

**Before The Canterbury
 Regional Council**

In the Matter

Of: Applications
 associated with the
 take and use water
 in the Hakataramea
 Catchment

Further Minute to Parties

1. On 3 March 2010 we (the Panel) resumed the hearing of these applications at Christchurch in accordance with earlier Minutes to Parties on 3 December 2009 and 4 December 2009. At the conclusion of this resumed hearing we again adjourned these proceedings sine die on 21 days notice.
2. At the time of the resumed hearing we assumed that the parties, both the applicants and the submitters and in particular, the Central South Island Fish and Game Council which was the only submitter to enter an appearance at the resumed hearing, were in possession of information concerning environmental flow regimes (EFR's) for the tributaries of the Hakataramea River that we had received from the Canterbury Regional Council's Chief Executive in response to the request made in our Minute to Parties dated 18 May 2009. A copy of that information is annexed to this Minute as Appendix 1.
3. After inquiring from staff at the Regional Council we are not confident that the parties do have this material even though at the resumed hearing the evidence of Mr David Stewart referred to some of the material upon which the EFR's in Appendix 1 are based.
4. Appendix 1 is an important document. It provides the plan basis for the EFR's in respect of the tributaries that are involved in these proceedings in terms of Rule 2 Table 3 row xxii of the Allocation Plan.
5. If we are to apply row xxii, where applicable, in these proceedings then Appendix 1 must be applied unless we have very good reasons for not doing so and those reasons can be justified in terms of section 104D and Part 2 of the Resource Management Act 1991. Appendix 1 now forms part of the rules of the Plan. We recognise immediately that the Appendix is not complete but we ask the parties to consider the note at the foot of the document and in that connection we add that the officers' recommendations referred to do not necessarily solve our problems even if they were legally capable of doing so.
6. We also record here that the applicants seeking consents to harvest water from the tributaries have asked us to apply that part of the EFR for the Hakataramea

River contained in row xix of Table 3 of the Plan that provides for abstractions from the River without limit when the flow in the River is above 4.5cumecs, as the sole constraint on such takings. However we are not minded to do this. To protect the tributaries we think there should be a flow sharing regime even if, in some cases, the 4.5 cumecs constraint is to apply.

7. Our tentative view is that where Appendix 1 can clearly be applied (for example, in the case of Homestead Stream and Station Stream where mean flows are provided) then that should be the regime. Where that is not the case then the 4.5 cumecs constraint could be applied but with a flow sharing in the relevant tributaries.
8. We are now in the process of finalising our decisions in respect of all these applications. However before we do so we invite the parties to respond to this Minute by memorandum in the first instance, regarding the applicability of Appendix 1 and the tentative view expressed above.
9. The parties responses should be provided to Mr Donald Fraser at Environment Canterbury no later than 9 April 2010. If the Parties want the hearing resumed once again we will consider that on such a request being made

Dated at Christchurch this 22nd day of March 2010



Peter Skelton

Commissioner and Panel Chair



9 July 2009

Commissioner Peter Skelton
c/- Mr Donald Fraser
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Dear Peter

MINIMUM AND MEAN FLOWS

As per the Minute to parties dated 18 May 2009 the Commissioners sought confirmation by resolution of the Council of the assessments of the mean and minimum flows for water bodies where there are applications for resource consents in the lower Waitaki Catchment.

On Wednesday 10 June 2009 the Canterbury Regional Council resolved the following:

"That authority be delegated to the Chief Executive, enabling him to provide the flows that comply with the formulas for environmental flows prescribed in Table 3 of the Waitaki Catchment Water Allocation Regional Plan."

As per the resolution, please find as Attachment One a table which lists the water bodies where there are resource consent applications before the Commissioners. The table lists the 5-year, 7-day low flows and mean flows for those water bodies relevant to the calculations as outlined in the Waitaki Catchment Water Allocation Regional Plan.

I trust that this information satisfies the requirement of the Commissioners as set out in the Minute of 18 May 2009.

Yours Sincerely

Dr Bryan Jenkins
CHIEF EXECUTIVE

Our Ref: CO6C/26008H

Your Ref:

Contact: Donald Fraser

Attachment One: The 5-year, 7-day low flows and mean flows for water bodies where there are resource consent applications.

Tributary	Location of min flow site	7DMALF (l/s)	1 in 5yr 7DMALF (l/s)	Mean flow (l/s)
Otekaieke River	@ Weir	-	200	1152
Kurow River	@ Curries	-	165	733
Homestead Stream	@ Haughs Gorge	6	cannot be calculated	161
McKays Stream	@ Haka Valley Rd Bridge	49	7	cannot be calculated
Kirkliston Stream	@ Above water supply	-	64	cannot be calculated
Peters Stream	@ Cloverbank	9	cannot be calculated	cannot be calculated
Mortens Stream	@ confluence Grampians	58	cannot be calculated	cannot be calculated
Grampians Stream	@ Haka Valley Rd Bridge	-	57	cannot be calculated
Station Stream	@ Kirkliston foothills	-	67	224
Farm Stream	Padkins Stream @ Haka Valley Rd Bridge	-	66	192

Please note, where it states that the 5-year, 7-day low flow or mean flow cannot be calculated, I refer you to the recommendations in the officers' reports presented at the hearing for what an appropriate minimum flow would be for those applications.