



# Permission Decision Support Document

## Application Details

Decision Maker	Leeann Ellis, Operations Manager, North Canterbury <sup>1</sup>
Applicant	Amuri Irrigation Company Limited
Permission Number	91328-OTH
Permission Type	Non-notified Concession (Easement)

## Key Dates

Application received	25 September 2020
Task Assignment assigned	25 February 2021
Context Meeting	9 March 2021
Check-In Meeting	3 June 2021
Decision due	Extension approved until 28 June 2021 ( <a href="#">DOC-6635448</a> )

## Document Links

Application	<a href="#">DOC-6469982</a> (All info combined <a href="#">DOC-6469974</a> ).
Further info request No.1	<a href="#">DOC-6623636</a> (email <a href="#">DOC-6626771</a> ): Further info requested by DOC on 08/04/2021. <a href="#">DOC-6626773</a> : Applicant email acknowledging request for further info dated 08/04/2021. <a href="#">DOC-6658984</a> : Applicant response dated 07/05/2021. <a href="#">DOC-6721855</a> : Applicant provided link to Egnyte link so that consultation with iwi and Conservation Board can be carried out. <a href="#">DOC-6742119</a> : Riley Consultants (Engineers & Geologists) report - lower river intake Resource Consent Application Report – Amuri

<sup>1</sup> Kingsley Timpson Decision Maker until Leeann Ellis became Acting Operations Manager

	Irrigation Scheme (included in original application)
Further info request No.2 (included with Acknowledgement letter)	<p><a href="#">DOC-6727909</a> (email <a href="#">DOC-6732691</a>): Acknowledgment letter + Further information request by DOC 27/07/2021</p> <p><a href="#">DOC-6742156</a>: Applicant email 4 Aug 2021 - Response letter from Ngai Tuahuriri on proposal forwarded via the Chairman of Ngai Tahu Farming.</p> <p><a href="#">DOC-6758864</a> (related email <a href="#">DOC-6758866</a>): Applicant response and shared egnyte file link to documentation (includes 3D virtual view rendering) 20 &amp; 24/08/2021</p> <p><a href="#">DOC-6761281</a>: Consolidation of further information received from Applicant (covering letter, Riley Consultant's letter &amp; 3D virtual view rendering)</p>
Task Assignment	<a href="#">DOC-6470006</a>
Existing Concession 47898-OTH	Deed of Easement <a href="#">DOC-5484255</a> to benefit Record of Title CB25K/882 <a href="#">DOC-6620201</a> (Dallison Hassall) Map <a href="#">DOC-6614461</a> , Survey Office Plan SO 3135 <a href="#">DOC-6620199</a> , Final expiry date of 31 December 2027. Summary of application <a href="#">DOC-6732686</a>
Acknowledgement	<a href="#">DOC-6727909</a> (email <a href="#">DOC-6732691</a> ): Acknowledgment + Further information requested by DOC 27/07/2021
Cost Estimate	<a href="#">DOC-6724709</a>
Conservation Board advice	<a href="#">DOC-6794793</a> (on further info); <a href="#">DOC-6721858</a> On original application (12/07/2021)
Ken Hughey feedback on pond/mitigation	<a href="#">DOC-6721852</a>
Freshwater advice	<a href="#">DOC-6812500</a>
Valuation request	Email to Pricing & Economics <a href="#">DOC-6732681</a> ; Paul Casson's initial response <a href="#">DOC-6849070</a> ; Deidre Ewart's approval based on Sharlan Shields recommendation <a href="#">DOC-6849072</a>
Legal advice	Email with advice <a href="#">DOC-6849071</a> ; Advice <a href="#">DOC-6832819</a> (LEGALLY PRIVILEGED)
Abridged version of DSD for Applicant	<a href="#">DOC-6863705</a> (email sent 6/12/21 <a href="#">DOC-6867315</a> ) requesting comments
Applicant response	<a href="#">DOC-6893867</a> (includes revised list of beneficiary landowners)
Fee dispute	<a href="#">DOC-6893874</a> (from Pricing & Economics)
Conservation Board	<a href="#">DOC-6893865</a> (draft copy of abridged DSD sent fyi)
Easement template	<a href="#">DOC-6858704</a> (draft sent to Applicant on 6/12/21 <a href="#">DOC-6867315</a> )

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**Resources**

Permissions Advisor	Kelvin Brown
District Office/s	Merrilyn Grey, Ranger Community, Rangiora Mary-Anne Baxter, Senior Ranger Community (Acting DM)
Statutory Manager	Janine Sidery / Leeann Ellis (Acting)
Science and Policy	Andrew Grant, Technical Advisor Ecology, Christchurch
Freshwater Specialist	Tom Drinan (Assyst R220411)
Legal	Pene Williams

**Cost Recovery**

Function	Time (minutes)	Date complete
Capture	100 mins	16/10/2020
Summary	45 mins	28/10/2020
Understand	-	-
Assign	20 mins	25/02/2021
Pre-application advice*	-	-

\*Up to four hours of pre-application advice is provided free of charge - record all time in the table, but do not charge the Applicant for the first four hours.

# 1. Task Register

Tasks as set by the Decision Maker:

No.	Task description	Accountability	Estimated time req'd to complete task (minutes)	Timeframe (date due)	Date complete	Time taken to complete task (minutes)	Time taken to complete task (hours taken)
1.	Capture and assign application	Capture Team	165 mins	16/10/2020 - 25/02/2021	25/02/2021	165 mins	2.75 hrs
2.	Pre-Context Meeting Tasks: Kingsley Timpson, Janine Sidery, Merrilyn Grey, Andrew Grant & Kelvin Brown	Kingsley Timpson	60 mins x 5 = 300 mins	08/03/2021	08/03/2021	60 mins x 5 = 300 mins	5.00 hrs
3.	Context Meeting - In attendance: Kingsley Timpson, Janine Sidery, Merrilyn Grey, Andrew Grant & Kelvin Brown	Kingsley Timpson	30 mins x 5 = 150 mins	09/03/2021	09/03/2021	30 mins x 5 = 150 mins	2.50 hrs
4.	Update DSD with CI's & further context. Schedule Check-in Mtg (if required)	Kelvin Brown	30 mins	10/03/2021	10/03/2021	45 mins	0.75 hrs
5.	Undertake any assigned tasks - send clarification letter.	Kelvin Brown	90 mins	31/03/2021	08/04/2021	120 mins	2.00 hrs
6.	iwi consultation	Merrilyn Grey	60 mins	12/07/2021	12/07/2021	90 mins	1.50 hrs



				(from 14 June 2021)			
7.	Conservation Board consultation	Merrilyn Grey	90 mins	12/07/2021 (from 14 June 2021)	12/07/2021	90 mins	1.50 hrs
9.	Check Price Book to ensure proposed Activity fees are clear. Apply for fee reduction or waiver	Kelvin Brown Sharlan Shields	60 mins 60 mins			29/11/2021 29/11/2021	1.00 hrs 1.00 hrs
10.	Check-in Meeting - In attendance: Kingsley Timpson, Janine Sidery, Merrilyn Grey, Andrew Grant, Mary-Anne Baxter & Kelvin Brown	Kingsley Timpson	30 mins x 6 = 180 mins	03/06/2021	03/06/2021	30 mins x 6 = 180 mins	3.00 hrs
11.	Update DSD after check-in meeting (if required)	Kelvin Brown	Not required	03/06/2021	03/06/2021	0.00 mins	0.00 hrs
12.	Check-in Meeting - In attendance: Kingsley Timpson, Janine Sidery, Andrew Grant, Mary-Anne Baxter & Kelvin Brown	Kingsley Timpson	30 mins x 5 = 150 mins	17/07/2021	17/07/2021	30 mins x 5 = 150 mins	2.50 hrs
13.	Check-in Meeting - In attendance: Mary-Anne Baxter (Acting DM), Leeann Ellis (Acting Statutory Manager), Merrilyn Grey, Andrew Grant, Pene Williams (legal) & Kelvin Brown		30 mins x 6 = 180 mins	28/10/2021	28/10/2021	30 mins x 6 = 180 mins	3.00 hrs

14.	Update DSD after check-in meeting (if required)	Kelvin Brown	Not required	28/10/2021	28/10/2021	0.00 mins	0.00 hrs
15.	Legal advice	Pene Williams	240 mins	15/11/2021	17/11/2021	240 mins	4.00 hrs
14.	Undertake a statutory analysis (includes incorporating legal advice in Report)	Kelvin Brown	960 mins		02/12/2021	1,440 mins	24.00 hrs
15.	Complete DSD / contract ready for peer review	Kelvin Brown	960 mins		02/12/2021	1,140 mins	19.00 hrs
16.	Review application, attend meetings (other than context and check-in), identify any critical issues and provide input into DSD	Merrilyn Grey	60 mins		25/11/2021	60 mins	1.00 hrs
17.	Peer review of DSD & contract	Jess Hosie	120 mins	06/12/2021	03/12/2021	120 mins	2.00 hrs
18.	Send draft copy of DSD and contract to Applicant	Kelvin Brown	120 mins	06/12/2021	19/01/2022	60 mins	1.00 hrs
19.	Run team process and make a decision	Leeann Ellis	120 mins		01/02/2022	120 mins	2.0 hrs
20.	Share decision with all parties consulted with	Kelvin Brown	15 mins		01/02/2022	15 mins	0.25 hrs
21.	Complete post admin form	Kelvin Brown	60 mins		03/02/2022	60 mins	1.00 hrs
22.	Complete post approval admin	Transaction Centre:	120 mins	16/2/2022	16/2/2022 24/3/2022	120 mins 30 mins	x hrs

[DOC-6724709](#): Cost estimate and actual tool.



## 2. Purpose

To make a decision on the application.

## 3. Context

Amuri Irrigation Company Limited (the Applicant) is applying for an easement for the construction of an irrigation scheme in the Hawarden and Waikari areas in Hurunui, North Canterbury.

### Further background information

The Applicant has applied for a concession to undertake activities on public conservation land as detailed in the location table below and summarised as follows:

- easement to convey water – to install and maintain a pipeline under Conservation Area Waitohi Riverbed Horsley Downs (2799376) and adjacent fixed marginal strip (2799427)
- easement right of way (access track) and to convey water and associated structures for irrigation infrastructure (trained river channel, flood protection works and intake structure) on Hurunui River fixed marginal strip (2799426)

The irrigation infrastructure replaces and expands existing irrigation infrastructure taking water from the Hurunui and Waitohi rivers. AIC has taken over the Hurunui Water Project Ltd (HWP) irrigation scheme and either HWP or the Applicant obtained consents from Environment Canterbury (ECan) to construct and operate the irrigation scheme.<sup>2</sup> As part of the resource consent process and outcome the Applicant has engaged with local iwi and the community.

The initial resource consent applications by HWP were publicly notified in the early 2010s. The most recent resource consent applications relating to the areas of public conservation land were 'limited notified' by ECan including to the Department of Conservation Te Papa Atawhai (DOC TPA, Department). The Director-General Tumuaki-Ahurei (Director-General) did not submit on the applications. Nevertheless, consent conditions require the Department to be contacted or allowed access in circumstances relating to fish screening and fish passage, consistent with the original consents granted to HWP.<sup>3</sup>

The activity requires access to rivers to take water for irrigation. Only one of the intake structures will be within the affected conservation areas, and project design has avoided wetlands within any of the affected conservation areas. The new intake structure will replace an existing intake structure already on the affected conservation area and connect to current irrigation infrastructure.

The Applicant has engaged with Te Rununga o Ngāi Tahu (TRoNT), via their agent, Mahaanui Kurataiao Limited ('MKT'), regarding the development of the scheme. This engagement has included personal discussions and an exchange of letters regarding the scope of the project and mitigation measures necessary for its development.

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<sup>2</sup> Consents CRC190085 now replaced by CRC210149 and CRC210312, see <https://www.ecan.govt.nz/data/consent-search/consentdetails/CRC190085/CRC190085>

<sup>3</sup> supra note 1

Consultation has also been undertaken with landowners within the consented command area regarding obtaining an interest in the proposed scheme. The Applicant has undertaken targeted consultation with the owners of the land benefited by this infrastructure, in particular those adjacent to the Hurunui River infrastructure where landowner access agreements will be required.

### **Context meeting**

The original application<sup>4</sup> was considered at the context meeting and the following comments were noted for follow-up and consideration by the Decision Maker.

