

## Report 1, Appendix 5: SUMMARY OF SUBMISSIONS

### Received on Applications to Divert, Take, Dam & Use Water from the Lower Waitaki Catchment

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1. Of the 42 applications to divert, take, dam and use water from the Waitaki Catchment downstream of the Waitaki Dam that were publicly notified on 4 August 2007, thirteen had been previously notified with all called-in applications on 6 December 2003<sup>1</sup>. Of those thirteen applications, the application from R H & J Robertson Family Trust (now R H Robertson) had also been notified on 9 July 2003. Consequently, for the thirteen called-in applications, submissions from the Minister's notification must be taken into account, and for the R H Robertson application, submissions received in July 2003 must also be considered (as covered in the Section 42A report for CRC031592).
2. When the thirteen called-in applications were notified in August 2007, all submitters who had lodged a submission in 2003 were given the opportunity to amend or withdraw their submission. All submissions not withdrawn, with amendments, have been considered, in addition to the submissions received in 2007. Reports prepared by Davie Lovell Smith summarising submissions received on the called-in applications have been referenced for statistical data and content analysis<sup>2</sup>.
3. The statistical summary report from Davie Lovell Smith records that 700 submissions were received on the called-in applications, with 292 (42%) covering all called-in applications, rather than specific applications. Many of the issues raised in these general submissions were addressed by the Waitaki Water Allocation Board during the drafting of the Waitaki Catchment Water Allocation Regional Plan and included: protecting the fisheries and recreation values of the Waitaki River main stem and tributaries; recognising the intrinsic values of the Waitaki River as a large braided river; protecting against ecological damage and loss of habitat; balancing the needs of irrigators and hydroelectricity demand; protecting water quality; and accommodating climate change.
4. The same issues were raised in submissions against groups of applications or particular applications, with greater specificity. For example, in the Hakataramea catchment issues were raised with regards to recreational fishing, water quality and irrigation demand from the Hakataramea River and tributaries, with additional references to water storage, irrigation efficiency, and minimum flows. Where submissions have been made on a specific called-in application, or particular group of applications, the issues raised are covered in the individual Section 42A reports.
5. In the 2007 notification, there were 14 submissions covering all 42 applications to divert, take, dam and use water from the Lower Waitaki Catchment., received from the following submitters:
  - a. Department of Conservation
  - b. Fish and Game New Zealand – Central South Island Region

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<sup>1</sup> W N Cameron (CRC041002, CRC041003), Hakataramea Station (1990) Limited (CRC981376, CRC040999), Hakataramea Valley Irrigation (CRC032177), Maerewhenua District Water Resource Company (CRC041004), Padkins Creek Community Race (CRC011989), R H Robertson (CRC031592, CRC032220), N J Small (CRC040988), Star Holdings Limited (CRC021585), Waihao Downs Irrigation Limited (CRC040428), and Westmere Estate Limited (CRC012051).

<sup>2</sup> 'Numerical Analysis of Project Aqua and Called-in Waitaki Submissions' (November 2004) and 'Waitaki Catchment Called-in Submissions – an analysis of information' (December 2004)

- c. Land Information New Zealand
  - d. Lower Waitaki River Management Society
  - e. Ngai Tahu – Mamoe Fisher People Inc
  - f. Royal Forest and Bird Protection Society – Regional Office
  - g. Te Runanga o Ngai Tahu
  - h. Waitaki First Incorporated
  - i. Anne & Gottlieb Braun-Elwert
  - j. Christopher John Marshall
  - k. Gary Dickson & Iris Abaecherli
  - l. Lesley Shand
  - m. Robin John Blackmore
  - n. Sam Mahon & Alison Erickson
6. Meridian Energy Limited submitted on each of the 42 applications individually.
7. In addition, submissions were made on individual applications or particular groups of applications. These are identified in the individual Section 42A reports for the relevant applications, and are included below where a particular group of applications is subject to submission.

## **Content of 2007 Submissions - Neither supporting nor opposed**

### **LINZ Permission**

8. Land Information New Zealand (LINZ) wish to ensure that proposals involving land administered by LINZ, including works in the bed of the Waitaki River, are received by LINZ with clearly detailed plans. Applicants need to formally apply to occupy LINZ administered land.

