

## Report 1, Appendix 5: SUMMARY OF SUBMISSIONS

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

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1. Of the 60 applications to divert, take, dam and use water from the Waitaki Catchment upstream of the Waitaki Dam, including those upstream of the glacial lakes, 50 were publicly notified on 4 August 2007, and the remainder were notified in 2008 and 2009. Details of submissions relating to the 2008 and 2009 notifications are included in reports relevant to those applications.
2. Of those applications notified in August 2007, eighteen had been previously notified with all called-in applications on 6 December 2003<sup>1</sup>. Amongst those eighteen applications, the following three applications had been previously notified:
  - K J, D K & S R Anderson (CRC012017, CRC012019) were notified on 5 July 2003
  - Lone Star Farms Ltd (CRC031175) was notified on 19 April 2003
  - Otamatapaio Station Ltd (CRC012047) was notified on 5 July 2003
3. Consequently, for the eighteen called-in applications, submissions from the Minister's notification must be taken into account, and for the three applications notified previously in April and July 2003, submissions from those notifications must also be considered (as covered in the Section 42A report for each affected application).
4. When the eighteen 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 All submissions not withdrawn, with amendments, have been considered, in addition to the submissions received in 2007.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>.
5. 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. For specific applications in the Upper Catchment, there were a greater number in support (60%) than in opposition, and overall, the most frequently raised issue in submissions was the potential benefit of irrigation in the catchment.
6. 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: balancing the needs of irrigators and hydroelectricity demand; cumulative effects on water quality and instream values; protecting fisheries and recreation values; recognising natural character; protecting against ecological damage

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<sup>1</sup> KJ, DK, & SR Anderson (CRC012017, CRC012019), Aviemore Ltd (CRC041031), Bellfield Land Company Ltd (CRC011987), Birchwood Run Ltd (CRC012291), Dunstan Peaks Ltd (CRC011361), Irishman Creek Station Ltd (CRC011845), Killermont Station Ltd (CRC040180, CRC040181, CRC041331, CRC041777, CRC041798), Lone Star Farms Ltd (CRC031175), D W McAughtrie (CRC011940), D W McAughtire, Ellis-Lea Farms Ltd & Greenfield Rural Opportunities Ltd (CRC991473), Otamatapaio Station Ltd (CRC012047), Rosehip Orchards (NZ) Ltd (021749), Southdown Holdings Ltd (CRC040835)

<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)

- and loss of habitat (instream and out of stream); protecting against soil erosion; avoiding mixing of waters; accommodating effects of climate change; and considering existing users.
7. In addition, submissions were received regarding particular sub-catchments, including the Ahururi catchment, each of the glacial lakes, and upper tributaries. Concerns were raised in relation to specific sports fisheries, the relationship between national hydroelectricity demand and regional economic benefit from the use of lake water for irrigation, and the impact of irrigation takes from small streams and tributaries.
  8. In the August 2007 notification, there were 12 submissions covering all applications to divert, take, dam and use water from the Upper Waitaki Catchment. They were received from the following submitters. Each one of these submissions is a submission in opposition to all applications:
    - a. Department of Conservation
    - b. Fish and Game New Zealand – Central South Island Region
    - c. Land Information New Zealand
    - d. Ngai Tahu – Mamoe Fisher People Inc
    - e. Royal Forest and Bird Protection Society – Regional Office
    - f. Te Runanga o Ngai Tahu
    - g. Waitaki First Incorporated
    - h. Anne & Gottlieb Braun-Elwert
    - i. Christopher John Marshall
    - j. Lesley Shand
    - k. Robin John Blackmore
    - l. Sam Mahon & Alison Erickson
  9. Meridian Energy Limited submitted on each of the applications individually.
  10. In addition, submissions were made on individual applications or particular groups of applications, such as all applications affecting the Mackenzie Basin specifically, or all applications to irrigate previously dry land. 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.
  11. The following summary does not include content of submissions from notifications of individual applications after 4 August 2007. Nor does it cover submissions from earlier notifications. These are addressed in the individual Section 42A reports, or in the 2004 Davie Lovell Smith summary reports.

