriction; and/or
 - (d) to comply with relevant national environmental standards made under Section 43 of the Resource Management Act 1991; and/or
 - (e) to reduce the quantities of water authorised to be taken if the consent is not fully exercised or the FIMP that may be required under Condition 3 shows that less water is actually needed; and/or
 - (f) to deal with any unexpected adverse effect on other water users in the Mt Heslington (North) catchment.
5. The Consent Holder shall install and maintain a metric staff gauge within their dam (Council number 34) which is levelled to a mean sea level datum and which shall record the full water level fluctuation in the reservoir.
6. Within one year of the date of issuing of this consent review, the Consent Holder shall survey their dam's storage relative to the staff gauge (see Condition 5) and thereby provide the as-built volume of their dam (Council number 34) and thereafter maintain a rating of actual storage in the dam for any water level on the staff gauge.
7. This consent may not be exercised to the extent that there is any significant adverse effect on resident eels within the dam and a minimum of 400 cubic metres of storage shall be retained within the reservoir at all times for their survival.
8. All irrigation pump intakes shall be screened so as to avoid the entrainment of fish and eels. The screen(s) shall have a mesh size not greater than 5 millimetres and shall be constructed such that the intake velocity at the outer surface of the screen is less than 0.3 metres per second. Furthermore, the screen shall be maintained in good working order and shall comply with these standards at all times.
9. Until such time as the dam is removed, the Consent Holder and/or the dam owner is required to maintain their dam, its spillway and any valves and associated structure in a good state of repair.

Advice Notices:

Screening of intakes has the dual function of protecting a water meter.

Pursuant to Section 36 of the RMA Act, the Consent Holder may be required to pay the reasonable costs associated with the monitoring of this consent.

Access by the Council or its officers or agents to the land subject to this water permit is reserved pursuant to Section 332 of the Resource Management Act.

Issued this 1st day of February 2007

Councillor O'Regan
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: NN000222V

Pursuant to Section 132 of the Resource Management Act 1991 ("the Act"), the Tasman District Council (Council) has resolved to grant a change of consent conditions to:

MT HESLINGTON DOWNS LTD

(hereafter referred to as "the Consent Holder")

Activity authorised by this consent: To Dam, Divert and Take Water to Storage

Location details:

Address of property: Mt Heslington Rd, Brightwater
Valuation number: 1939030302-3

This change of conditions of consent NN000222 is granted subject to an unchanged expiry date of **31 May 2015** and the following revised conditions:

1.1.2 CONDITIONS

1. Site and Intake Weir Details:

Legal Description:	Lot 1 DP16296 Lot 2 DP15493 Pt Sec 13 and 23 Waimea South
Water Source:	Unnamed (Mt Heslington Rd) Stream
Zone:	Wai-iti
Catchment:	Waimea
Maximum rates of diversion authorised:	200 litres per second 720 cubic metres per hour 17,280 cubic metres per day
Catchment Area (ha):	60
Weir Height (m):	0.5
Crest length (m):	10.2
Storage (m ³):	30
Location:	Easting:2519259 Northing:5979132

2. The Consent Holder shall keep such records as may be reasonably required by the Council and shall, if so requested, supply this information to the Council. During the review period the Council may require the Consent Holder to install measuring devices to enable accurate records to be kept. The installation, operation and maintenance of such devices shall be at the expense of the Consent Holder.
3. The Council may, within the period 1 June until 31 August each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
 - (a) to deal with any unexpected adverse effect on the environment which may arise from the exercise of the consent; and/or
 - (b) to require the adoption of the best practical option to remedy or reduce any adverse effects on the environment; and/or
 - (c) to comply with requirements of any operative regional plan, including any allocation limit, minimum flow regime, rate of use limit, rationing, or rostering restriction; and/or
 - (d) to comply with relevant national environmental standards made under Section 43 of the Resource Management Act 1991; and/or
 - (e) to reduce the quantities of water authorised to be taken if the consent is not fully exercised; and/or
 - (f) to deal with any unexpected adverse effect on other water users in the same catchment.
4. The Consent Holder shall design, construct and maintain a flow sharing weir structure that complies with both the bulk and location requirements under Condition 1 and the flow sharing under Condition 6 of this consent, and with any other requirements of this consent, and the structure shall not adversely affect the passage of eels.
5. Any erosion, scour or similar of the stream bed resulting from the flow sharing weir structure required under Condition 4 shall be remedied to the satisfaction of the Consent Planner - Water or their agent.
6. The flow sharing weir structure authorised under this consent shall be operated and exercised such that the Consent Holder:
 - 6.1 During the summer months of 1 November to 30 April inclusive, (the Consent Holder) shall divert and take no more than 33% of the instantaneous stream flow and allow 66% of the flow to pass to the downstream water users; and
 - 6.2 During the winter months of 1 May to 31 October inclusive, (the Consent Holder) shall divert and take no more than 50% of the instantaneous stream flow and shall allow 50% of the flow to pass to the downstream water user.