#### Waitohi River proposal

The pipeline over the Waitohi River will cross over Waitaki Riverbed Horsley Downs Conservation Area and the Waitohi River Marginal Strip.

An excerpt from the application is shown in figure 1 below. No issues were raised at the context meeting, and it was noted that the application included a letter of support from the Concessionaire grazing over part of the Conservation Area Waitaki Riverbed Horsley Downs where it is proposed that the underground pipeline be sited. This component of the application has been discussed in this Report in detail.

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<sup>4</sup> [DOC-6469982](#) (All info combined [DOC-6469974](#))

**C. Waitohi River Crossing (GPS coordinates-42.864138, 172.612145)**

The proposed pipeline crosses (3) public conservation land:

1. 20m Marginal Strip-Waitohi River with 1300mm diameter GRP pipe
2. 66m Conservation Area Waitohi Riverbed: Horsley Downs – subject to grazing licence by Woodburn Farm Limited with 1100mm diameter GRP pipe
3. 92m Conservation Area Waitohi Riverbed: Horsley Downs with 1100mm diameter GRP pipe

For crossing the active river channel the pipe will connect to a 1400mm high density polyethylene pipe (HDPE) encased in 1600mm concrete pipe connecting to 1300mm GRP pipe at either end. This will be installed to a depth to ensure a minimum cover of 3 metres.

**NB:** Please note that the engineering plans following this plan show the location of the pipe closer to Bakers Road, but the actual location is as shown on the map below.

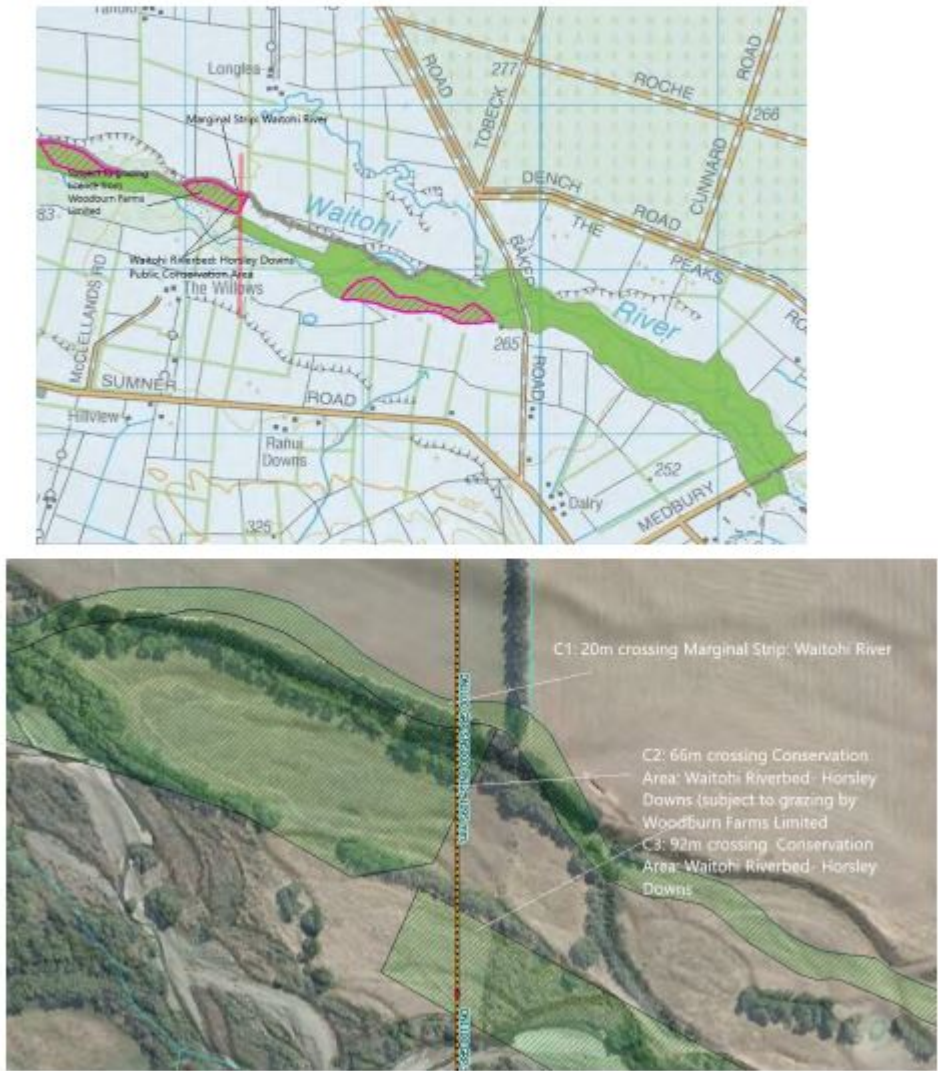


Figure 1: Excerpt from application in relation to Waitohi River pipeline

## Hurunui River

The infrastructure crosses the Marginal Strip: Hurunui River in two locations between Bishells Road and The Peaks Road, Hawarden adjacent to Records of Title CB33B/93 and CB25K/882. This is in a riparian area on the true right (south) bank of the Hurunui River, approximately 5km downstream from where the Mandamus River joins the Hurunui River.

The Hurunui River irrigation scheme sited within the Hurunui River Marginal Strip required further clarification from the Applicant. A letter<sup>5</sup> was sent to the Applicant on 8 April 2021 seeking clarification and comment on the following:

- Existing easement 47898-OTH over Hurunui River Marginal Strip<sup>6</sup>
- Flood Protection area (lack of visual representation)
- Landscape effects
- Access road
- Temporary construction compound

As there was a significant amount of further information requested and received a concept plan has been included below as figure 2 and the further Applicant information in the form of an email, letters, photo's and visual simulations have been included in Appendix 1 attached to this Report.

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<sup>5</sup> [DOC-6623636](#)

<sup>6</sup> Deed of Easement [DOC-5484255](#) to benefit Record of Title CB25K/882 [DOC-6620201](#) (Dallison Hassall) Map [DOC-6614461](#), Survey Office Plan SO3135 [DOC-6620199](#).



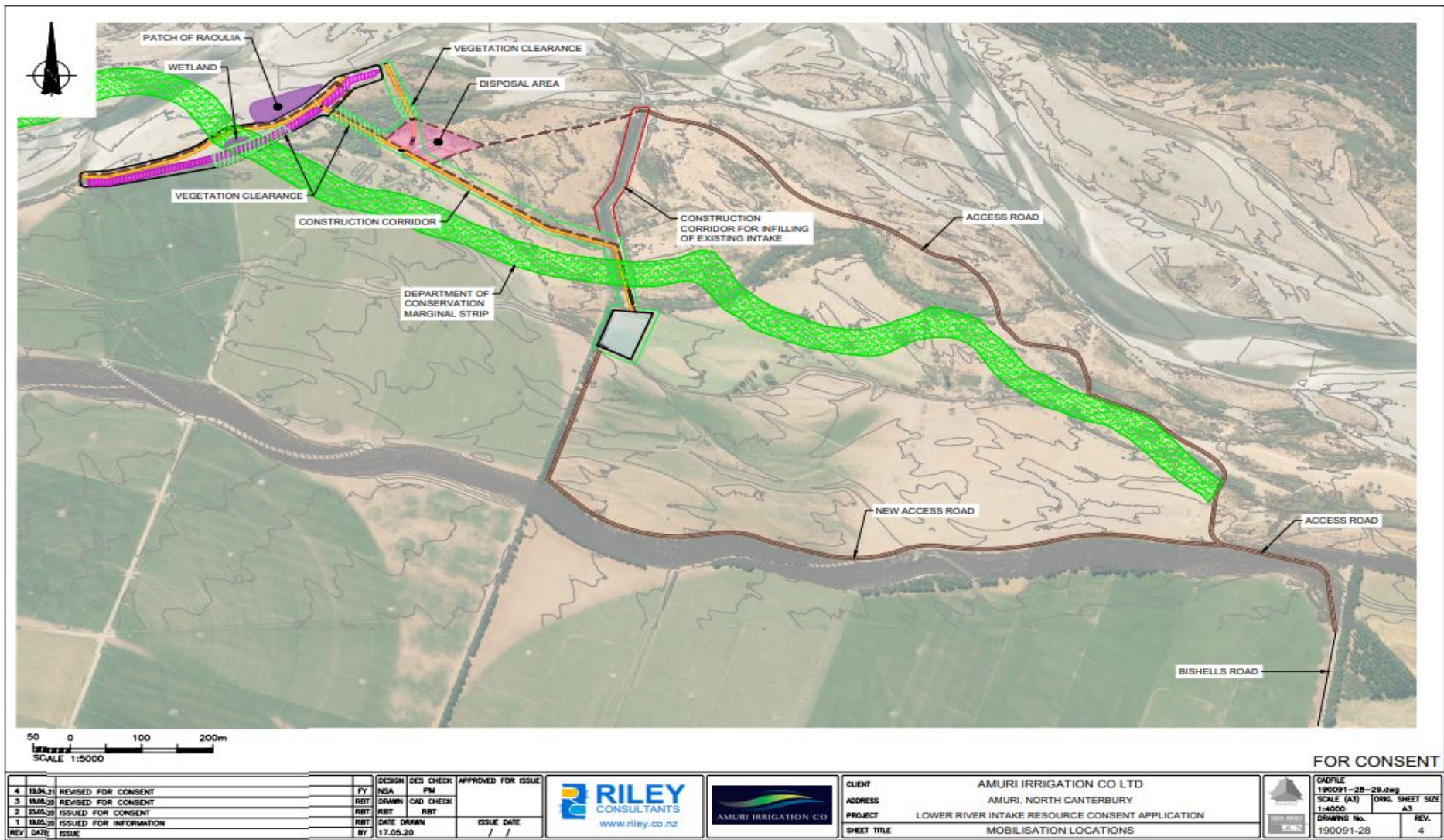


Figure 2: Concept plan of proposal on Hurunui River Marginal Strip (shown in green)

## Location/s

The activity has been applied for at the following location/s: See table and figure 3 below

Conservation area	Description of location (if applicable)	Land status	District Office	Activity
Marginal Strip - Hurunui River (2799426) M33065	Crown Land Survey Office Plan 3135  NZTM 2000 E1567463 N5259237  Existing easement crossing point: NZTM 2000 E1568015 N5259004	Held as fixed marginal strip under section 24(3) of the Conservation Act 1987	Rangiora	<u>Area A</u>  (i) Right to convey water: (ii) Right of way:  for the purpose of the establishment and operation of an irrigation scheme comprising a channel, permanent access track and flood protection area (1,029m <sup>2</sup> ) <u>Area B</u>  (iii) Right to convey water:  for the purpose of utilising an existing easement as part of the irrigation scheme comprising a canal approximately 315m <sup>2</sup> (42m long x 7.50m wide)
Marginal Strip - Waitohi River (2799427) M33066	Crown Land Survey Office Plan 3135  NZTM 2000 E1568330 N5254480	Held as fixed marginal strip under section 24(3) of the Conservation Act 1987	Rangiora	<u>Area C</u>  (iv) Right to convey water:  for the purpose of the establishment and operation of an irrigation scheme comprising a 20m long 1300mm diameter Glass Reinforced Plastic (GRP) underground pipe
Conservation Area Waitaki Riverbed Horsley Downs (2799376) M33004	Crown Land SO 17135  NZTM 2000 E1568333 N5254452	Held as stewardship area under section 25 of the Conservation Act 1987	Rangiora	<u>Area D &amp; E</u>  (v) Right to convey water:  for the purpose of the establishment and operation of an irrigation scheme comprising a  (a) 66m long 1300mm diameter Glass Reinforced Plastic (GRP) underground pipe with an easement



				<p>corridor of approximately 198m<sup>2</sup> (66m long x 3m wide)</p> <p>(b) 92m long 1300mm diameter Glass Reinforced Plastic (GRP) underground pipe with an easement corridor of approximately 276m<sup>2</sup> (92m long x 3m wide)</p>
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Figure 3: Location of Areas A-D as described in table above

## Relevant details about the Applicant

Credit check result	In accordance with guidelines this is no longer required.
Compliance with previous permission conditions	No previous concessions held by this Applicant.
Relevant convictions	To the best of the Department's knowledge there are no known relevant convictions.

### 4. Critical Issues

1. How to ensure that Woodburn Farm who hold the grazing concession 82320-GRA ([DOC-6160648](#)) over Conservation Area Waitaki Riverbed Horsley Downs are not impacted by underground pipeline (note: letter from Concessionaire included in application).