### **9. Content of 2007 Submissions – In Support**

10. Allocation Limits & Availability of Water
- a. Annual allocation to Ag/Hort between Dam and Black Point should be 250Mm3 (Waitaki Valley Irrigators, Keeling)
  - b. Encourage water harvesting and storage in times of high flow (Hay)
11. Economic Benefits
- a. Irrigation has flow-on benefits to the community and local economy (Lower Waitaki Irrigation Co, Waimate DC)
12. Efficiency
- a. Annual allocation limits promote efficiency of water use (Lower Waitaki Irrigators, Keeling)
13. Erosion
- a. Irrigation protects against soil erosion (Lower Waitaki Irrigation Co, Norman & Hayes)
14. Metering and Monitoring Abstraction
- a. Water meters to be installed, maintained and results made available to CRC (Meridian)

15. Minimum Flows/ Low Flows
  - a. Current or future flow regime for the lower Waitaki River to be adhered to (Meridian)
  - b. Minimum flow regime supports sustainability (Waimate DC)
  - c. New irrigators to cease at 1.5 cumec flow in the Hakataramea (Hay)
16. Mixing of Waters
  - a. Using water from the Waitaki River to irrigate the Hakataramea valley supported due to over-allocation of the Hakataramea River and tributaries (Taylor)
17. Replacement Consents
  - a. Ensure existing reliability of supply for replacement applications, and priority over new applications (Lower Waitaki Irrigation Co, Hay)
  - b. Priority to existing use, replacement should be granted (Fenwick, Hay, Easton)
  - c. 100% reliability for existing water users, 95% for new users (Waimate DC)
18. Sediment Load & Coastal Processes
  - a. Applicant to assess effects of instream dam on sediment transport, and cumulative effects of other instream dams in the Haktaramea catchment (Meridian)
19. Sustainability
  - a. Part II, Purposes and Principles of the RMA to be upheld (Meridian)
20. Water Quality
  - a. Land use management best practice to avoid, remedy or mitigate any effects on water quality in the Lower Waitaki River and catchment (Meridian)

## Content of Submissions - Opposed

21. Where a submitter has suggested mitigation, this is included beneath the listed concern. If no mitigation is suggested, the submitter has simply requested that the application be declined.
22. Allocation Limits & Availability of Water
  - a. Concern about the accuracy of existing allocation data (Fish and Game, Dickson & Abaecherli)
  - b. Review existing consents to establish existing allocation with certainty (Fish and Game)
  - c. Total sought from Dam to Black Point exceeds Ag/Hort limits (Fish and Game)
  - d. Hakataramea tributaries should be subject to xix of Table 3, Rule 2, rather than xxii, to discourage taking from the smaller tributaries as per Policy 7 (Fish and Game)
  - e. Hakataramea River, no new consents be granted, extra 50L/s doubtful (Fish and Game)
  - f. Hakataramea , no new groundwater takes, over-allocated already (S W Taylor)
  - g. Maerewhenua River Table 3, Rule 2 allocation limit exceeded by existing consents
    - i. new consents should be 'B' permits subject to flow sharing regime (Fish and Game)
    - ii. harvest flows over 2 cumecs only (Moynihan)