7. The Consent Holder shall maintain this structure in a good state of repair.

Advice Notices:

Pursuant to Section 36 of the RMAct, the Consent Holder may be required to pay the reasonable costs associated with the monitoring of this consent.

Access by the Council or its officers or agents to the land subject to this water permit is reserved pursuant to Section 332 of the Resource Management Act.

Issued this 1st day of February 2007

Councillor O'Regan
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: NN000036V

Pursuant to Section 132 of the Resource Management Act 1991 ("the Act"), the Tasman District Council (Council) has resolved to grant a change of consent conditions to:

WEINGUT SEIFRIED LTD

(hereafter referred to as "the Consent Holder")

Activity authorised by this consent: Damming of Water

Location details:

Address of property: River Terrace Rd, Brightwater
Valuation number: 1939030501

This change of conditions of consent NN000036 is granted subject to an unchanged expiry date of **31 May 2015** and the following revised conditions:

CONDITIONS

1.1.31. Site and Dam Details:

Legal Description:	Pt Sec 17 Waimea South
Water Source:	Unnamed (Mt Heslington Road) Stream
Zone:	Reservoir
Catchment:	Waimea
Maximum Dam Height(s) (m):	1.50
Total Storage (m ³):	11,200
Approximate Dam Location:	Easting: 2519384 Northing: 5980086
Dam ID:	232 & 262

2. The Consent Holder shall keep such records as may be reasonably required by the Council and shall, if so requested, supply this information to the Council. During the review period the Council may require the Consent Holder to install measuring devices to enable accurate records to be kept. The installation, operation and maintenance of such devices shall be at the expense of the Consent Holder.

3. As and when required by the Council, the Consent Holder shall provide sufficiently detailed plans, specifications and maintenance programmes of works relating to the operation of this consent. Plans, specifications and maintenance programmes submitted shall be of a standard adequate to meet all conditions of the consent.
4. The Council may, within the period 1 June until 31 August each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
 - (a) to deal with any unexpected adverse effect on the environment which may arise from the exercise of the consent; and/or
 - (b) to require the adoption of the best practical option to remedy or reduce any adverse effects on the environment; and/or
 - (c) to comply with requirements of any operative regional plan, including any allocation limit, minimum flow regime, rate of use limit, rationing, or rostering restriction; and/or
 - (d) to comply with relevant national environmental standards made under Section 43 of the Resource Management Act 1991; and/or
 - (e) to reduce the quantities of water authorised to be taken if the consent is not fully exercised; and/or
 - (f) to deal with any unexpected adverse effect on other water users in the same catchment.
5. The Consent Holder shall install and maintain a metric staff gauge within their upstream dam (Council dam number 232) and this gauge shall be levelled to a mean sea level datum and shall record the full water level fluctuation within this reservoir.
6. Council may require the surveying of storage capacity in their dam reservoir 262 relative to the metric staff gauge to confirm the as-built volume and dimensions of the dam reservoir and to provide measurement of the available water at any level in the reservoir.
7. This consent may not be exercised to the extent that there is any significant adverse effect on resident eels within the reservoir and a minimum of 400 cubic metres of storage shall be retained within the reservoir at all times for their survival.
8. All irrigation pump intakes shall be screened so as to avoid the entrainment of fish and eels. The screen(s) shall have a mesh size not greater than 5 millimetres and shall be constructed such that the intake velocity at the outer surface of the screen is less than 0.3 metres per second. Furthermore, the screen shall be maintained in good working order and shall comply with these standards at all times.
9. Until such time as the dam is removed, the Consent Holder and/or the dam owner is required to maintain their dam, its spillway and any valves and associated structure in a good state of repair.