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

### **LINZ Permission**

12. 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.

## Content of 2007 Submissions – In Support

13. Allocation Limits & Availability of Water
  - a. Allow for suitable allocations per applicant, as envisaged by the 1969 Order in Council and the Mackenzie Irrigation Company agreement with Meridian (Scott, Federated Farmers Mackenzie Branch)
  - b. Need to allow for stockwater requirements in the plan allocations, due to fencing off of waterways and changing practices (Scott)
14. Economic Benefits
  - a. Irrigation increases agricultural productivity, potential ten fold increase with fertiliser and irrigation (Scott)
  - b. Support all irrigation applications in the Mackenzie to increase agricultural production in the area (Federated Farmers Mackenzie Branch)
15. Efficiency
  - a. Any water used in the upper catchment, whether used efficiently or not, will return to the entire system for use by downstream users (Scott)
16. Groundwater
  - a. Reliable groundwater sources for irrigation are unlikely to be found in the Mackenzie Basin (Scott)
17. Humidity
  - a. Consider the increase in humidity as a result of large scale water storage (Scott)
18. Hydroelectricity Use
  - a. Allow for simultaneous take and discharge activities, such as small scale hydroelectricity schemes on remote properties (Scott)
19. Irrigation Systems
  - a. Borderdyke can increase soil variability and requires daily attention, constructed waterways require adequate compaction to restrict downward movement of fine material (Scott)
  - b. Centre pivots susceptible to wind damage, but provide flexibility of operation (Scott)
  - c. Wild flooding not suitable to many Mackenzie soils, inefficient (Scott)
  - d. K-line labour intensive, use on a range of topographies with little soil disturbance (Scott)
  - e. Zero cost running systems possible, as per Godley Peaks Station, potential to run in other Mackenzie sites (Scott)
20. Irrigation Use
  - a. Applications consistent with WCWARP objectives (Upper Waitaki Community Irrigation)
  - b. Soil patterns and irrigation trials show that 45,000ha of the Mackenzie is suitable for irrigation (Scott, Federated Farmers Mackenzie Branch)
  - c. Hydroelectricity canals should be the principal source for irrigation where they traverse grazed properties (Scott)
  - d. Summer irrigation less likely to affect winter hydroelectricity storage, so include seasonal factors when granting consents (Scott)
  - e. Consider feeder supply of water to the southeast Mackenzie Basin (Scott)
  - f. Irrigation to produce feed crops crucial to viability of sheep pastoral systems (Scott)

- 21. Land Use
  - a. Lack of winter growth likely to restrict dairying activity in the Mackenzie (Scott)

## Content of Submissions - Opposed

- 22. 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.
- 23. Ahuriri
  - a. Nationally and internationally renowned, spawning habitat for resident brown trout and support Lake Benmore fishery, rainbow trout present; Ahuriri National Conservation Order environmental flows to apply (Fish and Game)
- 24. All other River and Streams (Table 3)
  - a. Coal Creek, Shephards Creek and Scrubby Creek have little hydrological data available to determine appropriate allocation (Fish and Game)
  - b. Lake Aviemore tributaries, unclear if allocation available (Fish and Game)
  - c. Otamatapaio River and Corbies Creek support rainbow and brown trout, contribute to Lake Benmore fishery; concerns regarding efficiency of proposed abstraction (Fish and Game)
- 25. 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. All non-complying activities opposed, Rule 2 and Rule 6 allocation supported (Fish and Game, Forest and Bird, DOC, Shand, Waitaki First)
  - d. That allocations be restricted on small streams and aquifers (Blackmore)
  - e. Baseline study required on water availability, particularly groundwater (Braun-Elwert)
  - f. Applicants must hold sufficient shares in Mackenzie Irrigation Company and comply with tranching arrangements, or will be considered derogation of existing rights (Meridian)
- 26. Catchment Wide
  - a. Recognise spiritual values, and take a holistic approach (Ngai Tahu, Shand)
  - b. Establish an advisory group, with all users represented (Marshall)
- 27. 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
- 28. 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. Cumulative effects on landscape and natural character (Zusters, Kollman)

