

22 December 2020



Bowden Environmental
Attention: John Talbot
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Kaiapoi 7644

john@bowden.co.nz

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Dear John

Request for Further Information

Application Number/s: CRC212078, CRC212079 and CRC212384

Applicant Name: J.S. RUTHERFORD

Activity Description: to disturb the bed of the Waiau River and associated discharge of sediment and diversion of water.

As you are aware, I have been processing the above resource consent application.

The information listed in Attachment 1 to this letter is hereby requested under Section 92 of the Resource Management Act 1991 (the RMA). As this information is required in order to fully understand the potential effects of the proposal, we are unable to further process the application until it has been supplied.

The options available to you under Section 92A(1) of the RMA are summarised below. A response is required by 29 January 2021. You must choose one of these options.

A. Supply the requested information by 29 January 2021

If the information can be easily collated and supplied by this date, please provide it in writing (via email is fine) to both myself and Saskia Wilson.

B. Agree in a written notice by 29 January 2021 to supply the information requested

Sometimes technical information will take some time to collate or key contacts may not be immediately available. If you need more time to supply the information requested, please advise me in writing when you can provide the information. You can do this via email or letter.

C. Refuse in a written notice by 29 January 2021 to supply the requested information

If you choose not to provide the requested information by the above date, or any date subsequently agreed to by the Canterbury Regional Council, then your application must be publicly notified and may be declined.

Public notification enables any member of the public, including potentially affected parties, to submit on your proposal. If submission/s are received on your application, then you can expect a

hearing to be held. Information on [the notification process](#) and on the [likely costs](#) for notification and a hearing can be found on our website.

Please contact me via email (susannah.black@ecan.govt.nz) or phone (03 367 7391) if you have any questions. Saskia Wilson will take over processing of this application on 11 January so please contact her (Saskia.wilson@ecan.govt.nz or 03 367 7452) from then.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Susannah Black', with a stylized, cursive script.

Susannah Black
Senior Consent Planner

cc:
Jon Scott Rutherford
Landsborough
639 Leslie Hills Road
RD 1
Waiau 7395

ATTACHMENT 1

Information Requested under Section 92 of the Resource Management Act 1991

Application Number/s: CRC212078, CRC212079
and CRC212384

Date: 22/12/2020

1. A description of the site at which the activity is to occur

- a. In order to determine if there are any potential effects from the works on significant indigenous vegetation and significant habitat of indigenous fauna, please provide a detailed description of the location of works and details of vegetation within the area of works as well as within 500 metres.
- b. A high-resolution map showing the upper and lower extent of works or grid references for the area of works would be useful to identify the area where machinery will be working.
- c. Please describe access to the proposed works, are there existing tracks or will machinery be driving across areas of riverbed?

2. An assessment of the activity against any relevant objectives, policies and rules of proposed Plan Change 7 to the Canterbury Land and Water Regional Plan

Plan Change 7 was notified 20 July 2019. As this application was lodged after this date, an assessment of the proposal against any relevant provisions of proposed Plan Change 7 is required.

3. Description of the activity

Thank you for the recent emails with details of associated consents. However, the following information will help further understand the proposal.

- a. Resource consent CRC040830 provides for the diversion of water towards the applicant's abstraction point. Will the rate and/ or volume of water diverted at this point increase as a result of this proposal?
- b. Please identify the location where the diverted water will be returned to the main braids of the Waiau River.

4. Potential adverse effects on instream values and natural character including cumulative effects

While an assessment has been provided on these matters, given the scale of the proposal further information is requested so potential effects can be fully understood. The assessments below should consider the cumulative effects of this proposal.

This means that the full reach of river from where the diversion of 2 cumecs is proposed to occur through to the point where the diverted 2 cumecs is returned to the main branch of the Waiau River needs to be considered. This could be in the vicinity of the location of diversion under CRC040830, or further at Pass Stream if more water is going to be diverted along the channel authorised under CRC040830 – the information requested in (3) above should clarify the extent of cumulative effects.

With this in mind please provide:

- a. A detailed assessment of ecosystem values along the reach of river from the proposed diversion to the point where the water will be returned to the mainstream of the Waiau River. This should include but not be limited to:
 - i. Details of all fish species present. The Department of Conservation (DoC) have provided initial comments on your application and note that not all 15 species mentioned have been named and the scientific name of one species is incorrect. An assessment by a suitably qualified expert in aquatic ecology identifying all species (exotic and native) present is requested.
 - ii. An assessment of hydrology of the braids in the river in the subject area and the potential effect of diverting 2 cumecs away from those braids. This should include a description of the channel immediately upstream of where water will be diverted.
 - iii. Potential for fish stranding in downstream braids where the depth of water lessens as a result of the diversion.
- b. In relation to the proposed works in the riverbed, DoC have suggested mitigation which could be adopted by the applicant to mitigate potential adverse effects on fish, juveniles and threatened long finned eel. Please advise if you wish to adopt this mitigation or provide further assessment addressing their concerns:

Upon extraction of gravel from the water it is to be checked for the presence of fish, and all native and sports fish are to be carefully captured and placed back in the river. Any pest fish that are found are to be destroyed and reported to DOC. Pest fish include rudd (Scardinius erythrophthalmus), koi carp (Cyprinus carpio), gambusia (Gambusia affinis) and catfish (Ameiurus nebulosus). Eel/tuna (Anguilla spp.) will often emerge from excavated material some hours after its removal and so the gravel could either be placed very near the water, so emerging eel/tuna can find their own way back, or the gravel piles need to be checked again several hours after extraction and any eel/tuna carefully captured and returned to the river.

- c. An assessment of natural character carried out in accordance with the guidelines set in Environment Canterbury Report R18/35 – Natural character assessment guidelines for braided rivers ensures a consistent approach in assessing such values.
- d. Minimum flow – the Hurunui Waiau Regional Plan clearly sets the expectation that a consent to divert water is managed within the Plans flow and allocation regimes. Where a consent cannot comply with that it becomes a prohibited activity. There is a significant distance between the diversion and the irrigation takes which are as you have advised managed on minimum flows. During times of low flow there is the possibility for the 2 cumecs of water to continue flowing along the ‘applicants’ channel to Pass Stream rather than in the main branch of the Waiau River.

Please provide further assessment addressing the absence of a minimum flow and how this fits within the rules in the Plan and any resulting potential effects on the river as described above.

5. Potentially adversely affected parties

- a. L H Dairy Limited are considered to be adversely affected due to potential effects of the increased diversion on their existing consents, as well as possible flood risk to their property.

- b. The riverbed where the proposed works are to occur is LINZ Managed Crown Property. No evidence of their support for the proposal has been provided. You may wish to contact them (email for contact is Poppy.Simpson-Wells@colliers.com) to confirm they support the proposed activities.
- c. There are a number of shallow groundwater bores on the opposite side of the river, diversion of flow away from the natural flow of the river towards those bores has the ability to adversely effect their reliability of supply. The hydrological assessment requested in (4)(a)(ii) above may also be able address this matter.