

**Before the Commissioners appointed by Canterbury
Regional Council**

IN THE MATTER OF The Resource Management Act
1991

AND

IN THE MATTER OF Applications CRC073235, and
CRC073236 by Lone Star Farms
Limited for permits to disturb the
bed and banks of Mistake River,
to install and maintain an intake
structure, erosion protection
works and an irrigation supply
pipeline.

Section 42A Officer's Report of Maria Bartlett

Date of Hearing: 21 September 2009

1. This report should be read in conjunction with reports prepared for associated water permit application CRC031175 and discharge permit application CRC031176 lodged by Lone Star Farms Limited, which form the complete proposal.
2. This report should also be read together with the introductory s42A report which gives an overview of all applications presented at this hearing (Report 1), the planning and technical reports on hydrology and minimum flows (Report 2A and 2B), the planning report outlining annual allocations (Report 3) and the reports on cumulative landscape and water quality effects in the catchment (Reports 4 and 5).

INTRODUCTION

3. Lone Star Farms Ltd (the applicant) has applied for resource consent to:

CRC073235

disturb the bed of the Mistake River to construct and maintain a 45 metre long gravel bund to facilitate the diversion of water to an irrigation race between map references NZMS 260 I37:062-036 and NZMS 260 I37:064-036; and

to construct a discharge and erosion control structure at or about map reference NZMS 260 I37:068-038.

CRC073236

disturb the bed of Mistake River to install a pipeline under Mistake River between map references NZMS 260 I37:070-038 and NZMS 260 I37:071-039, at Godley Peaks Station, Lake Tekapo.

4. The applicant engaged Aqualinc Research Limited to prepare the application and assessment of environmental effects.
5. A 35 year duration is sought.

6. These are applications for new activities.
7. A site visit was carried out on 4 December 2008, by Gillian Ensor, Esme Robinson and Priyashni Mudaliar of Canterbury Regional Council, with Rob Glover of Godley Peaks Station, and Ian McIndoe and Jenna Donnagio of Aqualinc Research Limited. Photographs of the intake taken on the site visit are included in Attachment Two.

Background

8. Applications CRC073235 and CRC073236 were lodged on 27 March 2007, and considered to be notifiable from that date. The associated water permit and discharge permit applications (CRC031175 and CRC031176) have been in process since February 2003.
9. Application CRC073235 is to continue an activity that has been occurring for many years, but for which no consent exists, which is the maintenance of a gravel bund for the diversion of water to an existing intake structure in the Mistake River, and installation and maintenance of erosion protection works at the discharge site.
10. The applicant holds consent CRC012408.1, under the name of Star Holdings Limited, for diversion of 85L/s from the Mistake River, and consent CRC012409.1 for the discharge of 85 litres per second to the river. The applicant is seeking to divert, take and use additional water under applications CRC031175 and CRC031176, which propose to use the existing diversion bund, intake structure and discharge race. However, the applicant has indicated that conversion to a submerged gallery intake is intended. No amendment to CRC073235 has been proposed and discharge application CRC031176 has not been withdrawn.
11. CRC073236 proposes to install and maintain a pipeline across the Mistake River to facilitate irrigation to the north of the river, in an area not previously irrigated.

Notification and Submissions

12. Applications CRC073235 and CRC073236 were publicly notified on 4 August 2007, along with other applications associated with proposals to take, use, dam and divert water in the Waitaki Catchment.
13. In the 2007 public notification, 21 submissions in total were made on application CRC073235, as follows:
 - (a) 3 were in support;
 - (b) 16 in opposition; and
 - (c) 2 neither supported nor opposed the application.
14. In the same public notification, 17 submissions in total were made on application CRC073236, as follows:
 - (a) 3 were in support;
 - (b) 12 in opposition; and
 - (c) 2 neither supported nor opposed the application.