Advice Notices:

Screening of intakes has the dual function of protecting a water meter.

Pursuant to Section 36 of the RMA Act, the Consent Holder may be required to pay the reasonable costs associated with the monitoring of this consent.

Access by the Council or its officers or agents to the land subject to this water permit is reserved pursuant to Section 332 of the Resource Management Act.

Issued this 1st day of February 2007

Councillor O'Regan
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: NN000037V

Pursuant to Section 132 of the Resource Management Act 1991 ("the Act"), the Tasman District Council (Council) has resolved to grant a change of consent conditions to:

WEINGUT SEIFRIED LTD

(hereafter referred to as "the Consent Holder")

Activity authorised by this consent: Taking of Water for Irrigation and Storage in Dam 239

Location details:

Address of property: River Terrace Road, Brightwater
Valuation number: 1939030501

This change of conditions of consent NN000037 is granted subject to an unchanged expiry date of **31 May 2015** and the following revised conditions:

CONDITIONS

1. Site, Taking and Use Details:

Legal Description:	Pt Sec 17 Waimea South and Lot 2 DP 20255 and Lot 2 DP 304185
Water Source:	Unnamed Stream and Springs
Zone:	Reservoir
Catchment:	Waimea
Irrigated Area (ha):	20
Location of Take Point:	Easting: 2519384 Northing: 5980086
Dam ID	232 and 262
Authorised Rates of Taking:	
Maximum take rate:	95 cubic metres per hour 2,280 cubic metres per day 15,960 cubic metres per week 150,000 cubic metres per calendar year

2. Within six months of the date of granting of this consent, the Consent Holder or their agent shall, at their own expense, install, operate and thereafter maintain a water meter to record all water taken pursuant to this consent and the installed water meter shall comply with the Council's Water Meter Specifications as stated in the Tasman Resource Management Plan.
3. Following installation of the water meter (see Condition 2), the Consent Holder shall thereafter maintain a record of weekly meter (cubic metre) readings and reading dates whenever exercising this consent and shall provide a complete record of these meter readings and dates to the Council's Co-ordinator Compliance Monitoring or their agent if and when requested and annually no later than 1 June each year.
4. The Consent Holder shall keep such records as may be reasonably required by the Council and shall, if so requested, supply this information to the Council. During the review period the Council may require the Consent Holder to install measuring devices to enable accurate records to be kept. The installation, operation and maintenance of such devices shall be at the expense of the Consent Holder.
5. Council reserves the right to require from the Consent Holder a Farm Irrigation Management Plan identifying the soil type(s) irrigated under this consent, their soil(s) moisture-holding capacity and the irrigation method, equipment, irrigation rotation and the irrigation application rate for the soil(s) that avoids both subsurface drainage below the crop rooting zone and any surface run-off.
6. The Council may, within the period 1 June until 31 August each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
 - (a) to deal with any unexpected adverse effect on the environment which may arise from the exercise of the consent; and/or
 - (b) to require the adoption of the best practical option to remedy or reduce any adverse effects on the environment; and/or
 - (c) to comply with requirements of any operative regional plan, including any allocation limit, minimum flow regime, rate of use limit, rationing, or rostering restriction; and/or
 - (d) to comply with relevant national environmental standards made under Section 43 of the Resource Management Act 1991; and/or
 - (e) to reduce the quantities of water authorised to be taken if the consent is not fully exercised or the FIMP that may be required under Condition 3 shows that less water is actually needed; and/or
 - (f) to deal with any unexpected adverse effect on other water users in the same catchment.
7. This consent may not be exercised to the extent that there is any significant adverse effect on resident eels within the reservoir and a minimum of 400 cubic metres of storage shall be retained within the reservoir at all times for their survival.