- iii. harvest high flows to storage (Fenwick)
    - iv. no further grants in order to protect fully allocated Papakaio aquifer (Springside)
  - h. Otekaieke River, Malcolms Creek and Kurow River subject to xxii, Table 3, Rule 2, and flow data uncertain, so no new consents should be granted (Fish and Game)
  - i. All non-complying activities opposed, Rule 2 and Rule 6 allocation supported (Fish and Game, Forest and Bird, DOC, Shand, Waitaki First)
  - j. That allocations be restricted on small streams and aquifers (Blackmore)
  - k. Baseline study required on water availability, particularly groundwater (Braun-Elwert)
- 23. Catchment Wide
  - a. Recognise spiritual values, and take a holistic approach (Ngai tahu, Shand)
  - b. Establish an advisory group, with all users represented (Marshall)
- 24. Climate Change
  - a. Electricity generation from renewable sources crucial to Kyoto commitments, so give weight to hydroelectricity generation in decisionmaking (Braun-Elwert)
  - b. Glacial melt will reduce over time, resulting in less flow (Forest and Bird, Braun-Elwert)
    - i. benchmark below current levels to account for anticipated flow reduction (Braun-Elwert)
  - c. Effects of climate change yet to be determined (Shand)
    - i. reduce consent duration
  - d. Consider effects of climate change in decisionmaking and plan development (Carswell)
- 25. Cumulative Effects
  - a. Concern that cumulative effects of proposals not properly assessed (Ngai Tahu, DOC)
  - b. Consideration needs to be given to cumulative effects when granting (Fish and Game)
  - c. Consider impact of all applications on the catchment (Dickson & Abaecherli)
- 26. Duration
  - a. The requested 35 year duration should be reduced to between 10 -15 years
    - i. to allow for unforeseen environmental changes (Fish and Game)
    - ii. to be consistent with other regional council practices (DOC, Springside)
    - iii. to accommodate effects of climate change (Braun-Elwert)
  - b. A 35 year duration is too long, does not account for climate change (Shand)
- 27. Economics of Water Use
  - a. Unit charge to apply to water use (Braun-Elwert)
  - b. Opposed to trading in water rights (Braun-Elwert, Marshall)
    - i. tie consent to land parcel to prevent trading (Marshall)
  - c. Levy to apply to all water users, to contribute to research, management and improvement of the catchment, including purchase of land for conservation purposes (Marshall)
- 28. Efficiency
  - a. Ensure efficient use of water for irrigation
    - i. grant for spray or drip irrigation only (Waitaki First)
    - ii. require monthly reporting of soil moisture levels, aquaflex data loggers to be installed, and Farm Management based on soil moisture and N-inhibitor application (Waitaki First)

- iii. irrigation water to be piped (Braun-Elwert)
  - b. Proposals do not represent efficient use of water (Shand)
- 29. Fish Passage & Fish Spawning
  - a. Risk to juvenile sportfish posed by inappropriate irrigation intake design
    - i. adequate conditions to be applied to all surface water takes, based on Canterbury Fish Screens Working Party guidelines (Fish and Game)
  - b. Risk to spawning salmonids from works in the riverbed
    - i. time works to occur outside spawning season (Fish and Game)
  - c. Risk to native species posed by instream works, intake structures, dams and water races
    - i. fish screen to comply with NIWA report guidelines 2007
- 30. Indigenous Species & Habitat
  - a. Wainono lagoon requires protection from dewatering and margin development, as an important habitat for migrating fish and coastal bird species (Forest and Bird)
  - b. Environmental flow regime established in the Plan is essential for protection of habitat (Forest and Bird)
  - c. Inadequate assessment of effects on indigenous species and habitat (DOC)
  - d. Indigenous fauna, including freshwater crustacean and native fish, require protection, as do areas of indigenous vegetation (Shand)
  - e. Protection of indigenous vegetation in alpine, sub-alpine and valley areas required
    - i. fence significant areas of indigenous vegetation (Marshall)
- 31. Metering and Monitoring Abstraction
  - a. Metering essential for establishing allocation, monitoring compliance and assessing efficiency (Fish and Game)
  - b. Require all water takes to be metered, monitored continuously and independently verified (Braun-Elwert)
  - c. Monitor water temperatures upstream and downstream of significant abstraction sites (Braun-Elwert)
- 32. Minimum Flows/ Low Flows
  - a. Concerns about extended low flows and little flow variation in lower Waitaki River main stem (Ngai Tahu)
  - b. Insufficient flow in the Hakataramea River, lethal water temperature (Fish and Game)
  - c. Concern about reduced flow in small streams, need better flow statistics before granting consents in tributaries (Fish and Game)
  - d. No more than one third of the 5 year MALF to be granted on any stream (Blackmore)
  - e. Concerns about reliability of supply for existing irrigators if new consents granted (McIlraith, Taylor, Conlan, Moynihan, Fenwick)
  - f. Retain 150 cumec flow in the lower Waitaki River (Dickson & Abaecherli)
- 33. Mixing of Waters
  - a. No mixing of waters between catchments (Ngai Tahu)
  - b. No water of glacial origin discharged into non-glacial waterbodies, due to high glacial silt content (Braun-Elwert)
  - c. No water from didymo infected waterbodies discharged to uninfected waterbodies (Braun-Elwert)
- 34. National Importance
  - a. Electricity generation of national importance (Transpower, Braun-Elwert)