15. A summary of submissions made in response to all applications that were publicly notified at the same time in 2007 are contained in Report 1, Appendix 5. Overall, the key effects of concern to submitters include effects on: ecosystems, water quality, allocations, minimum flows, natural character and landscape, efficiency and cultural values, and generally related to the take, use, damming and diversion of water.
16. Additionally, Table 1 below summarises submissions made individually on these land use applications.

Submitter	Issues	Support/ Neutral/ Oppose	To be heard
Meridian Energy Limited	35 year duration inconsistent with MIC agreement	Oppose	Yes

Table 1: Summary of specific submissions on applications CRC073235 & CRC073236

DESCRIPTION OF THE PROPOSED ACTIVITY

17. The applicant has applied to carry out the proposed activities under the following conditions:

CRC073235

- (a) to maintain a 45 metre long and 1 metre high gravel bund, for the purpose of diverting water to an irrigation intake structure, between map references NZMS 260 I37:062-036 and NZMS 260 I37:064-036;
- (b) to complete works to restore the gravel bund within one hour;
- (c) to undertake works after high river flows when the river is naturally discoloured with sediment;
- (d) to minimise disturbance of the river bed during the works;
- (e) to avoid excavation below bed level during restoration of the gravel bund;
- (f) to install and maintain erosion protection works at the exit of a water race up to 2 metres wide and 0.5 metres deep, at or about map reference NZMS 260 I37:068-038;
- (g) erosion protection works are to include lining the open race near the discharge point and installing rip rap;
- (h) to complete works for installation and maintenance of erosion protection within 2 days;
- (i) to undertake erosion protection works during the autumn and winter period, when flows in the Mistake River are at their lowest;
- (j) to undertake remedial work to restore bank stability where disturbance of the bank occurs during erosion protection works;
- (k) to ensure no stockpiling of spoil on the river banks as a result of erosion protection works;

- (l) to ensure that vehicles and machinery, as far as practicable, avoid entering river channels containing flowing water;
- (m) to use best practice to minimise disturbance of the bed of the Mistake River;
- (n) to use best practice to minimise sediment discharge to the river;
- (o) to use best practice to avoid erosion of the bed and banks of the river;
- (p) to thoroughly wash machinery off-site prior to working work in the bed or banks of the river, in accordance with Canterbury Regional Council guidelines;
- (q) to undertake all practicable measures to minimise adverse effects on property, amenity values, wildlife, vegetation and ecological values;
- (r) to remove spoil and waste material from site upon completion of works;
- (s) to restore the site to its original condition, as far as practicable;
- (t) to advise Canterbury Regional Council and Upoko Runanga of any disturbance of Koiwi Tangata (human bones) or taonga (artefacts) and cease excavation until Kaumatua and archaeologists have certified it is appropriate for works to recommence at the demarcated site

CRC07323

- (a) to install and maintain a pipeline up to 200mm diameter, at a depth of up to 2 metres below the bed of the Mistake River, between map references NZMS 260 I37:070-038 and NZMS 260 I37:071-039;
- (b) to excavate a trench up to 1 metre wide, 2 metres deep and 60 metres long within the bed of the river;
- (c) to excavate the trench and install the pipeline during the autumn and winter period, when flows in the Mistake River are at their lowest;
- (d) to complete works, including excavation, installation of the pipeline and restoration of the site, within one week;
- (e) to backfill the trench after installation of the pipe, to the level of the surrounding river bed;
- (f) to undertake remedial work to restore bank stability where disturbance of the bank occurs during erosion protection works;
- (g) to ensure no stockpiling of spoil on the river banks as a result of erosion protection works;
- (h) to use best practice to minimise disturbance of the bed of the Mistake River;
- (i) to use best practice to minimise sediment discharge to the river;
- (j) to use best practice to avoid erosion of the bed and banks of the river;
- (k) To thoroughly wash machinery off-site prior to working work in the bed or banks of the river, in accordance with Canterbury Regional Council guidelines;