8. All irrigation pump intakes shall be screened so as to avoid the entrainment of fish and eels. The screen(s) shall have a mesh size not greater than 5 millimetres and shall be constructed such that the intake velocity at the outer surface of the screen is less than 0.3 metres per second. Furthermore, the screen shall be maintained in good working order and shall comply with these standards at all times.
9. Until such time as the dam is removed, the Consent Holder and/or the dam owner is required to maintain their dam, its spillway and any valves and associated structure in a good state of repair.

Advice Notices:

Screening of intakes has the dual function of protecting a water meter.

Pursuant to Section 36 of the RMA Act, the Consent Holder may be required to pay the reasonable costs associated with the monitoring of this consent.

Access by the Council or its officers or agents to the land subject to this water permit is reserved pursuant to Section 332 of the Resource Management Act.

Issued this 1st day of February 2007

Councillor O'Regan
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: NN000318V

Pursuant to Section 132 of the Resource Management Act 1991 ("the Act"), the Tasman District Council (Council) has resolved to grant a change of consent conditions to:

WEINGUT SEIFRIED LTD

(hereafter referred to as "the Consent Holder")

Activity authorised by this consent: Taking of Water for Irrigation

Location details:

Address of property: River Terrace Road, Brightwater
Valuation number: 1939030501

This change of conditions of consent NN000318 is granted subject to an unchanged expiry date of **31 May 2015** and the following revised conditions:

CONDITIONS

1. Site, Taking and Use Details:

Legal Description of irrigated land: Pt Sec 17 Waimea South and Lot 2 DP 20255 and Lot 2 DP 304185
Water Source: Storage
Zone: Wai-iti Zone

Catchment:	Waimea
Irrigated Area (ha):	60
Maximum rates of take authorised:	85 cubic metres per hour 2,040 cubic metres per day 14,280 cubic metres per week
Location:	Easting: 2518605 Northing: 5980486
Source:	Dam ID 239

2. The Consent Holder shall keep such records as may be reasonably required by the Council and shall, if so requested, supply this information to the Council. During the review period the Council may require the Consent Holder to install measuring devices to enable accurate records to be kept. The installation, operation and maintenance of such devices shall be at the expense of the Consent Holder.
3. Council reserves the right to require from the Consent Holder a Farm Irrigation Management Plan identifying the soil type(s) irrigated under this consent, their soil(s) moisture-holding capacity and the irrigation method, equipment, irrigation rotation and the irrigation application rate for the soil(s) that avoids both subsurface drainage below the crop rooting zone and any surface run-off.
4. The Council may, within the period 1 June until 31 August each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
 - (a) to deal with any unexpected adverse effect on the environment which may arise from the exercise of the consent; and/or
 - (b) to require the adoption of the best practical option to remedy or reduce any adverse effects on the environment; and/or
 - (c) to comply with requirements of any operative regional plan, including any allocation limit, minimum flow regime, rate of use limit, rationing, or rostering restriction; and/or
 - (d) to comply with relevant national environmental standards made under Section 43 of the Resource Management Act 1991; and/or
 - (e) to reduce the quantities of water authorised to be taken if the consent is not fully exercised or the FIMP that may be required under Condition 3 shows that less water is actually needed; and/or
 - (f) to deal with any unexpected adverse effect on other water users in the Mt Heslington (North) catchment.
7. The Consent Holder shall install and maintain a metric staff gauge within their dam (Council number 239) which is levelled to a mean sea level datum and which shall record the full water level fluctuation in the reservoir.
8. The Consent Holder shall survey their dam's storage relative to the staff gauge (see Condition 7) and thereby provide and maintain a rating of actual storage in the dam for any water level on the staff gauge.

9. This consent may not be exercised to the extent that there is any significant adverse effect on resident eels within the dam and a minimum of 400 cubic metres of storage shall be retained within the reservoir at all times for their survival.
10. All irrigation pump intakes shall be screened so as to avoid the entrainment of fish and eels. The screen(s) shall have a mesh size not greater than 5 millimetres and shall be constructed such that the intake velocity at the outer surface of the screen is less than 0.3 metres per second. Furthermore, the screen shall be maintained in good working order and shall comply with these standards at all times.
11. Until such time as the dam is removed, the Consent Holder and/or the dam owner is required to maintain their dam, its spillway and any valves and associated structure in a good state of repair.