Outcome: Woodburn Farm Limited (Ian & Carol Ford) have no issue with the pipeline going over conservation land being grazed. Refer to email dated 24 September 2020 attached to easement application<sup>7</sup>.

2. What if a trained river channel (6m wide) can't be authorised under the CMS.

Outcome: See contents of this Report, in particular discussion in section 6 on public notification and utilities (section 7, Canterbury (Waitaha) CMS).

3. What if the crossing points do not ensure public access is not impeded over Marginal Strip.

Outcome: Proposed design of infrastructure includes channel crossing points for the public.

4. How to decide whether application should be 'Non-notified' or 'Notified'. Wait until after clarification by Applicant.

Outcome: See section 7 in this Report regarding discussions on public notification.

5. How to ensure that effective consultation is carried out with iwi and Conservation Board i.e. wait until Applicant clarifies proposed infrastructure on the ground.

Outcome: See discussion in section 5 in this Report for iwi engagement.

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<sup>7</sup> [DOC-6469974](#) (page 20 of 314)

6. How to decide, if proposal is granted the appropriate authorisation i.e. flood Protection Works (Page 6 of 19) should be a licence as it is non-exclusive interest in the land.

Outcome: See section 7 in this Report under public notification and Term.

7. How to manage the existing irrigation gallery take recorded under permission number 47898-OTH (Deed of Grant of Easement dated 8 December 1999) Mark Heyward HASSALL and John Victor DALLISON (RoT CB25K/882).

Outcome: Existing irrigation gallery to be included in proposal; 47898-OTH to be surrendered.

8. How to ensure that fish passage is not impeded.

Outcome: See Tom Drinan DOC's Technical Advisor Freshwater's advice in section 6 and statutory analysis in section 7 in this Report.

9. How to ensure no wetland is affected by proposal.

Outcome: No wetland will be impacted by this proposal as it is intended to protect the wetland area identified. Refer to discussion in section 7 in this Report.

10. How to confirm the Applicant's proposal in its entirety and what is being assessed.

Outcome: Letter [DOC-6742119](#). Water engineer & Water intake detailed design on the Hurunui River.

## 5. Consultation with Treaty Partners

North Canterbury District Office – Merrillyn Grey, Community Ranger

### SECTION A: Treaty Settlement implications

1. Is any site subject to the application due to be transferred to whānau, hapū, or iwi?  
If no, go to question 4. If yes, identify the site.

No

2. Has a Treaty settlement disclosure form been completed for the site? Were any existing encumbrances noted on that form?

No

3. Who is leading the negotiations process for DOC in the Policy Negotiations Team?

N/A

4. If your Treaty Partners have settlement legislation in place already, are there any specific post-settlement implementation obligations that relate to the site or proposed

activity?

N/A

### SECTION C: Whānau, hapū, and iwi consulted

#### Consultation Summary

Treaty Partner consulted with	Te Ngāi Tūāhuriri Rūnanga		
Date consultation was sent out	17/06/2021 02/09/2021 (follow up with new info)		
Consultation time frame end date	14/07/2021 (not including follow up)		
Consultation method (email, phone, face to face etc)	Email		
How many attempts made to consult?	2		
DOC-CM link to any consultation emails received	<a href="#">DOC-6832777</a> <a href="#">DOC-6832776</a>		

### SECTION D: Consultation with Te Ngāi Tūāhuriri Rūnanga

- Does this application activate any agreed triggers for consultation with Treaty Partners? Triggers

Yes - Answer remaining questions.

- Did the whānau, hapū, or iwi engage in consultation on this application? If not, ensure attempts to engage are detailed in Section C.

Yes - but did not comment on the application as such.

- What is the interest of the whānau, hapū, or iwi in the site or activity?

The activity falls within their rohe.

- What are their views on the activity (taking place at the specified site)?

None provided.

- What sort of adverse effects do the whānau, hapū, or iwi believe the activity will have on their interests (at the specified site)?

None provided.

- Have the whānau, hapū, or iwi identified any methods to avoid, remedy, or mitigate these effects?

No

## 6. Contributions

### **Tom Drinan, Technical Advisor Freshwater**

Refer to full response recorded as [DOC-6812500](#). Excerpts below:

I assessed these documents wrt freshwater ecological effects on the proposed irrigation scheme infrastructure at Marginal Strip - Hurunui River (2799426) M33065 only. My comments:

- I agree with Wildlands AEE in terms of the aquatic values present at the site and surrounds, and its ecological significance.
- The proposed activity (for construction and operation) has the potential to cause adverse freshwater ecological impacts if left unmitigated.
- However, the proposed construction method and design will help to avoid/minimise disturbance and effects on freshwater ecological values. Specifically, the design of the proposed intake structure appears well considered (Riley 2020), and is following best practice guidance (which is specified in consent conditions [CRC190085] – <https://www.ecan.govt.nz/data/consent-search/consentdetails/CRC190085/CRC190085>). It is important that this structure remains compliant with the seven principles of the NIWA (2007) guidelines:
  1. *Information on the rationale of the intake location for fish safety.*
  2. *Evidence that the approach velocity will not exceed the swimming capacity of fish.*
  3. *Evidence that the sweep velocity will move fish past the fish screen.*
  4. *Fish bypass design at the screen*
  5. *Evidence that the bypass canal and its exit do not pose a risk to fish.*
  6. *Description of screening materials.*
  7. *Information on how fish will be protected during operation and maintenance.*
- The other fish passage-related conditions will also ensure that the structure is fit for purpose (certification by fisheries expert, monitoring at specific times, and being fixed within 24 hrs if found to be non-compliant).
- I agree that any construction-related effects (and periodic maintenance of the canal/pond/intake infrastructure) are likely to be minor (or less) in nature, considering the general management activities specified by Riley and their proposed adherence to best practice guidelines (Environment Canterbury Erosion and Sediment Control Toolbox, ECan 2017) (Beca 2020).

- Furthermore, the wetland area is to be avoided by the alignment of the trained braid between it and the area of *Raoulia australis*.
- Overall, I consider that the effects on freshwater ecological values will be minor (or less) in nature if the proposed activities follow what is proposed in the environmental impact assessment/construction management plan/resource consent application documents.
- Nevertheless, I suggest that any in-river wetted works avoid peak native fish spawning/migration periods, and require fish salvage operations.

**North Canterbury District Office: Merrilyn Grey, Community Ranger**

Te Ngāi Tūāhuriri Rūnanga were consulted on 18/06/21 and again on 03/09/21 when further information on the activity came to light. While Tūāhuriri acknowledged the emails, they did not provide any comments on the activity itself.

Sara Black, a correspondent from Amuri Irrigation, indicated that they had carried out consultation from their end and wished for DOC to engage with a different point of contact. Please see [DOC-6832774](#)

The Canterbury Aoraki Conservation Board were also consulted on this application, and maintained their position as detailed in [DOC-6832775](#)

**Analysis of the Principles of the Treaty of Waitangi**

**Kelvin Brown, Permissions Advisor**

Section 4 of the Conservation Act 1987 states ‘This Act shall be so interpreted and administered as to give effect to the principles of the Treaty of Waitangi’.

The key [principles](#) of the Treaty of Waitangi that apply to DOC’s work are:

1. Partnership – mutual good faith and reasonableness: The Crown and Māori must act towards each other reasonably and in good faith;
2. Informed decision-making: Both the Crown and Māori need to be well informed of the other’s interests and views;
3. Active protection: The Crown must actively protect Māori interests retained under the Treaty as part of the promises made in the Treaty for the right to govern;
4. Redress and reconciliation: The Treaty relationship should include processes to address differences of view between the Crown and Māori.

**Discussion:**

**Partnership**

In addition to the section 4 responsibilities under the Conservation Act 1987, specific provisions in the Ngāi Tahu (Pounamu Vesting) Act 1997, Ngāi Tahu Deed of Settlement 1997 and Ngāi Tahu Claims Settlement Act 1998 provide opportunity and direction for the Crown and Ngāi Tahu to work together to give effect to the principles of the Treaty of Waitangi. The Deed was signed in 1997 between representatives of Ngāi Tahu and the Crown. The settlement was later passed into law through the Ngāi Tahu Claims Settlement Act 1998 and provides for a full and final settlement of the Ngāi Tahu historic claims. Settlement provisions



include Tōpuni, Statutory Adviser, Deeds of Recognition, nohoanga sites, taonga species, and protocols, as well as for pounamu and regarding customary use.

The Ngāi Tahu Claims Settlement Act 1998 provides a practical framework for assisting the Treaty partnership between Ngāi Tahu and the Crown. The legal mechanisms established through the Ngāi Tahu Claims Settlement Act 1998 provide a starting point for Ngāi Tahu tino rangatiratanga and its expression through kaitiakitanga, and the basis for an enduring partnership between Ngāi Tahu and the Crown.

Using the protocols in the Ngāi Tahu Claims Settlement Act, the Department and Ngāi Tahu (including relevant rūnanga) have worked together in partnership to come up with a trigger's document that reflects when and why consultation with Ngāi Tahu is required. This agreed trigger's document ensures informed decision making and active protection of Māori interests.

The Department engaged with Te Ngāi Tūāhuriri Rūnanga.

### **Informed Decision Making**

The North Canterbury District Office have carried out sufficient engagement with iwi even though no comments were provided.

The Applicant did carry out its own consultation with Te Ngāi Tūāhuriri Rūnanga Incorporated and received the following response from Tania Wati. It should be noted, as pointed out in the District Office contributions, Tania Wati is a different point of contact to DOC's Te Ngāi Tūāhuriri Rūnanga contact for engagement.

Excerpt from [DOC-6742156](#)

#### **CONCESSION APPLICATION 91328-OTH TO ESTABLISH THE HURUNUI IRRIGATION SCHEME TANGATA WHENUA ENGAGEMENT**

1. We refer to Amuri Irrigation Company Limited's (AIC) concession applications relating to the above scheme.
2. Ngāi Tūāhuriri and Kaikōura share mana whenua responsibility for water taken from the Hurunui River but only Ngāi Tūāhuriri has mana whenua responsibility for use of land and water on the south bank of the Hurunui River.
3. Ngāi Tūāhuriri has been consulted by Amuri Irrigation Company Limited over the concession application relating to the proposed Hurunui Irrigation Scheme (Consent numbers CRC210312-9 plus an application.
4. The Hurunui River is a Statutory Acknowledgement area. However, having reviewed the proposal and the supporting technical information, and Ngāi Tūāhuriri confirms that the activities within the footprint of the proposed consents will not unacceptably affect any known sites of cultural significance.

### **Active Protection**

The agreed triggers document ensures informed decision making and active protection of Māori interests.

### **Redress and Reconciliation**

Ngāi Tahu Deed of Settlement 1997 and Ngāi Tahu Claims Settlement Act 1998.

## Statutory Analysis: Non-Notified Concession under Part 3B of the Conservation Act 1987

Kelvin Brown, Permissions Advisor

### S17S: Contents of application

To be complete (s17S(1)), an application for a concession must include:

- A description of the proposed activity;
- A description of the locations for the proposed activity;
- A description of the potential effects of the proposed activity and proposed action to avoid, remedy, or mitigate adverse effects;
- The proposed term and reasons for that term;
- Relevant information about the application (as requested in the application form).

#### Criteria for decision:

- Does the application include all the required information as per s17S?

Yes / ~~No~~

**Discussion:** The Decision Maker should be satisfied that the Applicant has included all the required information pursuant to section 17S however, it will be up to the Decision Maker to decide, during deliberations (in particular under s.17U in this Report), if there is sufficient information in the application to decide if it is both lawful and appropriate to grant a concession in the form of a lease, licence, or easement pursuant to s.17S(g)(ii).

### S17SC: Public Notification

The concession application must be publicly notified if it meets any of the following criteria:

- The concession type is a lease – this is for exclusive use of public conservation land;
- The term of the concession exceeds ten years (unless it is an easement – an easement may be granted for a term exceeding ten years without public notification);
- The effects of the activity mean it is appropriate to do so.

#### Criteria for decision:

- Is public notification required?

~~Yes~~ / No

**Discussion:** The Applicant sought a 30-year easement. In accordance with section 17SC(3) the Minister may publicly notify an application for an easement if, having regards to the effects of the easement, he or she considers it appropriate.

There was discussion at the context meeting as to whether an easement (if the application was granted) was the most appropriate form of authority for the proposal on conservation lands within the Hurunui River and adjacent to the Waitohi River.

In the case of the pipeline over conservation land, adjacent to the Waitohi River, there is no doubt that this could be considered an easement based on the interpretation of the rights and powers implied in easements as set out in Schedule 5 of the Land Transfer Regulations 2018<sup>8</sup>:

In the case of the proposal over conservation land being marginal strip within the Hurunui River channel, there was discussion at the context and check-in meetings regarding the possibility that the proposed flood protection was more appropriate to be considered as a licence (if the application was granted). This consideration would be consistent with legislation, as section 17Q(2) of the Act states that *The Minister shall not grant an easement in respect of any activity if a lease, licence, or permit may be granted in respect of the activity and the Minister considers that a lease, licence, or permit is more appropriate in that case.*

After the Applicant provided further information, including visual renderings of before and after (Appendix 1), it is considered that one of the primary purposes of the flood protection is to protect the proposed activity, which includes the existing easement (canal infrastructure) over marginal strip, that will be utilised as part of the proposal.

As the wording in the interpretation of easement facility includes “, and anything in replacement or substitution” it is considered that the entire proposal over conservation lands, including the flood protection at the Hurunui River can (appropriately) be considered as an easement.

The impact and rights of the public for access over conservation lands at both locations resulting from this activity will only be affected during the establishment works and will not be unduly compromised and/or permanently affected if a concession is granted. In addition, regardless of whether the Decision Maker grants the concession as a 30 year easement pursuant to section 17SC(3) or, 10-year licence and easement pursuant to sections 17SC(2) & (3) [see Term discussion in section 7 in this Report], the discussions below under section 17U(1) & (2) conclude that any effects of the activity are considered minor and can be avoided, remedied or mitigated by conditions.

On this basis, this Report recommends to the Decision Maker that it would not be considered appropriate (or necessary), pursuant to sections 17SC(2) & (3) to publicly notify this application.

#### **S17U(1) and (2): Analysis of effects**

Briefly discuss the positive and adverse effects of the proposed activity, drawing on information from:

- The application form, as provided by the Applicant;

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<sup>8</sup> *easement facility*,–

- (a) *for a right to convey water, means pipes, pumps, pump sheds, storage tanks, water purifying equipment, other equipment suitable for that purpose (whether above or under the ground), and anything in replacement or substitution:*

- The contributions described in the context and check in meetings and outlined in this document.

Any adverse effects identified that are not managed by a standard condition for the activity may require a site/activity specific special condition to either avoid, remedy, or mitigate the adverse effect. Include the condition proposed and a description of how it avoids, remedies, or mitigates the adverse effect, and list the condition in the Proposed Operating Conditions section of this document.

Note that only information relevant to the activity on public conservation land can be considered - if information about effects of the activity is included in the above sources that is outside of this scope, note why it is not a relevant consideration under the Conservation Act (for example, economic benefits to an area).

**Criteria for decision:**

- Is the activity consistent with s17U(1) and (2) of the Conservation Act?

Yes / ~~No~~

- Effects on conservation values + methods to manage and/or special conditions required
- Effects on cultural values + methods to manage and/or special conditions required
- Effects on existing and future users + methods to manage and/or special conditions required
- Cumulative effects of adding this activity to current activity on site + methods to manage and/or special conditions required.

When analysing the effects of the proposed activities, this Report considers the following material:

- (a) Environmental Impact Assessment (EIA) included in application
- (b) Contributions from Departmental staff (refer to section 6 in this Report)
- (c) Feedback received from the Canterbury Aoraki Conservation Board (refer to section 6 in this Report)
- (d) Feedback received from **iwi** (refer to section 5 in this Report)

In addition to the material noted in the preceding paragraph, this Report also assesses the application by reference to the relevant conservation planning documents, including:

1. Conservation General Policy (May 2005) (CGP) (refer to section 7 in this Report).
2. Aoraki/Canterbury Conservation Management Strategy 2016 (“Canterbury CMS”) (refer to section 7 in this Report)

**Discussion:** The proposed activity will result in very minor encroachment over conservation land. In fact, the utilisation of the existing canal for the irrigation scheme is by far the most significant earth disturbance to occur over conservation land at the Hurunui River location, even if we consider the further work to be carried out on conservation land to establish the new

proposed structure/facility.

It should be noted that Woodburn Farm (Ian & Carol Ford) who hold the grazing concession 82320-GRA<sup>9</sup> over Conservation Area Waitaki Riverbed Horsley Downs where the underground pipeline is proposed to be established are fully supportive of the proposal and their email in support dated 24 September 2020 was included in the application.

The table below summarises the proposed activities and should be read in conjunction with the maps and plans in figures 1 and 2.

Conservation area	Activity
Marginal Strip – Hurunui River (2799426) M33065	<p><u>Area A</u></p> <p>(i) Right to convey water:</p> <p>(ii) Right of way:</p> <p>for the purpose of the establishment and operation of an irrigation scheme comprising a channel, permanent access track and flood protection area (1,029m<sup>2</sup>)</p> <p><u>Area B</u></p> <p>(iii) Right to convey water:</p> <p>for the purpose of utilising an existing easement as part of the irrigation scheme comprising a canal approximately 315m<sup>2</sup> (42m long x 7.50m wide)</p>
Marginal Strip – Waitohi River (2799427) M33066	<p><u>Area C</u></p> <p>(iv) Right to convey water:</p> <p>for the purpose of the establishment and operation of an irrigation scheme comprising a 20m long 1300mm diameter Glass Reinforced Plastic (GRP) underground pipe</p>
Conservation Area Waitaki Riverbed Horsley Downs (2799376) M33004	<p><u>Area D &amp; E</u></p> <p>(v) Right to convey water:</p> <p>for the purpose of the establishment and operation of an irrigation scheme comprising a:</p> <p>(a) 66m long 1300mm diameter Glass Reinforced Plastic (GRP) underground pipe</p> <p>(b) 92m long 1300mm diameter Glass Reinforced Plastic (GRP) underground pipe</p>

<sup>9</sup> Concession (Grazing Licence) [DOC-6160648](#)

Photos relevant to Hurunui River intake (August 2021)



**Photo 1: Recent image of Hassall Intake**



**Photo 2: Recent image of proposed Intake site**





Photo 3: Looking west at the existing irrigation channel and pump station (existing Hassall easement 47898-OTH)

#### **Geotechnical (land stability)**

The new structure and facility to be established will have no impact on conservation land stability, in fact, the stability of conservation land adjacent to the Hurunui River will likely be improved.

#### **Earthworks**

The earthworks required to establish the balance of the proposed activity is minor and effects can be avoided, remedied, or mitigated by conditions.

#### **Access to the site**

Access to the site is via the Applicant's shareholder's property or this proposed concession. The holder of the grazing concession over the Conservation Area Waitaki Riverbed Horsley Downs is fully supportive of the proposal to underground a pipeline within the area being grazed<sup>10</sup>.

#### **Sediment control**

There is the potential for sediment from the earthworks and construction activities to be released into the environment. The Applicant lists a number of measures to minimise the risk of this occurring e.g. work will not occur during periods of heavy rain, with fabric fences, sandbags and silt traps to be used.

Refer to proposed special condition 8 in section 7 in this Report.

#### **Effect on flora and fauna (and ecology in general)**

Internal DOC freshwater technical advice (section 6 Contributions in this Report) is that impacts on freshwater values are less than minor given the limited interference with ecological freshwater values and avoidance of the wetland area. Ecological advice is that adverse effects on river-birds and their habitat in the affected conservation areas can be managed by conditions by avoiding construction during the nesting season. The constructed river channel (creating an island) may also provide some protection to river-birds from predators.

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<sup>10</sup> [DOC-6469974](#) (page 20 of 314)

Adverse effects on wildlife, particularly lizards, during construction can be managed under Wildlife Permits. ECan resource consents also provide conditions to manage adverse effects more generally on biodiversity, recreation, and cultural values in the Applicant's project area.

There will be no loss or degradation of wetlands as the identified wetland is to be avoided. Refer to proposed special condition 14 in section 7 in this Report.

No establishment work is to be undertaken during bird breeding season. Refer to proposed special conditions 11-12 in section 7 in this Report.

It was also suggested by DOC technical advisor *"that any in-river wetted works avoid peak native fish spawning/migration periods and require fish salvage operations."* Refer to proposed special condition 13 in section 7 in this Report.

Effects on vegetation is considered less than minor as, for example, on conservation land within the Hurunui River channel recent flood events have effectively removed all vegetation as can be seen in the before and after renderings in Appendix 1.

#### **Effects on landscape values**

The Hurunui River is a Deed of recognition site, and the natural character of a braided river needs to be considered in relation to this proposal. More detailed discussions are included in section 7 in this Report under the CGP and Canterbury (Waitaha) CMS. It is considered that, especially after reviewing the visual renderings of the Hurunui River in Appendix 1, that the impact on the Hurunui River and Waitohi River environs will be minor and any effects can be avoided, remedied, or mitigated by conditions.

#### **Effects on amenity and recreation values**

There will be no impact on, for example, rafters or kayakers. In fact, it may improve public access over conservation land with the inclusion of proposed channel crossing points as part of the proposal.

#### **Third party consultation**

##### Iwi engagement

No issues raised during iwi engagement. See section 5 in this Report and Treaty of Waitangi principles (section 6, Contributions).

##### Advice from Canterbury Aoraki Conservation Board Te Rūnanga Papa Atawhai o Waitaha me Aoraki

The Canterbury Aoraki Conservation Board Te Rūnanga Papa Atawhai o Waitaha me Aoraki (Board) was consulted and has provided advice on two occasions – 7 July 2021 and 30 September 2021.<sup>11</sup> On both occasions the Board recommended the Minister decline the

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<sup>11</sup> Board's letter dated 30 September 2021: [DOC-6794793](#); and Board's previous advice dated 7 July 2021: [DOC-6721858](#)



application. Reasons given by the Board include the proposal:

- a) *does not seem to be aligned with the ‘National Policy Statement for Freshwater Management’ (NPSFM) and the ‘National Environmental Standards for Freshwater’ (NES-FW 2020) regarding the requirement of no further loss or degradation of wetlands ...<sup>12</sup>*
- b) *breaches Policy 6 of the NPSFM and fails to meet section 3.22*
- c) *seems to fall under Regulation 54 ‘non-complying activities’ and does not fall within any other activity under subpart 3 of the NES-FW 2020*
- d) *does not seem to align with the Conservation Act 1987, nor with the intended purpose of marginal strips as defined in the Conservation Act 1987”*
- e) *is inconsistent with Conservation General Policy (CGP) 11.1(a), 11.1(b) and section 17U of the Conservation Act 1987*
- f) *should investigate relocation upstream or downstream of the pcl (affected conservation areas) ...*
- g) *is inconsistent with the vision of the CMS and the desired outcome for the Braided River place*
- h) The Board has also queried why the applications were not publicly notified.

To allow the Decision Maker to consider the Boards advice in relation to section of this Report each item a) to h) is referenced below to the relevant section of this Report.

*a)-c) The Minister must not consider some matters when making decisions on concessions*

Resource management language is used in Part 3B, and the Resource Management Act 1991 (RMA) is referred to in definitions in the Conservation Act (CA)<sup>13</sup>. Despite this, the Minister is not making decisions under the RMA, and statutory documents to aid decision-making under that statute are not mandatory considerations for the Minister under the CA.

It is also recommended that the Minister should not consider statutory documents made under the RMA such as National Policy Statements (NPSs) and National Environmental Standards (NESs).

The RMA’s purpose is sustainable management of natural and physical resources generally across the whole environment.<sup>14</sup> The RMA then provides for a suite of statutory planning documents to aid decision making. NPSs and NESs are superior documents in the RMA hierarchy which must be given effect to in regional policy statements and then other regional and district plans which manage and control activities and their effects to achieve the sustainable purpose of that Act.

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<sup>12</sup> I infer the Board is referring to the Resource Management (National Environmental Standards for Freshwater) Regulations 2020

<sup>13</sup> e.g. section 2 CA definition of ‘effect’ refers to the RMA definition.

<sup>14</sup> section 5 RMA and noting the RMA definition of ‘natural and physical resources’ differs from the CA definitions of ‘natural and historic resources’

By contrast, ‘conservation’ is defined under the CA as:

*“... the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations”*

Concessions may only be granted for activities occurring on conservation areas<sup>15</sup>. The Minister does not purport to authorise activities to provide for the sustainable management of natural and physical resources generally.