- (l) to undertake all practicable measures to minimise adverse effects on property, amenity values, wildlife, vegetation and ecological values;
- (m) to ensure that vehicles and machinery, as far as practicable, avoid entering river channels containing flowing water;
- (n) to remove spoil and waste material from site upon completion of works;
- (o) to advise Canterbury Regional Council and Upoko Runanga of any disturbance of Koiwi Tangata (human bones) or taonga (artefacts) and cease excavation until Kaumatua and archaeologists have certified it is appropriate for works to recommence at the demarcated site
- (p) to restore the site to its original condition, as far as practicable;

LEGAL AND PLANNING MATTERS

Consent Requirements

18. The consent requirements under the Resource Management Act (RMA), Transitional Regional Plan (TRP) and Proposed Natural Resources Regional Plan (PNRRP) for land use permits are outlined in the introductory s42A report.
19. The applications were lodged on 27 March 2007 so both the TRP and PNRRP are applicable when determining status of the proposed activities.
20. The TRP does not address matters relating to works in the bed and banks of rivers and lakes in the Waitaki Catchment. As there is no operative regional plan which addresses certain uses of beds of lakes and rivers in the Mackenzie Basin, the proposed activity is a **discretionary** activity and requires resource consent under section 77C(1)(a) of the RMA.
21. The proposed PNRRP can be used for guidance when considering an application for works in the beds and margins of lakes and rivers. It is not clear that the proposed activities can comply with permitted activity rules BLR2 or BLR3. As such, the proposed activity is a **discretionary** activity in accordance with Rule BLR8 of the proposed NRRP.
22. The applicant proposes to divert the flow of Mistake River for the purposes of undertaking the proposed works to install a pipeline within the bed of the river, which will require consent under Section 14 of the RMA. The applicant has not applied for resource consent for this activity.

Additional Requirements

23. The applicant is likely to require authorisation from the Commissioner of Crown Lands to disturb the bed and banks of Mistake River, and may require an easement for the proposed pipeline.

CONSULTATION

24. A summary of consultation related to the Lilybank Station proposal as a whole is included in Report 24a.

DESCRIPTION OF THE AFFECTED ENVIRONMENT

25. A description of the affected environment is included in Report 25a

ASSESSMENT OF PROPOSED ACTIVITY

26. The proposed permits are discretionary activities and must be considered in the context of s104 of the RMA.

27. Section 104(1) outlines matters that the consent authority must have regard to when considering an application for resource consent, including any actual and potential effects on the environment, any relevant statutory provisions, and any other matter the consent authority considers relevant.

Assessment of actual and potential effects (s104(1)(a))

28. The effects that have been considered for this type of activity (disturbance of the bed and banks of a waterway) are presented in the introductory s42A report. That report includes the presentation of the relevant planning provisions which direct us to consider these effects. A summary table regarding the assessment of individual effects for this application is provided below and a detailed discussion of those outstanding matters or areas of concern is provided in the following sections.

29. Where mitigation is referred to in this table, I am referring to the recommended conditions listed at the end of this report. The recommended conditions take into consideration those proposed by the applicant, however may have been re-worded or replaced by conditions used by Environment Canterbury, to ensure conditions are certain and enforceable.

Adverse Effects	Applicant's assessment	IO audit	Conclusion
Water quality and ecosystems	CRC073235 – Intake and erosion protection works Works to reinstate the gravel bund will occur after high flow event, when sediment levels are naturally high, and disturbance of the bed will be minimised; the majority of erosion protection works will be undertaken out of flowing water, spoil will be removed from site, and works will occur in autumn/winter when flows are at their lowest	Agree - effects minor for reinstatement of gravel bund, provided this occurs when river is naturally high in sediment, nesting birds avoided; and bund is only 45 metres long as described, rather than 200 metres long as indicated by the distance between map references Agree - effects minor for erosion protection works, provided this occurs in low flow period (1000L/s represents approximately half the mean flow and could be considered an indicative low flow point), out of flowing water, and nesting birds avoided. Conditions (5), (6), (8)-(11), (13), (14) & (16)	Effects minor, subject to conditions
	CRC073236 – Pipeline Works will occur in	Works to occur over a week	Effects minor, subject

	autumn/winter when flows are at their lowest, spoil will be removed from site, works out of flowing water as far as practicable, sediment discharge to be minimised	and will require diversion of existing river channels to enable staged excavation and installation; works likely to occur in flowing water; method of works, including mitigation to reduce sediment discharge, needs to be clarified; timing of works may affect spawning fish; nesting birds to be avoided. Conditions (4)-(9), (11) & (15)	to conditions
Bed erosion and flooding	CRC073235 – Intake and erosion protection works Low gravel bund is designed to wash out in high flow event, no impact on flood carrying capacity, remedial work to restore bank stability after works; erosion protection works minor in scheme of the river; no flood protection structures in the vicinity, remedial works to restore bank stability	Agree – effects minor for existing gravel bund, subject to conditions Agree – effects minor for erosion protection works, subject to conditions Conditions (1), (7), (12) & (16)	Effects minor , subject to conditions
	CRC073236 – pipeline No effect on flood carrying capacity as pipeline buried 1-2 metres below bed level	Length of between notified locations of activity is approximately 125 metres, rather than 60 metres as described in AEE, conditions should reflect actual length of buried pipeline; effects minor, subject to conditions Conditions (4), (5), (10), (13)-(15)	Effects minor, subject to conditions
Artificial structures	CRC073235 – Intake and erosion protection works Bridge 1.5km downstream, unaffected	Agree – effects minor Conditions (1) & (2)	Effects minor
	CRC073236 – pipeline Bridge 1.5km downstream, unaffected	Agree – effects minor Conditions (1) & (2)	Effects minor
Amenity values	CRC073235 – Intake and erosion protection works Intake site not visible to the public; works located within Godley Peaks Station; small scale of works	Agree – effects minor for gravel bund, subject to conditions Agree – effects minor for erosion protection works, subject to conditions Condition 16	Effects minor
	CRC073236 – pipeline Works occurring for a short period of time	Pipeline to be buried over 125m so not exposed, reduction of sediment and timing of works to mitigate effects on anglers; effects minor, subject to conditions Conditions (4) & (5)	Effects minor
Tangata	CRC073235 – Intake and		

Whenua values	erosion protection works Accidental discovery protocol	Protocol appropriate; Te Runanga o Ngai Tahu have submitted in opposition Condition (15)	Effects uncertain
	CRC073236 – pipeline Accidental discovery protocol	Protocol appropriate; Te Runanga o Ngai Tahu have submitted in opposition Condition (12)	Effects uncertain

Table 2: Summary of Assessment of Effects

Effects on water quality and ecosystem values

30. *CRC073235*

Regarding the gravel bund and erosion protection works at the discharge site, mitigation has been proposed by the applicant, and further conditions are recommended, to ensure that adverse effects on water quality and ecosystems will be no more than minor.

31. *CRC073236*

Regarding the proposed pipeline across the Mistake River, the applicant has not identified the method of works, which will necessarily involve diversion of river channels over a one week period, and sediment discharge from excavation can be expected. Mitigation has been proposed with respect to timing of works, to ensure works occur during low flows over the winter period, but it is not clear that this would satisfactorily address effects of sediment discharge on aquatic species.

32. If works are to occur within the months of January or February, then fish spawning periods for salmonids and native species will be avoided, reducing the potential for sediment discharge to adversely affect aquatic species spawning in the stream. The applicant has not discussed effects on nesting birds. Undertaking works outside of bird nesting season is also recommended, and again, February would be appropriate. Hydrological data indicates stream flows in February are likely to be lower than January, which may help to reduce works in flowing water. Works at other times of the year have the potential to have a greater adverse effect on species present in the stream and its margins.

33. In summary, effects of the proposed activity on water quality and ecosystems are expected to be minor, subject to conditions recommended to address the matters raised above.

Effects on erosion and flood carrying capacity

34. CRC Senior Engineer Bruce Scarlett commented on the proposal, and indicated that provided standard conditions were adhered to, effects of the proposed activity on erosion and flood carrying capacity would be minor.

35. With respect to the pipeline within the bed of the Mistake River, provided the pipeline is buried 2 metres below the lowest bed level, effects on flood carrying capacity are expected to be minor. Further assessment will be required regarding the proposed channel diversion to undertake works.

36. In summary, I am satisfied that, subject to conditions, effects on erosion and flood carrying capacity will be minor for the proposed activity.

Conclusion

37. With regard to s104(1)(a), the actual and potential effects of the proposed activity have been discussed above.
38. For CRC073235, I am satisfied that under s104(1)(a), the actual and potential effects of the proposed activity are likely to be minor, subject to conditions.
39. For CRC073236, I am satisfied that under s104(1)(a), the actual and potential effects of the proposed activity will be minor, subject to conditions.

Relevant Statutory Provisions (s104(1)(b))

Regional Policy Statement (RPS)

40. Under Section 104(1)(b)(iii) of the RMA, the consent authority shall have regard to any relevant regional policy statement. The Canterbury Regional Policy Statement has been operative since 26 June 1998.
41. Of significance to these applications is Chapter 10, which relates to the management of the beds of lakes and rivers and their margins. Policy 1 requires identification of areas of natural character and significant habitats of indigenous flora and fauna and avoidance of adverse effects on them. The applicant has identified indigenous fish species in the river, and proposed mitigation, with further mitigation is recommended to protect fish and bird species present. Policy 4 requires that adverse effects on flood carrying capacity are avoided or mitigated. Effects on flood carrying capacity are not considered to be a concern for these applications.

Proposed Natural Resources Regional Plan (PNRRP)

42. The objectives and policies of the PNRRP that are relevant to each potential adverse effect have been identified in the introductory s42 report.
43. Of particular relevance to this application is Objective BLR1, which seeks to ensure that the activity does not restrict flood carrying capacity; erode the bed or banks of rivers, result in an increase in undesirable or pest plant infestation, or adversely effect natural character, outstanding natural features and landscapes, or indigenous habitats and species. Objective BLR2 further seeks to ensure that the habitats of breeding birds and indigenous fauna are not disrupted or damaged by human activity. I am satisfied that these objectives will be met in relation to application CRC073265, but there remains doubt about application CRC073236 in relation to effects on aquatic species as a result of sediment discharge.

Part II Purpose and Principles

Purpose of the RMA (s5)

44. Under Section 104, the consent authority must consider applications “subject to part II” of the RMA. The purpose of the RMA (Section 5(1)) is to:

“promote the sustainable management of natural and physical resources.”
45. Section 5(2) defines the meaning of “sustainable management”, which is to manage resources in a manner that provides for the social, economic and cultural wellbeing of communities while protecting the life-supporting capacity of the environment for the

needs of future generations. This section also states that this should be achieved by “avoiding, remedying or mitigating” the adverse effects of activities.

46. The proposal will allow the development of land to occur, which may provide for the economic and social well-being of the community. The applicant however has not proposed measures to “avoid, remedy or mitigate” the potential impacts on ecosystems, in relation to application CRC073236, as required in Section 5(2)(c).

Matters of National Importance (s6)

47. Sub-sections (a), (b), (c) and (e) of Section 6 of the RMA are particularly relevant to this application. The proposal will include a change in natural character on the margin of a high natural character waterbody within an outstanding natural landscape. The small scale of activity is unlikely to adversely affect natural character and landscape value. The activity includes adverse effects on a habitat of significant indigenous fauna. Mitigation will ensure effects are no more than minor. Adverse effects on indigenous species, not adequately mitigated, have potential to impact on the relationship of Maori to their culture and traditions., but mitigation should address this matter.

Other Matters (Section 7)

48. In achieving the purpose of the RMA, the consent authority is directed to have particular regard to a number of matters as set out in (a) – (j) of Section 7.
49. Section (a) refers to kaitiakitanga, which requires best practice be management of resources, and is relevant to the timing and method of works, particularly in relation to sediment control.
50. Section (c) relates to maintenance or enhancement of amenity values. The proposed activities are likely to impact on amenity values to a minor extent.
51. Section (d) refers to intrinsic values of ecosystems, which is relevant to aquatic species and bird species that may be disturbed during installation and maintenance of structures. Mitigation can address this matter in relation to CRC073265, but adverse effects in relation to CRC073236 are unclear and specific mitigation has not been identified.
52. Section (h) refers to the protection of the habitat of trout and salmon, which is relevant to the timing of works in relation to CRC073226.

Principles of the Treaty of Waitangi (s8)

53. Section 8 of the RMA requires the consent authority to take into account the principles of the Treaty of Waitangi. The site lies within the rohe of Te Runanga o Arowhenua and Te Runanga o Waihao. Te Runanga o Ngai Tahu have submitted in opposition to the application.

RECOMMENDATION

Grant or Refuse

54. Section 104B applies to any application which is a discretionary or non-complying activity and states that the consent authority may grant or refuse the application and may impose conditions under s108.

55. The applicant proposes to: maintain an existing gravel bund, used to divert water to an irrigation intake structure; install and maintain erosion protection works at the exit of an existing water race; and to install a buried pipeline within the bed of the Mistake River.
56. I am satisfied that CRC073235 can be granted, subject to conditions, as discussed in the assessment of effects section and identified in the following section.
57. I am satisfied that CRC073236 can be granted, subject to conditions, as discussed in the assessment of effects section and identified in the following section, and subject to the applicant obtaining the necessary water permit for channel diversion, required to ensure works occur out of flowing water.

RECOMMENDED CONDITIONS

58. Comments on the mitigation proposed by the applicant for each application are provided earlier in this report.
59. If the Commissioners decide to grant these applications, a list of conditions that are usually included in a permit to disturb the bed and banks of a waterway, and explanation for their inclusion, are provided in Appendix 6 of the introductory s42A report.
60. A list of conditions for these applications is included below; however, it is not clear that these conditions would adequately mitigate adverse effects on ecosystems with regards to application CRC073236. The italicised conditions are shorthand, with the full condition listed against the unique identifier in Report 1, Appendix 6.

CRC073235 – Diversion bund and erosion protection works

Scope

LU01

1. a) Works in the bed and banks of Mistake River shall be limited to installation and maintenance of:
 - i. a gravel bund up to 45 metre long and 1 metre high, for the purpose of diverting water to an existing irrigation intake structure;
 - ii. erosion protection works, consisting of rock rip rap, at the outlet of an existing water raceb) Works described in a) shall not occur below the natural level of the river bed.

Location

LU2

2. a) Works described in Condition 1(a)(i) shall only be carried out between map references NZMS 260 I37:062-036 and NZMS 260 I37:064-036.
b) Works described in Condition 1(a)(ii) shall only be carried out at map reference NZMS 260 I37:068-038.

Prior to works

3. *LU08 Consent given to all on site*

4. The Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager shall be notified not less than 48 hours prior to the commencement of works.

Works/Construction

5. a) Works described in Condition 1(a)(i) shall take no longer than 1 hour to complete.
b) Works described in Condition 1(a)(ii) shall take no longer than 2 days to complete.
6. a) Works described in Condition 1(a)(i) shall only occur in times of high natural sediment load in the river.
b) Works described in Condition 1(a)(ii) shall only occur within the months of June, July and August when the natural flow in the river is below 1000 litres per second.
7. There shall be no stockpiling of materials at the works site.
8. *LU21 Storage of fuel...the bed and banks of Mistake River*
9. Machinery shall be free of plants and plant seeds prior to arrival at the works site, and prior to use within the river bed.
10. To prevent the spread of Didymo or any other aquatic pest, the consent holder shall ensure that activities authorised by this consent are undertaken in accordance with the Biosecurity New Zealand's hygiene procedures. Note: You can access the most current version of these procedures from the Biosecurity New Zealand website <http://www.biosecurity.govt.nz> or Environment Canterbury Customer Services
11. *LU23 Minimise adverse effects on various values*
12. *LU011 No erosion of bed and banks – Mistake River.*
13. All practicable measures shall be undertaken to minimise the discharge of sediment to Mistake River, arising from the works.
14. Works in water shall be kept to the minimum practicable to undertake the works.

Accidental Discovery Protocol

15. *LU09 Arowhenua Runanga and Waihao Runanga*

Upon Completion

16. *LU27 Remove spoil and waste material*

Administration

17. *AD05 Review*
18. *AD06 Lapse*

CRC062870 – Pipeline across the Pukaki River

Scope

LU01

- a) Works in the bed and banks of Mistake River shall be limited to installation and maintenance of an irrigation supply pipeline, including:
 - i. excavation of a trench up to 1 metres wide, 125 metres long, and 2 metres deep; and
 - ii. installation of a 200mm diameter pipeline
- b) The pipeline described in 1(a) shall be buried to a minimum depth of 1 metre and a maximum depth of 2 metres below lowest bed level.

Location

1. *LU2 Works* shall only be carried out within the bed and banks of Mistake River between map references NZMS 260 I37:070-038 and NZMS 260 I37:071-039, to ensure the buried pipeline extends the full width of the river bed.

Prior to works

2. *LU08 Consent given to all on site*
3. The Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager shall be notified not less than 48 hours prior to the commencement of works.

Works/Construction

4. Works to install the pipeline described in Condition 1 shall take no longer than 1 week to complete.
5. There shall be no stockpiling of materials within the bed or banks of the river.
6. *LU21 Storage of fuel – Mistake River*
7. Machinery shall be free of plants and plant seeds prior to arrival at the works site, and prior to use within the river bed.
8. To prevent the spread of Didymo or any other aquatic pest, the consent holder shall ensure that activities authorised by this consent are undertaken in accordance with the Biosecurity New Zealand's hygiene procedures. Note: You can access the most current version of these procedures from the Biosecurity New Zealand website <http://www.biosecurity.govt.nz> or Environment Canterbury Customer Services
9. *LU23 Minimise adverse effects on various values*
10. *LU011 No erosion of bed and banks – Mistake River*
11. *LU07 Avoid nesting birds*

Accidental Discovery Protocol

12. *LU09 Arowhenua Runanga and Waihao Runanga*

Upon Completion

13. After installation of the pipeline described in Condition 1, the trench shall be backfilled over the pipeline with excavated material and compacted to level of the surrounding river bed.
14. *LU27 Remove spoil and waste material*
15. Upon completion of works, the site shall be restored to its original condition, as far as is practicable, including, but not limited to, levelling the excavated area to the level of surrounding river bed and covering the area with river stones consistent with the surrounding river bed.

Administration

16. *AD05 Review*
17. *AD06 Lapse*



Signed: _____

Date: 28 August 2009

Maria Bartlett
Consents Investigating Officer

REFERENCES

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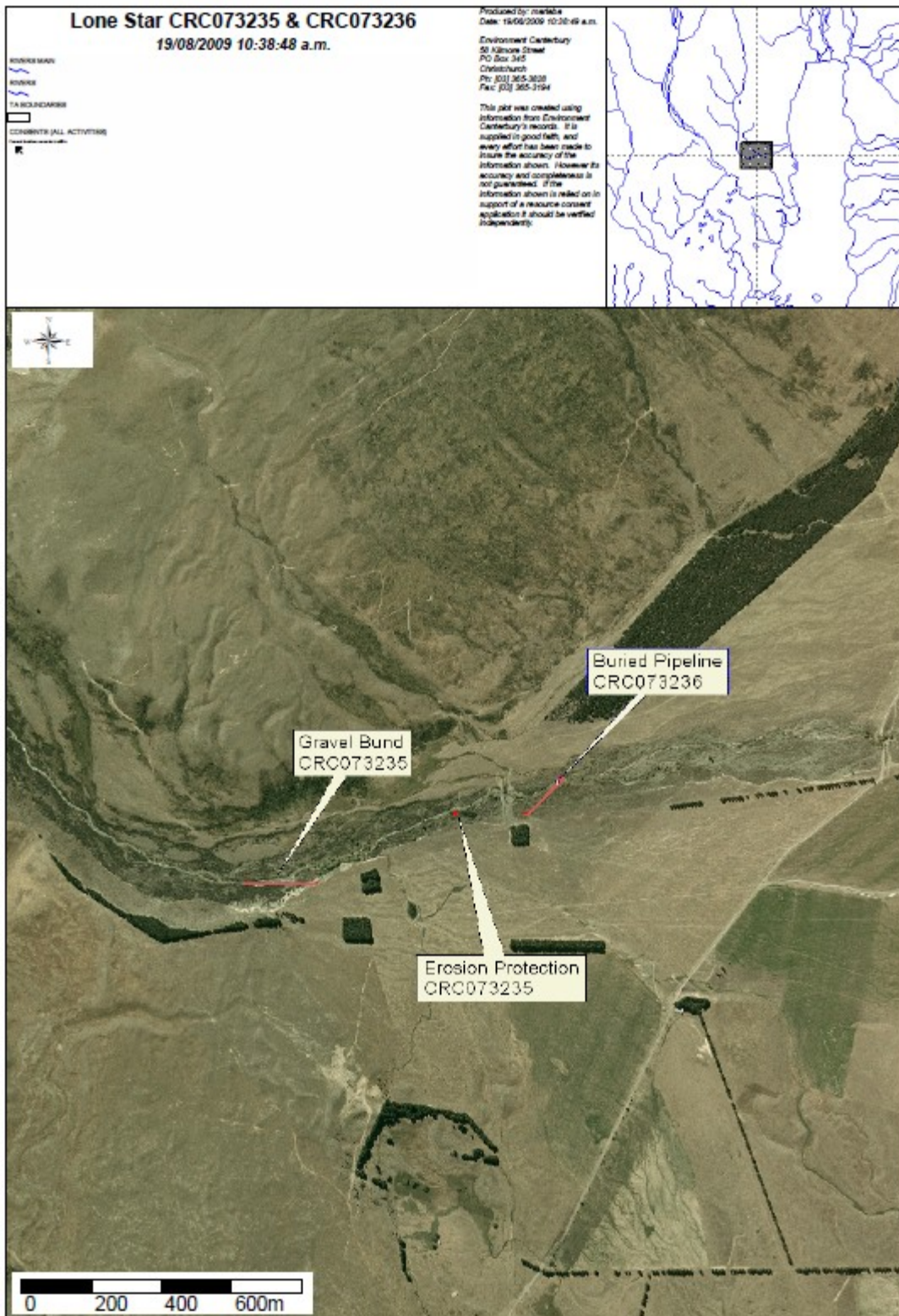
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ATTACHMENT ONE – LOCATION MAPS



ATTACHMENT TWO – PHOTOS OF SITE LOCATIONS

Mistake River intake

Photos taken by Gillian Ensor during site visit to Godley Peaks Station on 4 February 2009. Proposed intake location for Pukaki Irrigation Company Limited is now adjacent to the independent intake site proposed by Glentanner Station Limited.



Photos 1 – diversion from Mistake River



Photo 2 – close up of gate on diversion channel