Advice Notices:

Pursuant to Section 36 of the RMA Act, the Consent Holder may be required to pay the reasonable costs associated with the monitoring of this consent.

Access by the Council or its officers or agents to the land subject to this water permit is reserved pursuant to Section 332 of the Resource Management Act.

The inspection, operation and maintenance of this dam is required under land use consent NN990393 to be subject to an engineer prepared operation and maintenance manual.

Issued this 1st day of February 2007

Councillor O'Regan
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: NN000212V

Pursuant to Section 132 of the Resource Management Act 1991 ("the Act"), the Tasman District Council (Council) has resolved to grant a change of consent conditions to:

A N and M D BAIGENT

(hereafter referred to as "the Consent Holder")

Activity authorised by this consent: Damming of Water

Location details:

Address of property: River Terrace Road, Brightwater
Valuation number: 1939030502

This change of conditions of consent **NN000212** is granted subject to an unchanged expiry date of **31 May 2015** and the following revised conditions:

CONDITIONS

1. Site and Damming Details:

Legal Description:	Lot 3 DP 342068 Waimea SD
River or Stream being dammed:	Unnamed stream
Zone:	Reservoir
Catchment:	Waimea
Maximum Dam Heights(m):	1.50
Combined Storage (m ³):	72,674
Dam Locations: Dam ID 233	Easting: 2519408 Northing: 5979886
Dam ID 260	Easting: 2519580 Northing: 5979843

2. The Consent Holder shall keep such records as may be reasonably required by the Council and shall, if so requested, supply this information to the Council. During the review period the Council may require the Consent Holder to install measuring devices to enable accurate records to be kept. The installation, operation and maintenance of such devices shall be at the expense of the Consent Holder.
3. As and when required by the Council, the Consent Holder shall provide sufficiently detailed plans, specifications and maintenance programmes of works relating to the operation of this consent. Plans, specifications and maintenance programmes submitted shall be of a standard adequate to meet all conditions of the consent.
4. The Council may, within the period 1 June until 31 August each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
 - (a) to deal with any unexpected adverse effect on the environment which may arise from the exercise of the consent; and/or
 - (b) to require the adoption of the best practical option to remedy or reduce any adverse effects on the environment; and/or
 - (c) to comply with requirements of any operative regional plan, including any allocation limit, minimum flow regime, rate of use limit, rationing, or rostering restriction; and/or
 - (d) to comply with relevant national environmental standards made under Section 43 of the Resource Management Act 1991; and/or
 - (e) to reduce the quantities of water authorised to be taken if the consent is not fully exercised; and/or
 - (f) to deal with any unexpected adverse effect on other water users in the same catchment.
5. The Consent Holder shall install and maintain a metric staff gauge within each dam Council numbers 233 and 260 and these gauges shall be levelled to a mean sea level datum and shall record the full water level fluctuation within each reservoir.
6. Within one year of the date of issuing of this consent review, the Consent Holder shall survey the storage capacity in their reservoirs relative to the metric staff gauge

required under Condition 5 and thereafter maintain a rating of actual storage in their reservoirs for any water level on the staff gauge.

7. This consent may not be exercised to the extent that there is any significant adverse effect on resident eels within the reservoir and a minimum of 400 cubic metres of storage shall be retained within the reservoir at all times for their survival.
8. All irrigation pump intakes shall be screened so as to avoid the entrainment of fish and eels. The screen(s) shall have a mesh size not greater than 5 millimetres and shall be constructed such that the intake velocity at the outer surface of the screen is less than 0.3 metres per second. Furthermore, the screen shall be maintained in good working order and shall comply with these standards at all times.
9. Until such time as the dams are removed, the Consent Holder or their agent shall maintain their dams, spillways and valves and any associated structure in a good state of repair.

Advice Notice - Monitoring:

Pursuant to Section 36 of the Resource Management Act 1991, the Consent Holder may be required to pay the reasonable costs associated with the monitoring of this consent.

