

Jacob Paget

From: Neil Deans s 9(2)(a)
Sent: Wednesday, 19 June 2024 12:08 pm
To: Listed Projects; Ross Abercrombie
Cc: Meredith Lawry; Lionel Solly; Martin Rodd; Caroline Cornelius; Jo Gould; Patrick Crowe
Subject: FW: [COMMERCIAL]Feedback on FTA114 - Flaxbourne Community Irrigation Scheme

Kia ora Ross

Please find following the advice from DOC on this application for the Flaxbourne Community Scheme's application.

As noted in the advice below, the application is merely the intake for what must be a much larger reticulation and distribution scheme, so it is unclear what other approvals may be required to make the project operative. Ideally all this would be part of an application, as it would have a bearing on key issues such as the rate and timing of water takes.

There is public conservation land in the vicinity, which may need approvals to allow the project to operate effectively. Similarly, Wildlife and Freshwater Fishery approvals may be required, given the habitat use in the vicinity and effects of the application on those species' habitats and fishing opportunities.

The land is not ineligible for Fast Track consideration.

Given the nohoanga area identified in the vicinity in the Ngāi Tahu settlement it would be important to engage with Ngāi Tahu as to whether the project would meet their Treaty aspirations.

Regards

Neil Deans

Advisor – RM Reform

Department of Conservation—*Te Papa Atawhai*

s 9(2)(a)

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From: Lionel Solly s 9(2)(a)
Sent: Wednesday, June 19, 2024 11:22 AM
To: Neil Deans s 9(2)(a)
Cc: s 9(2)(a)

Subject: RE: [COMMERCIAL]Feedback on FTA114 - Flaxbourne Community Irrigation Scheme

Hi Neil

Here are our comments on this one. We have significant concerns about impacts on ecological values, but there's nothing that obviously makes the application ineligible for Fast Track.

Context

A consent application for this activity has been considered several times in the past and never been progressed, in part because the impacts of such an activity would outweigh any benefits and adverse effects cannot be adequately mitigated. It would also be expensive scheme to fully implement given the infrastructure required to convey water from the point of take to the areas of use, which has also been a constraint on it proceeding.

Public conservation land

The application indicates the activity will be on LINZ-administered riverbed, NZTA-administered road reserve, and private land. However, there is one area of public conservation land on the northern (true left) side of the river that is very close to the indicative borefield site location:

- Marginal strip – Waima (Ure) River (fixed marginal strip under s.24(3) of the Conservation Act).

Whilst not mentioned in the application, works may be required within this area (e.g. pipework to convey water from the borefield to the header tank at Single Hill might need to cross the marginal strip). If so, a concession would be required.

There are also two areas of public conservation land on the southern (true right) bank of the river, but these are outside the indicative borefield site location and should not be directly affected:

- Marginal Strip – Waima River (fixed marginal strip under s.24(3) of the CA)
- Conservation Area – Waima Hills (stewardship area under s.25 of the CA)

The public conservation land is shown on the map below (green shading = conservation area, brown shading = marginal strip).



Ecological values and wildlife approvals

There are records of eels, smelt, whitebait spp., torrentfish, bullies, Galaxias and flounder in the lower part of the Waima (Ure) River, on either side of the SH1 bridge.

The Waima rivermouth is also a highly significant spot for birds, the majority of which are threatened or at-risk. It is one of the few wetland environments in an otherwise dryland ecosystem making it a site of significance for foraging, breeding, and as an stopover spot for migrating birds. Species recorded here include Wrybill (Threatened – Nationally Increasing), Banded Dotterel (At Risk – Declining), Black-fronted dotterel (At Risk – Naturally uncommon), Black-billed gull (At Risk – Declining), Red-billed gull (At Risk – Declining), White-fronted tern (At Risk – Declining), Black-fronted tern (Threatened – Nationally endangered), South Island Pied Oystercatcher (At Risk – Declining), New Zealand Pipit (At Risk – Declining) and Bar-tailed godwit (At Risk – declining).

