
Resource Management Act 1991

To: Otago Regional Council (ORC)

Name of submitter: Lewis Vernon Sanson

Submission by the Director-General of Conservation / *Tumuaki Ahurei*

Pursuant to section 96(1) of the Resource Management Act 1991, (RMA) I, Michael Tubbs, Operations Manager / *Pou Matarautaki*, Central Otago Kā / *Moana Haehae* District, acting upon a delegation from the Director-General of Conservation (D-G), make this submission.

This is a submission on an application from: Queensbury Ridges Limited for the following resource consents:

RM19.312.01: To take and use surface water in a non-consumptive manner and as both primary allocation and supplementary allocation from the Albert Burn

RM19.312.02: To take and use surface water as primary allocation from Schoolhouse Creek

RM19.312.03: To take and use surface water from the Clutha River/Mata-Au

My submission relates to the **residual flow and fish screen conditions**.

My submission is: I oppose the application in part.

The reasons for my submission are that:

The application as notified does not sustain the life supporting capacity of water and ecosystems under section 5(2) of the Resource Management Act 1991 (RMA); and

The application as notified does not recognise and provide for RMA matters of national importance, including section 6(a) and (c); and

The application as notified does not have particular regard to RMA matters, including section 7 (c), (d), (f) and (g); and

The application as notified does not have regard to National Policy Statement for Freshwater Management 2014 as amended 2017 (NPSFM), including Objectives A1, A2, B1 and B4, and Policies B1, B7, C1, and CA3; and

The project as currently configured is inconsistent with the Otago Regional Policy Statement (RPS) (1998); including Policies 5.4.6 and 5.4.6(a), 5.4.8, 5.3.5 and the partially Operative Otago RPS (partially operative as at January 2019) including Objectives 2.1, 2.2, 6.4.3, 6.4.4, 6.4.5 10.4.1, 10.4.2, 10.4.3 and Policies 2.1.1, 2.1.2, 2.1.6, 2.2.1, 2.2.2, 2.2.12, 2.2.13, 4.4.3, 4.5.2, 4.5.5, 4.5.7, 4.5.8, 5.4.1, 5.4.2, 5.4.5, 5.5.6, 6.5.5, 6.5.6, 6.5.7, 6.5.8, 6.5.9, 10.5.2, and 10.5.4; and

The project as notified is inconsistent with the Regional Plan: Water for Otago (RPW); including Objectives 8.3.2 (Beds and Margins), 5.3.6 (Natural and Human Use Values of Lakes and Rivers) and Policies 8.4.2, 8.5.1, 8.6.1, 8.6.2, 8.7.1 (Beds and Margins), and 5.4.8 (Natural and Human Use values of Lakes and Rivers); and

The general effects and their spatial distribution of the application identified in the Assessment of Environmental Effects (AEE) of concern to the D-G include, the following:

1. Effects on *Galaxias* “species D” and its habitat in Schoolhouse Creek.

Clutha flathead galaxias, *Galaxias* species D, Threatened Status: Nationally Critical are present in the project area, in Schoolhouse Creek.

- a) The D-G notes the efforts to remove trout from Schoolhouse Creek in the last decade and its important status as a trout-free habitat; and
- b) The D-G is concerned with the effects of proposed piping and screening of the Schoolhouse Creek water-race that could reduce the habitat occupied by *Galaxias* species D by up to 600 m.

2. Lack of detail on the fish screening for the proposed takes.

- a) The Albert Burn abstraction point already has a screen on the intake point below the weir. No information is provided on the mesh size of the screen, however a photograph in the application document indicates that it is very fine and is unlikely to impinge fish. It would be good to have this confirmed by the applicant.
- b) There is currently no screen on the water intake in Schoolhouse Creek. The applicant is proposing to install a suitably designed screened intake once consent is granted. No details of what this will entail is provided. The Schoolhouse Creek race provides habitat for *Galaxias* species D and any intake installed would need to be carefully placed and considered. If a pipe and screen is built, fish salvage of the race will need to be undertaken.
- c) The applicant’s pumps on the Clutha River/*Mata-Au* already have fish screens on them. No detail is provided on these intake screens. Additional detail on the mesh size would be beneficial.
- d) Appropriate conditions are required to detail the fish screening conditions that include; intake structure design, aperture of the proposed screen, approach and sweep velocities, particularly in Schoolhouse Creek.

I seek the following decisions from the consent authority:

The Director-General seeks that the application is declined unless the above matters are adequately addressed as follows:

- a) That a Council prehearing meeting is held to address matters of concern with submitters and the applicant, with agenda items including residual flows and fish screening/structures; and
- b) That a residual flow be set on Schoolhouse Creek that provides for a visual surface residual flow downstream of the point of take at NZTM Grid reference E1309017 N5027188 as recommended on page 18 in the ORC notification report dated 13 June 2020; and
- c) Fish screening, structures, piping, and salvage provisions are detailed in the consent conditions, including fish salvage where appropriate, intake structure geometry upstream and downstream, fish screen aperture size, sweep and approach velocities as appropriate.

That the consent authority note additional authorisations may be required under the Freshwater Fisheries Regulations 1983.

I am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

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

Dated at Alexandra this 4th day of June 2020.



Michael Tubbs
Operations Manager *Pou Matarautaki*
Central Otago District *Kā Moana Haehae*,
Alexandra
Acting pursuant to a delegation from the Director-General of Conservation¹

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¹ 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)
dgschoolhouse creek subm - doc-6312049