29. 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)
  - iii. to accommodate effects of climate change (Braun-Elwert)
- b. A 35 year duration is too long, does not account for climate change (Shand)
- c. Applicants to be consistent with duration in agreement with Mackenzie Irrigation Company (Meridian)

30. 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)

31. 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)
- c. Must consider technical efficiency and WCWARp policies 14-20 (Fish and Game)

Electricity Generation

- a. Need to weigh up public benefit of hydroelectricity use over private benefit of irrigation use (Braun-Elwert)

2. 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 (DOC)
  - i. fish screen to comply with NIWA report guidelines 2007

3. Grays River and tributaries

- a. Grays River is an internationally renowned trout fishery, and the river and surrounding wetland areas are popular with game bird hunters; grey duck breed in the middle and upper reaches; concerns regarding cumulative effects on the Tekapo fishery (Fish and Game)

4. High Natural Character water bodies

- a. Cass River is fast flowing in lower reaches preventing sports fish from entering from Lake Tekapo; allocation available for irrigation (Fish and Game)
- b. Mailbox Swamp Creek provides spawning habitat for resident brown trout, reliant on irrigation bywash; the creek feeds black stilt breeding ground at Mailbox

- Lagoon, managed by the Department of Conservation, which also supports gamebird populations (Fish and Game)
- c. Mistake River valuable in support of the Tekapo fishery, and game bird habitat; overallocated (Fish and Game)
  - d. Station Stream has clear water and high flows in spring/early summer, attractive to trout (Fish and Game)
5. Indigenous Species & Habitat
    - a. Environmental flow regime established in the Plan is essential for protection of habitat (Forest and Bird)
    - b. Inadequate assessment of effects on indigenous species and habitat (DOC, Aoraki Conservation Board)
    - c. Indigenous fauna, including freshwater crustacean and native fish, require protection, as do areas of indigenous vegetation (Shand)
    - d. Protection of indigenous vegetation in alpine, sub-alpine and valley areas required
      - i. fence significant areas of indigenous vegetation (Marshall)
  6. Irishman Creek
    - a. Popular trout fishery, high state of naturalness, spawning site for trout in the Tekapo River and Lake Benmore fisheries; concerns regarding efficiency of proposed take (Fish and Game)
  7. Lake Ohau
    - a. Recent farming developments around the lake and tributaries have changed the local environment (Smithies)
  8. Lake Pukaki
    - a. Protect the quality of river water feeding the lake, and monitor lakeside irrigation enterprises (Mahon & Erikson)
  9. Lake Tekapo
    - a. Protect the quality of river water feeding the lake, and monitor lakeside irrigation enterprises (Mahon & Erikson)
    - b. Lowering of the lake level exposes the Godley River delta, allowing glacial silt to become windborne, which can seriously impact the health and wellbeing of the town residents; cease takes at 704.1a.m.s.l and tie all tributary takes to the minimum lake level (Braun-Elwert)
  10. Landscape & Natural Character
    - a. Additional modification of the cultural landscape (Ngai Tahu)
    - b. Protect the natural beauty of the Mackenzie country (Mahon & Erikson)
    - c. Protect outstanding natural features of the Mackenzie, as an iconic landscape locally, regionally, nationally and internationally (Shand)
    - d. Applicants have not assessed effects on natural character (Aoraki Conservation Board, Kollman)
    - e. Ahuriri and Ohau regionally significant landscapes require protection from water abstraction, channelisation and discharge (Aoraki Conservation Board)
    - f. Potential adverse effects on natural character landscape values of the Mackenzie Basin and Upper Waitaki from irrigation and infrastructure (Zusters, Kollman, Williams, Rose)
  11. 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)
  - d. Water meters to be installed, maintained and results made available to CRC (Meridian)
12. Minimum Flows/ Low Flows
- a. Concern about reduced flow in small streams, need better flow statistics before granting consents in tributaries (Fish and Game)
  - b. No more than one third of the 5 year MALF to be granted on any stream (Blackmore)
13. 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)
14. Otematata River
- a. Brown trout and rainbow trout fishery; concerns regarding allocation (Fish and Game)
15. Pest Species
- a. Inadequate assessment by applicants regarding risk of spreading pest species (DOC, Aoraki Conservation Board)
  - b. No water from didymo infected waterbodies discharged to uninfected waterbodies (Braun-Elwert)
  - c. Wilding pines and exotic grasses on the fringes of the Ruataniwha Conservation Park as a result of neighbouring farm activity
16. Planning documents
- a. Consider, Ahuriri Conservation Order and NZ Mudfish Recovery Plan when assessing applications (Aoraki Conservation Board)
  - b. Consider Canterbury Conservation Management Strategy, Waitaki District Plan and Mackenzie District Plan (Aoraki Conservation Board, Zusters, Kollman, Williams, Rose)
  - c. Applications contrary to the Canterbury Regional Policy Statement (Zusters, Kollman, Williams, Rose)
17. Quailburn & tributaries
- a. Quailburn provides spawning and rearing habitat for trout, important contribution to nationally important Ahuriri River (Fish and Game)
  - b. Henburn is a small, but good fishery, providing habitat for trout, eels, indigenous fish and gamebirds; no further allocation (Fish and Game)
18. Recreation and Amenity
- a. Environmental flow regime established in the Plan protects recreation and amenity values (Forest and Bird)
  - b. Mackenzie High Country holds important game bird habitat, likely to be negatively impacted by land use intensification (Fish and Game)
  - c. Protect salmonid habitat in small streams and tributaries (Fish and Game)
  - d. Time instream works outside of spawning season to avoid damage to redds from sediment discharge (Fish and Game)
  - e. High amenity and wilderness angling values could be degraded by inappropriate water takes and land development (Fish and Game)