The application states that “*modelling undertaken as part of the groundwater assessments shows the primary impact of the take would be an increase in the number of dry river days during the summer periods, where there will be no surface flow in the vicinity of the SH1 Bridge (as compared to predicted natural conditions where the River*

frequently dries but not every year), from a typical four months of the year (December to February) [this is quoted from the application, but December to February is only three months, and local advice is that even during drought periods there is usually some flow in the river] to upward of six months (October to March)." This will directly impact on the habitat available for freshwater fish and invertebrates and on the ability for migratory species to pass to and from the sea (one effect of river drying is flows are insufficient to keep the mouth of the river open and direct connectivity with the sea is lost). It will also impact on the habitat and food available for the birds listed above.

The application proposes to mitigate these effects by including an additional 70 L/s in the groundwater take to occasionally augment (recharge) surface flows in the lower reach of Waima (Ure) River near the SH 1 bridge. Advice from local DOC staff is that the mitigation measures proposed will not work and there remains a high likelihood of significant adverse effects on natural values. However, we understand that this concern does not make the application ineligible for the Fast Track process.

The project is unlikely to require any approvals under the Wildlife Act, unless construction of the bores and associated pipework requires the disturbance of nesting birds.

Treaty Settlements

There are no Treaty Settlement obligations specific to the application site but there is a Nohoanga site on the southern side of the Waima (Ure) River, which overlaps with the Conservation Area – Waima Hills and Marginal Strip – Waima River. Details of the Nohoanga site are given in Schedule 95 of the Ngāi Tahu Claims Settlement Act 1998 and <https://ngaitahu.iwi.nz/assets/Documents/2020-08-Nohoanga-Information-Sheet-Waima-Ure-River.pdf>.

Other cultural or heritage values

There are two registered archaeological sites on the coast north of river mouth (shown on the map above), but the proposed activity should not affect these.

Matters not considered

Finally, the application notes that *"Infrastructure associated with piping water to the use locations is also required, but at this stage has not been designed or consents sought"*. That element of the scheme cannot be assessed at this stage.

Please get in touch if you have any questions.

Ngā mihi

Lionel Solly

Senior Ranger, Community | *Kaitiaki Matua, Ao Hāpori*

Department of Conservation | *Te Papa Atawhai*

Mobile: S 9(2)(a)

Whakatū/Nelson Office

S 9(2)(a)



From: Neil Deans S 9(2)(a)

Sent: Monday, June 17, 2024 4:11 PM

To: Lionel Solly S 9(2)(a) [nz>](#)

Cc: S 9(2)(a)

Subject: FW: [COMMERCIAL]Feedback on FTA114 - Flaxbourne Community Irrigation Scheme

Kia ora Lionel and Gavin

I have copied to Caroline as I was unable to contact Gavin by phone.

Another Fast Track application, this time for the Flaxbourne Community Irrigation Scheme taking from groundwater at the Ure River bridge.

I would appreciate if one of your team could have a look at this for eligibility for Fast Track consenting. Note this is confidential.

In summary, we need to know what, if any, PCL is directly affected by the project and the status of that land, to confirm it is not ineligible for Fast Track consideration.

It helps to know if there are any wildlife, freshwater fisheries or land access permissions for mining which may require DOC approvals.

We also need to know if there are any Treaty settlements which may be affected that we can advise to MfE.

Can you please provide your summary advice by noon on Thursday 19 June.

Many thanks

Neil Deans

Advisor – RM Reform

Department of Conservation—*Te Papa Atawhai*

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From: Listed Projects <ListedProjects@mfe.govt.nz>

Sent: Monday, June 17, 2024 3:57 PM

To: Neil Deans S 9(2)(a); Meredith Lawry S 9(2)(a)

Cc: Ross Abercrombie S 9(2)(a)

Subject: [COMMERCIAL]Feedback on FTA114 - Flaxbourne Community Irrigation Scheme

Kia ora Neil and Meredith

This listed project application is for FTA114 - Flaxbourne Community Irrigation Scheme.

The project has triggered your criteria for consultation.

Could you please provide comment on:

- whether the project requires any other DOC-related approvals
- if you are aware of anything that would render the project ineligible under clause 18 of the Bill

- if you are aware of any Treaty settlement matters which relate to the project site – such as local protocols
- any other relevant matter?

If possible, could you please provide your feedback by COB 20 June 2024

Please let me know if there is anything I can do to assist.

Ngā mihi nui

MfE Listed Projects team



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