Access by the Council or its officers or agents to the land subject to this water permit is reserved pursuant to Section 332 of the Resource Management Act.

Issued this 1st day of February 2007

Councillor O'Regan
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: NN000211V

Pursuant to Section 132 of the Resource Management Act 1991 ("the Act"), the Tasman District Council (Council) has resolved to grant a change of consent conditions to:

A N and M D BAIGENT

(hereafter referred to as "the Consent Holder")

Activity authorised by this consent: Taking of Water for Irrigation

Location details:

Address of property: River Terrace Road, Brightwater
Valuation number: 1939030502-4

This change of conditions of consent **NN000211** is granted subject to an unchanged expiry date of **31 May 2015** and the following revised conditions:

CONDITIONS

1. Site and Taking Details:

Legal Description of Irrigated Land:	Lots 1, 2 & 3 DP 342068 & Lot 1 & 2 DP 301998 Waimea SD
Water Source:	Mt Heslington Terrace Gravels & Storage
Zone:	Reservoir
Irrigated Area (ha):	38
Averaged Rates of Take Authorised:	68 cubic metres per hour 741 cubic metres per day 5,191 cubic metres per week
Take Location:	Easting: 2519491 Northing: 5979842
Dam IDs:	233 & 260
Meter Required:	Yes

2. Within six months of the date of granting of this consent, the Consent Holder or their agent shall, at their own expense, install and thereafter maintain, a water meter(s) to record all water taken pursuant to this consent and the installed water meter shall comply with the Council's Water Meter Specifications as stated in the Tasman Resource Management Plan.
3. Following installation of the water meter (see Condition 2), the Consent Holder shall thereafter maintain a record of weekly meter (cubic metre) readings and reading dates whenever exercising this consent and shall provide a complete record of these meter readings and dates to the Council's Co-ordinator Compliance Monitoring or their agent if and when requested and annually no later than 1 June each year.
4. The Consent Holder shall keep such records as may be reasonably required by the Council and shall, if so requested, supply this information to the Council. During the review period the Council may require the Consent Holder to install measuring devices to enable accurate records to be kept. The installation, operation and maintenance of such devices shall be at the expense of the Consent Holder.
5. Council reserves the right to require from the Consent Holder a Farm Irrigation Management Plan identifying the soil type(s) irrigated under this consent, their soil(s) moisture-holding capacity and the irrigation method, equipment, irrigation rotation and the irrigation application rate for the soil(s) that avoids both subsurface drainage below the crop rooting zone and any surface run-off.
6. The Council may, within the period 1 June until 31 August each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
 - (a) to deal with any unexpected adverse effect on the environment which may arise from the exercise of the consent; and/or
 - (b) to require the adoption of the best practical option to remedy or reduce any adverse effects on the environment; and/or
 - (c) to comply with requirements of any operative regional plan, including any allocation limit, minimum flow regime, rate of use limit, rationing, or rostering restriction; and/or

- (d) to comply with relevant national environmental standards made under Section 43 of the Resource Management Act 1991; and/or
 - (e) to reduce the quantities of water authorised to be taken if the consent is not fully exercised or the FIMP that may be required under Condition 3 shows that less water is actually needed; and/or
 - (f) to deal with any unexpected adverse effect on other water users in the Mt Heslington (North) catchment.
7. This consent shall not be exercised to the extent that there is any significant adverse effect on resident eels within the Consent Holder's reservoirs and a minimum of 400 cubic metres of storage shall be retained within each reservoir at all times for their survival.
8. All irrigation pump intakes shall be screened so as to avoid the entrainment of fish and eels. The screen(s) shall have a mesh size not greater than 5 millimetres and shall be constructed such that the intake velocity at the outer surface of the screen is less than 0.3 metres per second. Furthermore, the screen shall be maintained in good working order and shall comply with these standards at all times.

Advice Notices:

Screening of intakes has the dual function of protecting a water meter.

Pursuant to Section 36 of the RMA Act, the Consent Holder may be required to pay the reasonable costs associated with the monitoring of this consent.