- f. Proposals have adverse effects on the maintenance and enhancement of amenity values (Shand)
19. 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)
20. Sustainability
- a. Part II, Purposes and Principles of the RMA to be upheld (DOC, Forest and Bird, Shand, Mahon and Erickson, Zusters, Kollman, Williams, Rose, Meridian)
  - b. Protect biodiversity values of the Mackenzie Basin and upper Waitaki (Aoraki Conservation Board)
  - c. Biodiversity of value to the country as a whole, versus private profit (Smithies)
21. Tangata Whenua
- a. concerns in relation to the exercise of kaitiakitanga, customary rights, protection of mahinga kai sites, and cultural impact (Ngai Tahu, Ngai Tahu-Mamoe)
  - b. 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)
22. Twizel River & tributaries
- a. Small but productive fishery, good nursery and rearing water, spawning tributary for Lake Benmore fishery; concerns regarding allocation (Fish and Game)
23. Wairepo River & tributaries
- a. Concerns regarding overallocation (Fish and Game)
  - b. 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)
24. Water Quality
- a. Deterioration of water quality in streams, rivers and lakes in South Canterbury/North Otago (Ngai Tahu)
  - b. Applicants have not assessed effects on water quality from land use intensification (Aoraki Conservation Board)
  - c. Applicants have not assessed cumulative effects on water quality, or the effects of individual applications (Meridian)
  - d. Flow reductions in small streams (<500L/s) reducing water quality (Fish and Game)
  - e. 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
  - f. Minimum flow reduction impacting water quality (Forest and Bird)
    - i. Support environmental flows in the Plan
  - g. General river water quality effects (Mahon and Erickson, Marshall)
    - i. fencing
  - h. 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
  - i. Surface water run-off and nutrient leaching to groundwater (Waitaki First)
    - i. Farm management plan, including soil moisture monitoring and N inhibitor application
  - j. Cumulative effects of new irrigation (Waitaki First, DOC)
    - i. CRC monitoring of water quality effects

- k. Effects of flood irrigation on water quality (Braun-Elwert)
  - i. monitor all flood irrigation

25. 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)