- b. Protection of national grid and electricity infrastructure vital (Transpower)
  - c. National power conservation strategy needed to reduce demand on river (Dickson & Abaecherli)
  - d. Applications do not meet RMA requirements re national importance (Shand)
35. Natural Character & Heritage
- a. Protect natural character of the Waitaki Catchment (DOC, Shand)
  - b. Protect heritage values in the Waitaki Catchment (Shand)
36. Recreation and Amenity
- a. Environmental flow regime established in the Plan protects recreation and amenity values (Forest and Bird)
  - b. Protect Waitaki River and wetlands as important game bird habitat, best in region, and nationally significant sports fisheries (Fish and Game)
  - c. Protect angling opportunities on the Waitaki River and tributaries (Fish and Game, Dickson & Abaecherli)
  - d. Hakataramea Catchment is a valuable spawning ground, supporting Waitaki main stem recreational fishing stocks, requires protection (Fish and Game)
  - e. Maerewhenua River also valuable spawning ground, with self-supporting populations and recreational angling common, requires protection (Fish and Game)
  - f. Otekaieke River supports rainbow, brown trout and salmon in upper reaches, supplements gene pool when flows connect to Waitaki main stem, requires protection (Fish and Game)
  - g. Protect salmonid habitat in small streams and tributaries (Fish and Game)
  - h. Proposals have adverse effects on the maintenance and enhancement of amenity values (Shand)
  - i. Protect the amenity values of Parkers Creek for neighbouring property owners (McIlraith)
37. Sediment Load & Coastal Processes
- a. No unnatural changes to sediment flow and deposition (Ngai Tahu)
38. Sustainability
- a. Part II, Purposes and Principles of the RMA to be upheld (DOC, Forest and Bird, Shand, Mahon and Erickson,
  - b. Proposals do not represent sustainable use (Lower Waitaki River Management Society)
  - c. Plan and decisionmaking to address sustainability (Carswell)
39. Review Clause
- a. Not effective tool for protecting environment against adverse effects, which need to be considered at time of grant, due to limited scope of review (Fish and Game)
40. Tangata Whenua
- 41. concerns in relation to the exercise of kaitiakitanga, customary rights, protection of mahinga kai sites, and cultural impact (Ngai Tahu, Ngai Tahu-Mamoe)
  - 42. outstanding Te Tiriti o Waitangi issues with the Crown, disputed ownership of all water, rivers, streams, lake beds, fish and shellfish, seabed and foreshore (Ngai Tahu-Mamoe)
43. Water Quality
- a. Deterioration of water quality in the lower Waitaki River and tributaries (Ngai Tahu)

- b. Further deterioration of water quality in the Hakataramea River, algae and macrophytes already common (Fish and Game)
- c. Flow reductions in small streams (<500L/s) reducing water quality (Fish and Game)
- d. Intensification of land use (Fish and Game, DOC, Carswell)
  - i. Environmental Farm Plan required as condition of consent
  - ii. Catchment wide plan to manage water quality
- e. Minimum flow reduction impacting water quality (Forest and Bird)
  - i. Support environmental flows in the Plan
- f. General river water quality effects (Mahon and Erickson, Marshall)
  - i. fencing
- g. Reduction in existing quality through irrigation and irrigation system discharges (Shand, Braun-Elwert)
  - i. water discharged should be same quality as water abstracted, filter discharges
- h. Surface water run-off and nutrient leaching to groundwater (Waitaki First)
  - i. Farm management plan, including soil moisture monitoring and N inhibitor application
- i. Cumulative effects of new irrigation (Waitaki First, DOC)
  - i. CRC monitoring of water quality effects, particularly West of the Dam
- j. Effects of flood irrigation on water quality (Braun-Elwert)
  - i. monitor all flood irrigation

#### 44. Wetlands

- a. No further loss of wetlands or dewatering, particularly adjacent to mahinga kai sites (Ngai Tahu)
- b. Protect natural water storage in bogs and swamps, support subterranean flow (Marshall)