Access by the Council or its officers or agents to the land subject to this water permit is reserved pursuant to Section 332 of the Resource Management Act.

Issued this 1st day of February 2007

Councillor O'Regan
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: NN000391V

Pursuant to Section 132 of the Resource Management Act 1991 ("the Act"), the Tasman District Council (Council) has resolved to grant a change of consent conditions to:

A N and M D BAIGENT

(hereafter referred to as "the Consent Holder")

Activity authorised by this consent: Dam, Divert and Take Water to storage

Location details:

Address of property: River Terrace Road, Brightwater
Valuation number: 1939030502

This change of conditions of consent **NN000391** is granted subject to an unchanged expiry date of **31 May 2015** and the following revised conditions:

CONDITIONS

1. Site and Taking Details:

Legal Description of Irrigated Land:	Lot 1 DP 301998 Waimea SD
Water Source:	Unnamed (Mt Heslington Rd) Stream (Catchment A on attached map)
Zone:	Reservoir
Maximum rates of take authorised:	100 litres per second 8,640 cubic metres per day
Weir Details	
Maximum Height (m):	0.4
Crest length (m):	1.5
Storage (m ³):	1
Location of weir and intake:	Easting: 2519371 Northing: 5979903

2. This consent shall only be exercised during the summer months November to April inclusive and subject to the other conditions of this consent, and the Consent Holder shall block their intake and cease taking any water during the winter months of 1 May - 31 October inclusive (unless the exception in Condition 5B applies).
3. The Council may, within the period 1 June until 31 August each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
 - (a) to deal with any unexpected adverse effect on the environment which may arise from the exercise of the consent; and/or
 - (b) to require the adoption of the best practical option to remedy or reduce any adverse effects on the environment; and/or
 - (c) to comply with requirements of any operative regional plan, including any allocation limit, minimum flow regime, rate of use limit, rationing, or rostering restriction; and/or
 - (d) to comply with relevant national environmental standards made under Section 43 of the Resource Management Act 1991; and/or
 - (e) to reduce the quantities of water authorised to be taken if the consent is not fully exercised; and/or
 - (f) to deal with any unexpected adverse effect on other water users in the Mt Heslington (North) catchment.
4. The Consent Holder shall design, construct and maintain a flow sharing structure that complies with the flow sharing under Condition 5A and 5B of this consent and with any other requirements of this consent, and the structure shall not adversely affect the passage of eels. Prior to the construction of this structure, the Consent Holder shall obtain written approval for its design from the Council's Consent Planner - Water or their agent.

- 5A. The flow sharing structure required under Condition 4 shall operate during the summer months 1 November - 30 April inclusive each year such that the Consent Holder shall take no more than 50% of the instantaneous stream flow, allowing the other 50% (or more) to pass to the downstream water user. In the event Dam 233 and 260 are full, there shall be no diversion from the unnamed Mt Heslington Stream
- 5B. In winter months the Consent Holder shall block their intake and cease taking water from Catchment A, with the exception that, in the event that Dam 232 is full and overflowing, then the Consent Holder is permitted to divert and take water from the unnamed Mt Heslington Stream (Catchment A) until such time as the overflow from Dam 232 ceases.
6. Any erosion, scour or similar of the stream bed resulting from the structure shall be remedied to the satisfaction of the Consent Planner - Water or their agent.
7. The Consent Holder shall keep such records as may be reasonably required by the Council and shall, if so requested, supply this information to the Council. During the review period the Council may require the Consent Holder to install measuring devices to enable accurate records to be kept. The installation, operation and maintenance of such devices shall be at the expense of the Consent Holder.
8. Until such time as the dam-intake structure is removed, the Consent Holder shall maintain this structure in a good state of repair.

Advice Notices:

Pursuant to Section 36 of the RMA Act, the Consent Holder may be required to pay the reasonable costs associated with the monitoring of this consent.

Access by the Council or its officers or agents to the land subject to this water permit is reserved pursuant to Section 332 of the Resource Management Act.

Issued this 1st day of February 2007

Councillor O'Regan
Chair of Hearings Committee

Date Confirmed:

Chair: