

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of applications for resource consent by the Central Plains Water Trust and a notice of requirement for the designation of land by Central Plains Water Limited associated with the construction and operation of the Central Plains Water Scheme

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**SUBMISSIONS OF  
NORTH CANTERBURY FISH AND GAME COUNCIL  
ON PROPOSED CONDITIONS**

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## **SUMMARY OF ISSUES**

1. An attached table sets out North Canterbury Fish and Game Council's ("Fish and Game") comments on specific conditions and amendments sought. The following is a summary of Fish and Game's concerns.

### **Fish screens**

2. Fish and Game remains of the view that fish screen mesh size should be specified in the consent and should be in accordance with the NIWA guidelines. In this regard we refer you back to the evidence of Davor Bejakovich. Fish and Game agrees with the condition proposed by Environment Canterbury, which is consistent with the conditions imposed for the Ashburton Community Water Trust consents.
3. Fish and Game have also reviewed the comments made by Dr Meredith and agree with his suggested amendments.

### **Access**

4. In Minute 14 it was suggested that there needed to be conditions protecting access to the river both during construction and long term within the scheme. It was also suggested conditions specifically mention popular access points such as Steels Road on the Rakaia.
5. Fish and Game felt uncomfortable with the idea of specifying main access points and believed a general condition protecting all access points was more appropriate.
6. Condition 23 of consent CRC102331 somewhat achieves this with the wording:

*The works shall not impede existing access to and along the Rakaia and the Waimakariri River.*

7. Fish and Game do not agree with the suggested amendment by the Applicant by replacing the word “impede” with “prevent”. This seems to weaken the intent on the condition which is to maintain all current forms of access including both walking and vehicle access.
8. Fish and Game suggest that the following is more appropriate:

*All existing access points, both vehicle and walking, to and along the Rakaia and Waimakariri Rivers shall be maintained or enhanced by any associated works, diversion, or structures put in place by the consent holder.*

### **Waimakariri Intake**

9. Fish and Games still remain concerned with the location of the proposed take. Without an exact point of take being identified we find it hard to assess or comment on the potential adverse effects.
10. There is a grid reference specified by Environment Canterbury in Schedule A.4. The wording “at about” when describing the location still leaves some uncertainty to the placement of the intake structure and the effects that may cause.
11. Fish and Game undertook a site visit on the 10 March to the potential intake site. There is a range of issues at this site. Specifically the effects on boating and kayaking safety and the potential to place the intake on a part of the river where shoals of fish are often observed. I also identified areas near this grid reference where an intake would be more appropriate from a boating and fish effects point of view. It seems that variations of even as little as 20 metres could make a significant difference.

### **Controls on abstraction from the Waimakariri River**

12. Fish and Game has reviewed the memorandum by Maurice Duncan and had received advice from its own technical advisors in relation to the proposed "holiday rule" for restriction on abstractions. Fish and

Game understand that this will provide very limited benefits to the fishery and angling opportunity given the minimum flow regime now proposed. We acknowledge that there may be greater benefits for other recreational groups. Accordingly, Fish and Game has no specific comment on the conditions for the purpose of this hearing and reserves its position in relation to the minimum flow regime.

13. However we are interested to know, if this condition is considered by all to be inadequate then what is going to mitigate the effects of this water take. In Minute 12 the Commissioners stated that they thought the 25 cumec take from the Waimakariri would be sustainable, with the addition of mitigating conditions. If the "holiday rule" is concluded to be inadequate then clearly some new mitigation measures need to be introduced.

### **Management Plans**

14. Fish and Game continues to be concerned that conditions contain an adequate level of detail and do not leave such detail to management plans. While such plans offer an opportunity for adaptive management there needs to be some level of certainty of outcome and protection of environmental values considering the scale and uncertainty involved with the project. Accordingly, Fish and Game disagrees with the Applicant's suggestions to remove such matters of detail to be dealt with later through management plans and instead supports the level of detail provided through Environment Canterbury's proposed conditions.

### **General Conditions**

15. Fish and Game believe that there are two genuine mistakes that need correcting in the General Conditions.
16. Condition 6(a) needs the following amendment:

*Where activities involve works in the beds and margins of rivers or water courses, the consent holder shall ensure:*

*Fish and Game New Zealand - ~~Central South Island Region~~  
North Canterbury Region and The Department of  
Conservation shall be notified of the intention to carry out  
works, and their intended type and scope that are likely to  
cause significant disturbance of fish and bird life, not less than  
48 hours prior to their commencement.*

17. Condition 6(d)(iii) needs the following amendment:

*Instream works shall not be undertaken during the period ~~1 October~~  
~~to 30 March~~ 1 May to 30 September unless the Canterbury Regional  
Council has notified the consent holder that it is satisfied from a report  
by a suitably qualified person engaged by the consent holder that the  
effects of the proposed works on fish spawning and spawning habitat  
will be no more than minor.*

Tony Hawker  
On behalf of the North Canterbury Fish and Game Council

12 March 2010

## COMMENTS ON SPECIFIC CONDITIONS

### Environment Canterbury Consents

Consent number	Consent description	Condition	Comment by Fish and Game
CRC061972	Take water from the Waimakariri River at a maximum rate of 24m <sup>3</sup> /s	Introduction	Agree with CPW that the reference to 40m <sup>3</sup> /s should be 24m <sup>3</sup> /s
		6(a)(ii)	Agree with ECan's proposed condition which accords with the NIWA guidelines for fish screens. Mesh size should be specified in the condition.
CRC0211091	Discharge contaminants and water during construction	2, 3, 4, 17, 19, 26	Agree with ECan's proposed conditions. The detail set out in conditions is required as this is a large scale project with potential adverse effects such that it is not appropriate to leave such matters for a management plan.
		14	Agree with ECan's proposed condition. Disagree with CPW's proposed provision for relaxation of sediment control measures.
		24	The condition needs to be specific, therefore Fish and Game advocate the use of Rule WQL6 of the PNRRP rather than schedule 1. Agree with ECan's proposed conditions.
CRC102332	Discharge contaminants and water during construction		Agree with ECan's proposed conditions. The detail set out in conditions is required as this is a large scale project with potential adverse effects such that it is not appropriate to leave such matters for a management plan.

CRC102333	Discharge contaminants and water during scheme operation and maintenance	2, 3, 4, 17, 19, 26	Agree with ECan's proposed conditions. The detail set out in conditions is required as this is a large scale project with potential adverse effects such that it is not appropriate to leave such matters for a management plan.
		14	Agree with ECan's proposed condition. Disagree with CPW's proposed provision for relaxation of sediment control measures.
		24	The condition needs to be specific, therefore Fish and Game advocate the use of Rule WQL6 of the PNRRP rather than schedule 1. Agree with ECan's proposed conditions
CRC102334	Discharge stormwater which may contain contaminant onto or into land and into water		Agree with ECan's proposed conditions. The detail set out in conditions is required as this is a large scale project with potential adverse effects such that it is not appropriate to leave such matters for a management plan.
CRC061928	Discharge water for dewatering purposes during construction	6	Agree with ECan's proposed conditions, any relaxation of the Dewatering Management Plan restrictions should require an application to amend under s127.

**Selwyn District Council Consents**

<b>Consent number</b>	<b>Consent description</b>	<b>Comment by Fish and Game</b>
Section 3	River Access	It is important that the access conditions imposed by SDC do not conflict with those proposed by ECan. AS it is worded at the moment that seems to be the case. Fish and Game recommends that access condition are more aligned with ECan's wording.