

15 January 2018

Otago Regional Council
Private Bag 1954
Dunedin 9054

Dear Sir/Madam,

Notified Resource Consent Applications RM17.301 Lindis Catchment Group Limited

I refer to the application by Lindis Catchment Group Limited for resource consents for multiple existing water takes from the Lindis River catchment, and associated activities.

Please find enclosed a submission by the Director-General of Conservation in respect of this application. The submission is in opposition to part of the application. The attached submission describes the Director-General's concern in greater detail.

Please contact Geoff Deavoll in the first instance if you wish to discuss any of the matters raised in this submission (gdeavoll@doc.govt.nz 03 371 3712).

Yours sincerely



Aaron Fleming
Director Operations, Southern South Island
Department of Conservation

Form 13: Submission on publicly notified application concerning resource consent

Resource Management Act 1991

To: Otago Regional Council

Name of submitter: Director-General of Conservation

Applicant: Lindis Catchment Group Limited

Locations: Lindis River catchment, Central Otago

Description of activity: To take and use surface water, to take and use groundwater, to construct bores, and to transfer water permit by name and location.

Application number: RM17.301

My submission is: I am opposed to parts of the application pertaining to the taking of water from some tributary streams (Rocky Creek, Long Spur Creek and Cluden Stream) in the upper Lindis River catchment.

The specific reasons for my submission are that:

General

I support the proposal to decommission the four existing water race takes currently abstracting surface water from the mid to lower reaches of the Lindis River mainstem. Changing the existing regime to allow for a number of smaller takes via shallow groundwater takes incrementally downstream and the improvements in efficiency this provides is supported. This support is on the basis of this action contributing to a greater and more consistent flow of water in the middle to lower reach of the River and the benefit this provides to freshwater habitat and natural character.

I also support the proposed overall reduction in the primary allocation of water abstracted from the Lindis River catchment which would result from this application. The proposed reduction in actual take from the River from 3,258 litres per second, down to 1,688 litres per second will further contribute positively to the flow of water in the mainstem of the River, enhancing habitat for ecological values and also enhancing natural character of the River.

I acknowledge these specific proposed changes, as detailed in the application, are contingent on the summer minimum flow for the catchment being set at a level of 550 litres per second at the Ardour Road flow recorder. I am aware that the summer minimum flow for the Lindis River catchment is the subject of Plan Change 5A to the Otago Regional Water Plan, which is currently under appeal to the Environment Court and the Director-General of Conservation is a party to that appeal process. As the summer minimum flow will be decided ultimately by Court I will not comment further on the proposed summer minimum flow as part of this submission.

Tributary Streams

This application seeks resource consents for a number of existing water takes from tributary streams in the Lindis River catchment. The Department of Conservation has a significant interest in the tributaries that contribute water to the Lindis River, as some of these contain known habitat and populations of Clutha flathead galaxias 'species D', which is classified as Threatened - Nationally Critical. Known populations of Clutha flathead galaxias are predominantly located upstream of existing points of take other than the take from Cluden Stream, where they are found below the existing take also. The tributaries also provide habitat for other indigenous fish species, as well as trout.

While some tributaries do not seem to have a permanent natural surface flow connection to the Lindis River, it is important that the proposed takes do not exacerbate or prolong the period and length of drying that occur downstream of the take, to provide for: fish passage, habitat and natural character of the waterbody.

Residual flows are proposed in the application to be maintained downstream of the point of take in most tributaries where water is taken. There is little information in the application regarding how the proposed residual flows were determined and why they are the appropriate residual flow to provide for ecological values to ensure Objective B1 of the National Policy Statement for Freshwater Management (2014 as amended in 2017) is met. Further information is required on this aspect of the proposal.

Takes 3 and 4 Rocky Creek and Long Spur Creek:

The application details observations of periodic drying or losses of water to subsurface flow in the reach between the current takes and State Highway 8. This is put forward as justification for no residual flow being proposed for these takes, with only the mainstem minimum flow to apply to these takes.

Given the size of the combined maximum take from Rocky Creek and Longspur Creek (111 litres per second) it is unreasonable to allow this total rate of take to continue with no residual flow required to pass the point of take. This take without a residual flow is likely, at times, to artificially induce low to no flow in the reach between the take and State Highway 8, impacting negatively on fish passage and habitat. Again, as proposed this may not meet Objective B1 of the NPSFM

Takes 7a and 7b Cluden Stream:

These takes include the diversion of flow from upper Cluden Stream and discharge via a water race into Coal Creek. Water is then taken up to a combined 84 litres per second from lower Coal Creek.

The open channel water race has allowed trout to access Coal Creek, and this has led to a reduction in Clutha flathead galaxias populations in Coal Creek. DOC seeks that this diversion be discontinued, and an alternative source of water used. Screening the take in some way, if possible, may alleviate some of this concern.

The application also proposes a residual flow of 5 litres per second to be maintained below the diversion from Cluden Stream. Given the size of the diversion from the Stream the proposed residual flow is not reasonable or adequately justified in providing for ecological values downstream of the intake, being known Clutha flathead habitat, and could fail to meet Objective B1 of the NPSFM.

Decision sought:

I seek that, as currently described and sought by the application:

- takes 3 and 4 from Rocky Creek and Long Spur Creek respectively, and takes 7a and 7b from Cluden Stream and Coal Creek are declined; or that alternative points of take are considered for these water takes, or alternative residual flow arrangements are implemented to provide for or manage fish passage and natural character of these waterbodies.
- Further justification or detail is required as to how the proposed residual flows for other tributaries have been determined and therefore whether the proposed residual flows will in fact provide for ecological functioning of the waterbodies.

I do wish to be heard in support of my submission.



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Aaron Fleming
Director Operations, Southern South Island
Department of Conservation

Acting pursuant to delegated authority

15/01/2018

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Date

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

Address for service:

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