The NPSFM 2020 and the NES-FW 2020 are government planning instruments within the national resource management planning framework. These instruments are not part of the statutory management planning framework under the CA and related legislation to manage land held under that Act and natural and historic resources.

The consequence of the Minister considering these matters is it would put her decision at risk of judicial review. This is because NPSs and NESs are not relevant to her decisions, as they do not form part of the statutory documentation framework to aid decision making under the CA. By contrast, the CGP and CMS are part of the CA’s statutory document framework and are relevant to the Minister’s decision.

*The Minister may consider some effects off public conservation areas, so long as these are related to the activity on the conservation area*

The Board’s advice of 7 July 2021 raises considerations of effects off the affected conservation areas. This includes:

- digger work to maintain intake structures via in-river works, potential effects on migrating tuna (eel) and other native freshwater fisheries
- potential disturbance to nesting riverbirds
- effects of earthworks, including potential temporary storage of earth on conservation areas
- sedimentation effects
- impacts on natural character and amenity

Off-site effects may be relevant to the Minister’s consideration. This includes activities on marginal strips which may adversely affect adjacent water bodies, contrary to the purposes of marginal strips including to maintain water quality and protect natural values.<sup>16</sup> The potential effects on freshwater fish and river-birds may be relevant to these matters where the activity is primarily on the conservation areas.

In this case, the activities taking place on the affected conservation areas are a small part of part of a much greater irrigation project. In addition, the project works with existing structures, including some existing (already concessioned) structures on public conservation land.

The Applicant has worked to minimise disturbance, with far greater activity including intake

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<sup>15</sup> Sections 17O and 17Q CA, section 49 of the National Parks Act 1980 and section 59A of the Reserves Act 1977 also extends the Part 3B concession regime to national parks and reserves administered by the Department.

<sup>16</sup> Section 24C(a)(ii) and (iv) CA

structures occurring off the affected conservation areas. The adverse effects of these activities are managed by the resource consents, with conditions including to avoid construction activity and general disturbance during the fish spawning and bird nesting seasons and consult the Department in some circumstances.

*The Board's advice on the Conservation Act and statutory matters may be considered by the Minister but she is not bound by it.*

The Board has given advice about application of the Conservation Act and the conservation statutory planning framework including CGP policies 11.1(a) and 11.1(b) and on the CMS Vision and outcomes for the Braided River/ Ki Uta Ki Tai Place. The affected conservation areas are within this CMS place.

These are all matters which come within then Board's functions to provide advice on implementation of the CMS and on conservation matters.

The Minister should have regard to the Board's advice and seriously consider it along with other information as part of her decision-making process on this application. However, the Minister is not bound by the Board's advice and may choose to disagree. If she does, the Minister should give reasons to the Board setting out why she has not accepted its advice and should also state those reasons in her decision.

*d) The purpose of marginal strips - section 24C*

*See discussion below under section 17U(3).*

*e) is inconsistent with Conservation General Policy (CGP) 11.1(a), 11.1(b) and section 17U of the Conservation Act 1987*

*See discussion below under sections 17U and 17W.*

*f) should investigate relocation upstream or downstream of the pcl (affected conservation areas)*

*See discussion below under section 17U(4).*

*g) is inconsistent with the vision of the CMS and the desired outcome for the Braided River place*

*See discussion below under sections 17U(1) & (2) and 17W (Part 2.6).*

*h) The Board has also queried why the applications were not publicly notified.*

*See discussion above under section 17SC.*

In consultation with the Applicant, a draft abridged copy of this Report<sup>17</sup> was forwarded to the Board. To date (24 January 2022) no further comments have been received from the Board.

**Effect on other users**

May enhance recreational opportunities e.g. fishing.

**Positive effects**

May improve public access to the Hurunui River.

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<sup>17</sup> [DOC-6893865](#)

### Cumulative effects

There will be no further cumulative effects adding the proposed infrastructure at the various locations, especially considering that a canal already exists (and is to be utilised as part of this proposal) over the Hurunui River Marginal Strip.

### Any other relevant information

#### Climate change

The activity will emit greenhouse gas emissions that will contribute to climate change and is an adverse effect on New Zealand's natural and historic resources in terms of s17U(1). The activity's contribution to climate change is relevant to the purpose of the Conservation Act, and the Conservation General Policy, in particular Policy 4.6 Ecosystem Services of the CGP (avoiding or otherwise minimising adverse effects on the quality of ecosystem services). The 2050 target for emissions reductions in the Climate Change Response Act 2002 is also relevant in assessing the application and is consistent with the purpose of the Conservation Act.

Reducing greenhouse gas emissions requires measuring the emissions of the activity, developing, and implementing a plan to reduce those emissions, and if appropriate, offsetting those emissions. The Permissions Advisor recommends, if the application is approved, to include proposed special conditions 3-7 in section 7 in this Report enabling the Department to require greenhouse gas emissions data from the Applicant during the term of the concession, and to amend the conditions to reflect climate change-related legislation and government or Departmental policy and that those conditions may, amongst other things, require the applicant to measure, manage and reduce the greenhouse gas emissions of the proposal.

#### **S17U(3): Purpose for which the land is held**

A concession shall not be granted if the proposed activity is contrary to the purpose for which the land is held.

#### Criteria for decision:

- Is the activity consistent with s17U(3) of the Conservation Act? (That is, not contrary to the purpose for which the land is held).

Yes / ~~No~~

**Discussion:** The proposal is within the following conservation lands:

Conservation Area	Legislation
Marginal Strip - Hurunui River (2799426) M33065 held	Held as fixed marginal strip under section 24(3) of the Conservation Act 1987
Conservation Area Waitaki Riverbed Horsley Downs (2799376) M33004	Held as stewardship area under section 25 of the Conservation Act 1987
Marginal Strip - Waitohi River (2799427) M33066	Held as fixed marginal strip under section 24(3) of the Conservation Act 1987

#### Marginal Strip (s.24C)

### ***24C Purposes of marginal strips***

*Subject to this Act and any other Act, all marginal strips shall be held under this Act—*

*(a) for conservation purposes, in particular—*

*(i) the maintenance of adjacent watercourses or bodies of water; and*

*(ii) the maintenance of water quality; and*

*(iii) the maintenance of aquatic life and the control of harmful species of aquatic life;  
and*

*(iv) the protection of the marginal strips and their natural values; and*

*(b) to enable public access to any adjacent watercourses or bodies of water; and*

*(c) for public recreational use of the marginal strips and adjacent watercourses or bodies of water.*

*Section 24C: inserted, on 10 April 1990, by section 15 of the Conservation Law Reform Act 1990 (1990 No 31).*

### **Stewardship areas (s.25)**

*“Every stewardship area shall so be managed that its natural and historic resources are protected.”*

Both sections 24C and 25 therefore refer to the need to “protect”. The term “protection” is defined in section 2(1) of the Conservation Act 1987 as:

*“**protection**, in relation to a resource, means its maintenance, so far as is practicable, in its current state but includes-*

*(a) its restoration to some former state; and*

*(b) its augmentation, enhancement, or expansion*

When considering section 24C we need to consider *such lists, where criteria are cumulative and all must be met, the word ‘and’ is used before the last criterion* (the interpretation in the CGP).

Looking particularly at the Conservation Board’s concern about the purposes of marginal strips as set out in s24C, two of the affected areas are fixed marginal strips. The Board suggests that earthworks and infrastructure are contrary to the ‘directive imperative’ of the purpose of marginal strips.

There are many marginal strips around the motu which have earthworks and infrastructure of the kind proposed by this application consistent with the purpose of marginal strips. The pipeline over conservation land adjacent to the Waitohi River will have minimal effects on marginal strip purposes post construction and, constructed effects are able to be managed.

For the constructed river channel, access track and flood protection works, the effects of these activities are likely to be both positive and negative. The access track will not be readily available to other users (it is accessed off private land) and will reduce disturbance from uncontrolled vehicles accessing the area which could otherwise occur. The flood protection works and constructed river channel protect both adjacent areas and the riverbed, and will also

minimise the need for digger maintenance of the intake structure. It is noted that a rare raoulia bed adjacent to the activity was destroyed in recent flooding. This may have been protected had the flood protection works and channel been in place.

In addition, section 17V of the Act specifically refers to Limitations on concessions and leases over marginal strip without limiting the power of the Minister to grant a concession over a conservation area that is marginal strip.

There is already a significant authorised easement in the form of a 42m long x 7.50m wide canal over the Hurunui River marginal strip (in its current state) that the Applicant is going to utilise as part of the irrigation scheme proposal. The proposed additional infrastructure on conservation land at all locations (especially marginal strip within the Hurunui River channel) is considered minor in comparison to this existing authorised canal.

In this instance, the Minister has technical advice from a DOC Technical Advisor Freshwater which indicates that some of the effects the Board is concerned about are less than minor and can be adequately mitigated. The Minister also has information that the conservation values of the affected areas are low. Lastly, the resource consents already held by the Applicant provide for an environmental trust to restore habitat and for regular liaison with recreational users of the rivers including jetboaters and anglers.

### **Conservation Act 1987 (General)**

The mandatory nature of the wording in Part 1, section 2(1) of the Conservation Act 1987 would also suggest that the proposed activity may be contrary to the provisions of the Act. However, the provisions contained within Part 3B of the Conservation Act 1987, in particular s.17U of the Act require the Minister to also consider a number of other matters, including the effects of the proposed activity, the conservation values to be protected, and to question whether the granting of the application, with or without conditions (comprising safeguard and mitigation measures) would provide protection of those resources. This consideration gives effect to the wording in s.17Q(1) where “...the Minister may grant a concession in the form of a lease, licence, permit, or easement in respect of any activity.”

The consideration to grant a concession is further reinforced by section 17V of the Act which specifically refers to Limitations on concessions and leases over marginal strip without limiting the power of the Minister to grant a concession over a conservation area that is marginal strip, and, furthermore, the consideration to grant an easement for utility activities is recognised and provided for in the CGP and CGP as discussed in detail below.

The test under the Act is whether the proposed activity is contrary to the purpose for which the land is held. Accordingly, it is considered that the proposal would not be contrary to the purposes for which these marginal strips and stewardship land is held if a concession in the form of an easement (or licence and easement) were granted.

### **S17U(4): Can a structure or facility be reasonably undertaken elsewhere?**

A concession to build or extend a structure or facility shall not be granted if the activity could reasonably be undertaken in another location that is outside conservation land or in another conservation area where the potential adverse effects would be significantly less, or if the activity could reasonably be undertaken in an existing structure.

### **Criteria for decision:**

- Is the activity consistent with s17U(4) of the Conservation Act? (That is, the activity

cannot reasonably be undertaken at another location or in an existing structure?)

Yes /No /NA

**Discussion:** It is appropriate to consider the Conservation Boards advice on section 17U(4) in this section of the Report.

In particular, the Board is concerned that more consideration should be given to whether the Minister could be satisfied the activity could reasonably be undertaken in another location outside the affected conservation areas. It is inferred that the Board means the activity should not be located on any conservation areas.

The Department requested further information on section 17U(4) as it was considered that the Applicant could utilise the existing easement 47898-OTH over the Hurunui River Marginal Strip for the proposal, without the need for any further infrastructure.

The Applicant's consultant responded that it would not be practical to just utilise the existing easement in conjunction with a reservoir on private land as heavy machinery was required regularly to enter the river system to maintain water flow in the channel and, it would not be able to provide the water flow required to service 44 properties comprising approximately 4,000 hectares.

The Applicant also provided further context around the choice of location of the activity, including that it would be very difficult and costly to relocate away from any conservation areas, especially in the Hurunui River. The affected Waitohi riverbed conservation area is nearby the existing activity already on the conservation area.

Ultimately these are matters for the Minister to determine, having regard to the Board's advice as well as other information.

It is considered that the proposal is consistent with section 17U(4), as the new infrastructure to be established will utilise the existing authorised canal over the Hurunui River Marginal Strip with continuation of the irrigation scheme via a new underground pipeline over conservation land adjacent to the Waitohi River.

#### **S17W: Relationship between concessions and conservation management strategies and plans**

A concession shall not be granted unless the proposed activity is consistent with any established conservation management strategy, conservation management plan, and/or national park management plan.

#### **Criteria for decision:**

- Is the activity consistent with all relevant statutory planning documents?

Yes /No

#### **Discussion:**

Where a conservation management strategy or conservation management plan exists for a particular location a concession can only be granted if doing so is consistent with the management strategy or plan (s17W).

In this case a conservation management strategy does affect the area to which the application

relates. The relevant management strategy is the Canterbury (Waitaha) Conservation Management Strategy 2016 (“Canterbury CMS”) is subservient to the Conservation General Policy 2005 in so far as it must implement the general policies set out in the 2005 document and it must not derogate from the general policies. Where a conservation management strategy is silent on an issue reference can be made to the Conservation General Policy for direction.

There is no relevant conservation management plan for the area.

### **Conservation General Policy (May 2005) (CGP):**

It is recognised in the CGP that there are a variety of activities undertaken by people and organisations on public conservation lands and waters that require authorisation [Section 10. Accommodation and Related Facilities - refer to policy extracts below] and [Section 11 Activities requiring Specific Authorisation (not covered elsewhere)]. Part 11.3 covers the policy on utilities and states that “*utilities may be provided for on public conservation lands and waters where they cannot be reasonably located outside public conservation lands and waters, or if specifically provided for as a purpose for which the place is held.*”

Policy 11.3 covers utilities, and it is considered that the proposed irrigation scheme utility activity to provide water to farming operations is consistent with the CGP.

### **Consistency with Relevant Management Strategies and Plans s17W:**

#### Canterbury (Waitaha) Conservation Management Strategy 2016

Provisions relevant to this matter are found in Parts One, Two (Places) and Three (Specific policy requirements).

To guide decision making the pre-amble to Part Two (Places) notes:

- Outcomes describe the future state of a Place, including its values, and reflect the expected changes at that Place over the 10-year term of the CMS. They will be used for conservation management and when making decisions, including in the absence of a relevant specific policy for a Place.
- Policies describe the course of action or guiding principles to be used for conservation management and when making decisions. Policies refer to public conservation lands and waters within a Place unless they are addressing matters of advocacy.
- Milestones are specific actions that are measurable steps towards achieving the outcomes and policies.

Part Two must be read in conjunction with Parts One and Three. Where the provisions in Part Two are more specific than the provisions in Part One and/or Part Three, the more specific provisions in Part Two prevail.

Analysis of the Canterbury CMS with respect to this proposal is provided alongside individual CMS provisions (in *italics*) relevant to this matter in the body of the table below, with comments.

### **The Place**

The conservation land affected by the application is referred to in Part 2.3 Northern High - Country Place Map 5.3.



*The entire Place, with the exception of lands in and east of Hanmer Forest Park, has been identified as an Outstanding Natural Feature and Landscape.<sup>25</sup> Geothermal springs occur in the Hurunui, Lewis and Edwards river valleys; all have long been modified for recreational use.*

*The Hurunui River is a Deed of Recognition site.*

*The Waiau Uwha, upper Hurunui and Waiau Toa/Clarence rivers are all used by rafters or kayakers; the Waiau Uwha and Hurunui being nationally highly rated white-water.<sup>28</sup> Use of all three rivers is assisted by road or air access, suitable riverflows, and camping sites with basic facilities.*

*The Waiau Uwha and upper Hurunui rivers are highly rated white-water rivers, and the upper Waiau Toa/Clarence River is the beginning for many multi-day rafting trips. New opportunities for public use and enjoyment are provided to take advantage of the primary access and activity points: along State Highway 7, the Hanmer Springs visitor hub, and rafting and kayaking entry and exit points on the three big rivers—Waiau Uwha, Hurunui and Waiau Toa/Clarence.*

#### Part 1.5.1 Natural Heritage

##### *1.5.1 Natural heritage*

##### *Section 1.3*

*Outlines the key matters that have shaped Canterbury (Waitaha) into being a significant region for natural heritage, the pressures that make it vulnerable to further decline and the opportunities that need to be pursued into the future. Canterbury terrestrial and freshwater ecosystems include those that are well-protected (e.g. beech forests and their lakes), poorly-protected and threatened (e.g. inter-montane basin-floors, lowland streams, wetlands), naturally rare (e.g. Kaitorete Spit, Hurunui lakes) and those important for threatened and/or at risk species (e.g. braided rivers). Coastal and marine ecosystems are variable in their protection and have not been systematically assessed. Within these ecosystems the Department has identified over 80 priority ecosystem units on public conservation lands and waters (see Appendix 4).*

*It is considered that the effects of the proposed activity on natural heritage is minor and has been appropriately considered in section 6 in this Report with respect to the statutory analysis of section 17U of the Act.*

#### ***POLICIES***

*2.3.3 Should allow vehicles only on the roads purposely formed and maintained for vehicle use, and the vehicle access identified in Table 6.*

*This policy relates to vehicles on roads (formed and maintained for vehicle use by the public). As the Applicant is applying to have vehicle access via a track to service a utility, this policy is not relevant however, policy 3.2.3 discussed below is.*

#### ***2.6 Braided Rivers/Ki Uta Ki Tai Place***

*Although containing limited public conservation lands and waters, Canterbury's braided*

*rivers, including their gorges, are included as a 'Place' because of their importance in the landscape, the habitat they provide to many specialised and distinctive native plants and animals, their recreational values, and their focus for the Department's advocacy and community relationship work. The Place is closely linked to 2.2 Southern Conservation Parks Place, 2.3 Northern High-Country Place, 2.4 High-Country Basins Place and 2.9 Coastal Land and Marine/Ki Tai Place*

*Braided rivers are recognised as supporting a diversity of plants and animals adapted to living in a highly dynamic environment including major floods and ephemeral waterchannels. Seventeen priority ecosystem units (see Appendix 4) have been identified on public conservation lands and waters wholly or partly in this Place, along the Hurunui South Branch,...*

*Management of braided rivers since early 1900s has focused on energy production, water and gravel extraction, the confinement of rivers for flood protection, and waste disposal, all to the detriment of ecological sustainability.*

*"...since the mid 1900s a series of irrigation schemes has been developed, all having varying degrees of ecological impact.*

*The particular significance of some of the rivers, where public conservation lands and waters are involved, is recognised by Deeds of Recognition for the Hakataramea, Hakatere (Ashburton), Hekeao (Hinds), Hurunui,..."*

### ***Management issues and opportunities***

*Land use intensification and pastoral development have resulted in a massive loss of wetlands and drylands in Canterbury and displaced whole sections of alluvial riverbed succession sequences. Stock intensification has increased nutrient levels in waterways, which affects habitats. In addition, more people are using upper river headwaters areas, often for recreation, increasing vehicle and people impacts on braided rivers and their species.*

*Many reaches of Canterbury's riverbeds are bordered by freehold lands subject to ad medium filum aquae (AMF) rights (i.e. potential title to the centre line of the river), and/or a 'movable freehold' water boundary at the river edge. A consequence being that under the Land Transfer Act 1952 landowners can claim 'accretion' to their land, which is then developed, with the loss of riverbed floodplain and the river's ability to maintain natural meander patterns. Under the Land Information New Zealand Guidelines for Accretion Claims (2007),<sup>52</sup> the Department and councils have the ability to comment on accretion claim proposals.*

*Water storage development is sometimes seen as presenting biodiversity and recreation opportunities, but such opportunities may already be well-provided and could be at the cost of losing irreplaceable values and opportunities due to modification of peak flow regimes.*

*As discussed in section 6 in this Report especially with regard to the advice received from DOC's Technical Advisor Freshwater, it is considered that the proposed activity will have a minor impact on braided rivers and any effects will be avoided, remedied or mitigated by conditions.*

### ***3.1 General***

***Authorisations (General) (Page 122)***

*“Unless enabled by other legislation (<sup>45</sup>examples are the Electricity Act 1992 and Cadastral Survey Act 2002), anyone wishing to undertake an activity for specific gain or reward (including carrying out a trade, occupation or business) on public conservation lands and waters..., or the construction of a structure, requires an authorisation. The most common authorisation is a concession under Part 3B of the Conservation Act 1987. The Department aims to allow for a range of authorisations that are consistent with relevant legislation and policy, the protection of natural resources and historic and cultural values, and the recreational settings and planned outcomes and policies for specific Places (Part Two).”*

This part of the CMS allows the Applicant as a trade, occupation, or business to apply to carry out the proposal on conservation land.

***Section 3.10 Structures and utilities (Page 138)***

*Utilities are facilities that provide essential public services, such as: telecommunications; energy generation and transmissions; sewerage; water supply and flood control; oil and gas transmissions; roads and airstrips; hydrological and weather stations; and seismic monitoring.*

*Structures and utilities can be temporary or intended for long-term use. They can share space (usually a public facility) or require exclusive occupation of space (usually a private facility). Both may be either commercial or non-commercial in nature.”*

*3.10.1 Should apply the following criteria when considering applications to erect or retain structures or utilities or for the adaptive reuse of existing structures on public conservation lands and waters:*

*a) the purposes for which the lands and waters concerned are held;*

*[discussed above under s.17U(3)]*

*b) the outcomes and policies for the Places where activity is proposed to occur;*

*[no outcomes and policies would be impacted by this activity]*

*c) whether the structure could reasonably be located outside public conservation lands and waters;*

*[discussed above under s.17U(4)]*

*d) whether the structure could reasonably be located in another location where fewer adverse effects would result from the activity;*

*[discussed above under s.17U(4)]*

*e) whether the structure adversely affects conservation, including recreational values;*

*[no recreational values would be impacted by the proposed activities]*



f) *whether the structure is readily available for public use;*

[Not suitable for public use. If someone wants to utilise the infrastructure for other purposes then this would be as a commercial arrangement with the Applicant]

g) *whether the structure is consistent with the visitor management zone on Map 3 and as described in Appendix 12;*

[the sites fall within Backcountry and Rural. This activity may be approved in this zone subject to conditions to avoid, remedy or mitigate adverse effects, as discussed in s.17U(1) & (2) above, and is not inconsistent with the Canterbury CMS – see discussion above]

h) *whether the activity promotes or enhances the retention of a historic structure;*

[not relevant to this application]

i) *whether the activity is an adaptive reuse of an existing structure;*

[adaptive reuse of existing authorised canal]

j) *whether the policies for private accommodation and related facilities should be applied (see Policies 3.11.1-3.11.7); and*

[not relevant to this application]

k) *whether any proposed road in a national park is provided for in the relevant national park management plan.*

[not relevant to this application].

It is considered that the proposed activities are consistent with relevant policies 3.10.1(a)-(k) discussed above.

## 3.2 Vehicles

### ***Policies***

*3.2.3 May allow motorised vehicles on public conservation lands and waters for the construction, operation and/or maintenance of authorised utilities, farming operations, and restoration activities.*

As vehicle use is for the operation and/or maintenance of utilities (including an authorised utility) it is considered that the proposed activities are consistent with policy 3.2.3.

It is appropriate to consider the Conservation Boards advice in this section of the Report.

*The Board's comments on CGP policies and references to Part 3B do not add much to the Minister's consideration*

The Board's references to CGP policies 11.1(a) and 11.1(b) do not advance its advice as policy 11.1(a) largely repeats sections 17U(3) and 17W(1) that a concession must not be inconsistent

with the statutory purpose for which the land is held or with the Canterbury CMS. Similarly, policy 11.1(b) requires consideration of efforts to avoid, remedy or mitigate adverse effects and maximise positive effects, similar to s17U(1)(c).<sup>18</sup>

*The Board's functions include advice on implementing the Canterbury CMS, and these comments may have greater weight*

The advice from the Board carrying the greatest weight relates to the Canterbury CMS, as the Board is fundamentally concerned with the creation and implementation of the Canterbury CMS.<sup>19</sup> The Board's advice refers to the Canterbury CMS recognising the need for improved outcomes on braided rivers as part of the Braided Rivers/ Ki Uta Ki Tai Place. The Board has referred to part of the Outcome for the place, and the overall CMS Vision for Canterbury (Waitaha) - 2066.

The full paragraph of the Outcome referred to by the Board reads as follows:<sup>20</sup>

*Outside of public conservation lands and waters, braided river ecosystems are being sustainably managed to ensure they remain viable. Smaller, more highly modified rivers are managed to retain their residual ecosystem values and restore lost values where practicable. Riparian protection and indigenous riparian forest restoration have progressed, particularly where public conservation lands, council reserves, and Ngāi Tahu lands adjoin braided rivers crossing the Canterbury Plains (Ngā Pākihi Whakatekateka o Waitaha). Activities in braided riverbeds, including vehicle use, are managed to avoid adverse effects on ecosystems and species. These sustainability actions are being enabled by community action and Canterbury Water Management Strategy programmes.*

In the context of the application and the affected conservation areas, effects of the activity are being managed to retain residual ecosystem values including fish passage and screening, and to manage adverse effects of vehicle use by confining this to the proposed access track. These actions are consistent with the CMS Place Outcome.

The 50-year CMS vision is broad ranging. The application is likely to have minimal adverse effects and may have some positive effects on maintaining the waterway and its margins to improve ecosystem values.

The Decision Maker should consider the Board's advice on the consistency or otherwise of the application with the Canterbury CMS, acknowledging the Board's function to provide advice about implementing the Canterbury CMS - consistent with the Board's integral role in creating the Canterbury CMS.

Again, the Decision is not bound by the Board's views, and may come to their own decision. Again, if the Decision Maker disagrees with the Board and does not consider the application is inconsistent with the Canterbury CMS, reasons should be given for this.

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<sup>18</sup> refer paragraphs 18 and 19 above

<sup>19</sup> In addition to the Board's functions under section 6M(1), the Board is integral to the process to create new CMSs and review CMSs under sections 17F and 17H Conservation Act.

<sup>20</sup> CMS, section 2.6 Braided Rivers/ Ki Uta Ki Tai Place at page 97.

It is considered, after taking into account the Conservation Board’s advice and the contents of this Report, that the proposal is consistent with the Canterbury CMS.

## 7. Proposed Operating Conditions

### Conditions

#### Standard conditions applicable to the proposed activity:

The proposed activity has been drafted on a concession (easement) document recorded as [DOC-6858704](#).

The concession is broken into distinct parts.

1. The first portion of the concession document sets out the operative parts of the easement document; includes the names of the parties; contains their signatures; and provides the background.
2. The second part of the concession contains Schedule 1. Schedule 1 sets out many of the key terms used elsewhere in the concession. Item 2 of Schedule 1 will be shown as an easement in gross.
3. Schedule 2 contains the standard conditions applied to most concessions.
4. Schedule 3 would contain the special conditions that have been prepared specifically for this application. The draft special conditions recommended by this report are set out in section 7 below.
5. Subsequent schedules contain maps or plans depicting the concession area(s) as shown in figures 1 & 2 above, bond agreement (if applicable), and, as this is an easement document; rights and powers implied in easements (Schedule 5) and, the requirement to complete an annual return of landowners to benefit from concession (Schedule 6).

#### Concession Activity

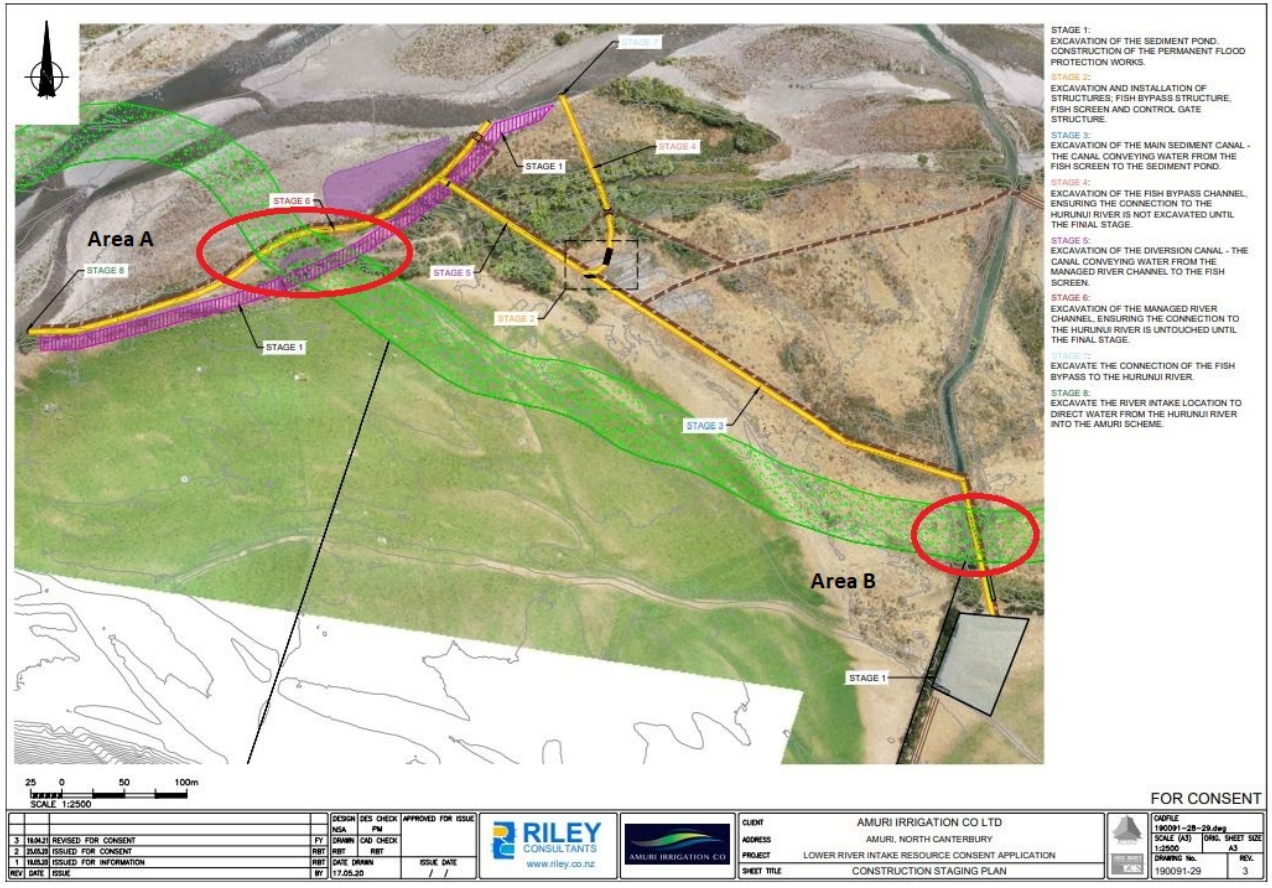
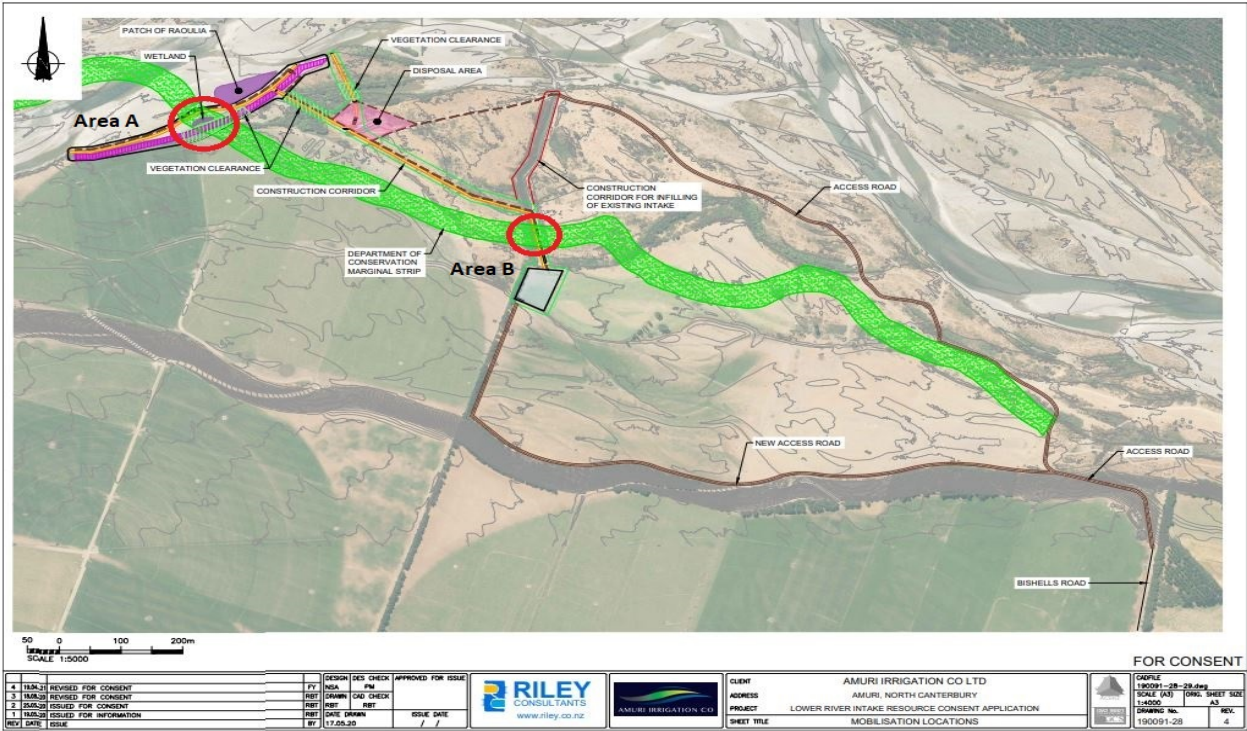
Conservation area	Activity
Marginal Strip – Hurunui River (2799426) M33065	<p><u>Area A</u></p> <p>(a) a right to convey water: (b) a right of way:</p> <p>for the purpose of the establishment and operation of an irrigation scheme comprising a new crossing point, channel, permanent access track and flood protection area (approximate area 1,029m<sup>2</sup>).</p> <p><u>Area B</u></p> <p>(c) a right to convey water:</p> <p>for the purpose of utilising an existing canal structure approximately 315m<sup>2</sup> (42m long x 7.50m wide) for the operation of an irrigation scheme.</p>

<p>Marginal Strip - Waitohi River (2799427) M33066</p>	<p><u>Area C</u></p> <p>(d) a right to convey water: for the purpose of the establishment and operation of an irrigation scheme comprising a 20m long by 1300mm diameter Glass Reinforced Plastic (GRP) underground pipe. Approximate area of easement corridor to be 60m<sup>2</sup> (20m long x 3m wide).</p>	
<p>Conservation Area Waitaki Riverbed Horsley Downs (2799376) M33004</p>	<p><u>Area D</u></p> <p>(e) a right to convey water: for the purpose of the establishment and operation of an irrigation scheme comprising a 66m long by 1,300mm diameter Glass Reinforced Plastic (GRP) underground pipe. Approximate area of easement corridor to be 198m<sup>2</sup> (66m long x 3m wide).</p>	
<p>Conservation Area Waitaki Riverbed Horsley Downs (2799376) M33004</p>	<p><u>Area E</u></p> <p>(f) a right to convey water: for the purpose of the establishment and operation of an irrigation scheme comprising a 92m long by 1,300mm diameter Glass Reinforced Plastic (GRP) underground pipe. Approximate area of easement corridor to be 276m<sup>2</sup> (92m long x 3m wide).</p>	

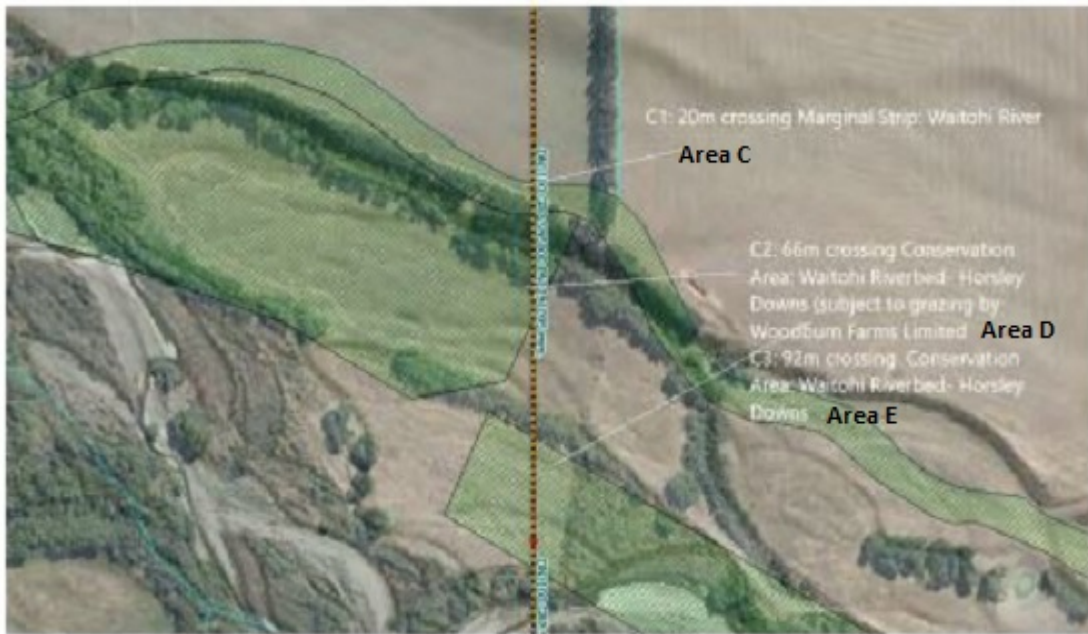
See labelled maps below



Maps to be included in Schedule 4 of any concession (if approved)







Special conditions relevant to this application:

### SCHEDULE 3

### SPECIAL CONDITIONS

1. The rights and powers implied in easements under Schedule 5 of the Land Transfer Regulations 2018, apply as is relevant to the class of easement provided for in this Concession. Schedule 5 of the Regulations (excluding clauses 13 and 14) is set out in Schedule 5 of this Concession and the clauses are varied as follows:
  - (a) Clause 1 is amended by adding the words “in Schedule 4” after the words “on a plan” in paragraph (a) of the interpretation of “**easement area**”

- (b) Clause 1 is amended by deleting the words “grantee and” from the interpretation of “grantee and grantor”
- (c) Clause 2 Classes of easements is amended by deleting (b), (c), (e), (f) and (g).
- (d) The following clauses are deleted as not relevant (4) Right to drain water, (5) Right to drain sewage, (7) Right to convey electricity, (8) Right to convey telecommunications, (9) Right to convey gas.
- (e) Schedule 5 is amended by adding a new clause 1A: “Any reference to “grantee” in this Schedule is to be read as “Concessionaire” and includes the Concessionaire’s agents, employees, contractors, tenants, licensees and invitees.”
- (f) Clause 6(2)(b) is deleted.
- (g) Clause 11(2) is deleted and clause 11(4) is amended by deleting the reference to (2).
- (h) Clauses 13 and 14 are deleted.

2. If the Concessionaire wishes the easement to be registered, the Concessionaire must at its own expense:
- (a) prepare an easement instrument in accordance with the Land Transfer Act 2017 and the rights and powers provided in the easement as set out in this Concession; and
  - (b) arrange for any necessary survey; and
  - (c) register the easement.

The Grantor, if satisfied the easement instrument implements this Concession, must sign the easement instrument to enable registration.

### **Climate change considerations**

- 3. The Concessionaire acknowledges that the Grantor and the Department of Conservation are reviewing their obligations under the Climate Change Response Act 2002 and developing responses to address greenhouse gas emissions from activities conducted on public conservation land and waters. The reviews are likely to result in policies which seek to measure, manage and reduce greenhouse gas emissions from Concession Activities. The Grantor wishes to signal to the Concessionaire that new concession conditions related to both climate change mitigation and adaptation may be imposed during the life of this Concession to address greenhouse gas emissions associated with the Concession Activity.
- 4. If the Grantor requests data relating to greenhouse gas emissions associated with the Concession Activity, the Concessionaire must provide any relevant data that is reasonably available to it within 6 months of the Grantor’s request.
- 5. The Grantor may review and amend the conditions of this Concession to reflect climate change-related legislation and government or Departmental policy and those conditions (“Revised Conditions”) may, amongst other things, require the Concessionaire to measure, manage and reduce the greenhouse gas emissions of the Concession Activity.
- 6. Before amending the conditions of this Concession in accordance with clause 5, the Grantor will provide the Concessionaire the draft Revised Conditions. The Concessionaire may provide written comments on those draft Revised Conditions within 60 days. The Grantor must take into account any comments received from the Concessionaire on the Revised Conditions before finalising the Revised Conditions.

7. The Revised Conditions will apply to the Concession Activity 4 months after the Grantor has notified the Concessionaire of the Revised Conditions in accordance with clause 6 or any later date specified in the Revised Conditions.

## **ESTABLISHMENT OF THE EASEMENT FACILITY**

### **Construction methodology**

8. Ensure that all establishment work is in accordance with *“Riley Consultants, Engineers and Geologists, Lower River Intake Resource Consent Application Report for the Amuri Irrigation Scheme dated 18 June 2020 (Report reference: 190091-C)”* included in the Concessionaire’s application.

### **Contractor selection**

9. The Concessionaire must ensure that only contractors with a demonstrated ability in earthworks are used to establish the easement facility.

### **Vehicle and machinery use**

10. The Concessionaire must not:
- (a) carry out works in flowing water;
  - (b) enter flowing water with vehicles and machinery;
  - (c) refuel or lubricate machinery or vehicles on the Land.

### **Bird protection**

11. Whenever practicable, any gravel disturbance in the river fairway/active bed between 1 August - 28 February inclusive should be avoided. If works must be undertaken during this time, clause 12 in this Schedule 3 must be followed.
12. Prior to any works authorised by this Concession being carried out in the period 1 August - 28 February, the Concessionaire must ensure that:
- (a) a suitably qualified person (which may include the Concessionaire’s employee or contractor trained by a suitably qualified ecologist), must inspect the proposed area of works in the river fairway/active bed, to locate any breeding sites of ‘threatened’ or ‘at risk’ river birds; and
  - (b) if river birds are found to be nesting near the site (<100m) then the Concessionaire must prepare a written record of inspection (“inspection report”) before any works commence. The inspection report must include:
    - (i) date and location;
    - (ii) river level and weather conditions;
    - (iii) description of work;
    - (iv) birds spotted and distance from works;
    - (v) before and after photographs of any nesting river birds and work site/s;
    - (vi) the name and qualifications of the person carrying out the inspection; and
  - (c) any contractor or person carrying out works authorised by this Concession must be informed of any bird breeding or nesting sites located; and
  - (d) where work ceases for more than eight days, the site must be re-inspected for bird

- breeding and nesting sites in accordance with subclauses (a) to (c) of this clause; and
- (e) vehicles and/or machinery must not be operated within 50 metres of birds which are nesting or rearing their young in the bed of the river, as identified by the inspection undertaken in accordance with subclause (a) of this clause; and
- (f) vehicles and/or machinery must be confined to one set of tracks, as far as is practicable, to reduce potential for crushing of nests (or other fauna), especially if inconspicuous nests are re-established, and minimise disturbance of wider feeding habitat; and
- (g) works must be confined to one reach of the waterway at any one time in order to minimise overall disturbance, by ensuring that only one reach is worked at a time during the nesting season, rather than operations over several reaches where birds are present.

Inspection reports are to be provided to the Grantor, if requested.

### **Fish protection**

13. The Concessionaire must comply with:
- (a) the Ministry of Primary Industries (MPI)'s Fish Spawning Indicator found at – <https://www.mpi.govt.nz/growing-and-harvesting/forestry/national-environmental-standards-for-plantation-forestry/fish-spawning-indicator/>; and
  - (b) the National Institute of Water and Atmospheric Research Limited (NIWA)'s Freshwater Fish Spawning and Migration Periods found at – [https://www.niwa.co.nz/sites/niwa.co.nz/files/Fish\\_spawning\\_and\\_migration\\_calendar\\_FINAL.pdf](https://www.niwa.co.nz/sites/niwa.co.nz/files/Fish_spawning_and_migration_calendar_FINAL.pdf); and
  - (c) the “*Guidelines on fish salvage in section 7.5.1 of the Wildlands Report No. 5004 (June 2020)*” as included in the Concessionaire’s application, if the Concessionaire needs to carry out ‘in-river wetted works’ during peak native fish spawning/migration periods.

### **Construction conditions (general)**

- 14. All wetlands are to be avoided. The boundary of any wetland is to be located and defined with pegs and tape. There is to be at least a 5m buffer left from between the wetland boundary and the disturbance zone.
- 15. Any vegetation removal and soil disturbance necessary to install and undertake the activity must be kept to a minimum.
- 16. The surface of the ground must be reinstated in a tidy manner following the installation of the easement facility.
- 17. No alterations to the easement facility requiring earth disturbance must be undertaken without prior consent in writing of the Grantor.
- 18. The Concessionaire must ensure that all machinery, tools and equipment used in undertaking the Concession Activity is steamed cleaned and weed free prior to being taken onto the Easement Land.
- 19. The Concessionaire must ensure that all gravel and other materials used in undertaking the Concession Activity are from a weed free source.

### Completion of establishment works

20. The Concessionaire must advise the Grantor when all work to establish the easement facility has been completed.
21. The Concessionaire must provide photographs of the Easement Facility to the Grantor once establishment is completed.

### **Post establishment of the Concession Activity**

#### **Remediation of works**

22. Where the Grantor identifies any requirement for remediation following monitoring or inspection, the remediation is to be carried out as specified by the Grantor at the Concessionaire's expense.

#### **Suspension of works**

23. The Grantor, at its sole discretion, may require all works to be suspended until suitable remediation is completed.

#### **Other consents, approvals and assessments**

24. This Concession does not replace, displace or supersede any other lawfully required consents, approvals and assessments from other agencies. This includes (but is not limited to) geotechnical, engineering, district and regional resource consents, and building consents. Copies of these approvals are to be provided to the Grantor prior to works commencing.

#### **Public access and safety**

25. The Concessionaire must ensure the public is able to pass freely and safely through the Easement Land, whenever reasonably possible.

#### **Fuels, hazardous materials, chemicals and waste**

26. Any waste or rubbish must be disposed of in an approved manner off the Easement Land at a Council approved site. Waste held on the Easement Land prior to its removal must be stored in a manner so as to ensure it does not become a contaminant or is not blown by wind or present a potential hazard to wildlife.
27. In the event of any hazardous substance spill the Concessionaire must:
  - a. Take all practicable measures to stop the flow of the substances and prevent further contamination onto the Easement Land or water;
  - b. Immediately contain, collect and remove the hazardous substances and any contaminated material, and dispose of all such material in an appropriate manner / authorised facility;
  - c. Notify the Grantor as soon as practicable;
  - d. Undertake any remedial action to restore any damage to the soil; and
  - e. Take all measures to prevent any reoccurrence.

#### **Accidental Discovery Protocol**

28. The Concessionaire must take all reasonable care to avoid any archaeological values on the Land which includes (but is not limited to) historic sites and protected New Zealand objects on the Easement Land. In the event that archaeological sites or other features with heritage values are found during any approved earth disturbance work on the Easement Land:
- a. Work must cease immediately until further notice and advice must be sought from the Grantor;
  - b. If it is an archaeological site as defined by the Heritage New Zealand Pouhere Taonga Act 2014 then Heritage New Zealand must be contacted and its advice sought;
  - c. If it is an archaeological site relating to Māori activity then local iwi must be contacted and their advice sought;
  - d. If it is an artefact as defined by the Protected Objects Act 1975 then the Ministry for Culture and Heritage must be notified within 28 days;
  - e. If it is human remains the New Zealand Police should also be notified;
  - f. In the event of cessation of approved work because of discovery of potential historical artefact or archaeological site the Concessionaire must not recommence work until permitted to do so by the Grantor.

#### **Myrtle Rust Protocols**

29. The Concessionaire must know the plants that are affected by myrtle rust and what the rust symptoms look like. This serious fungal disease only affects plants in the Myrtle (Myrtaceae) Family which includes pohutukawa, manuka, kanuka, and ramarama. See <https://www.mpi.govt.nz/protection-and-response/responding/alerts/myrtle-rust/>.
30. If the Concessionaire encounters suspected symptoms of myrtle rust, the Concessionaire must not touch it and must take the following steps:
- (a) Call the MPI Exotic Pest and Disease Hotline immediately on 0800 80 99 66;
  - (b) Take clear photos, including the whole plant, the whole affected leaf, and a close-up of the spores/affected areas of the plant;
  - (c) Don't touch or try to collect samples as this may increase the spread of the disease;
  - (d) If accidental contact with the affected plant or rust occurs, bag clothing and wash clothes, bags and shoes as soon as possible.

#### **Freshwater Pests**

31. The Concessionaire must comply with the Ministry for Primary Industry (MPI)'s "Check, Clean, Dry" cleaning methods to prevent the spread of didymo (*Didymosphenia geminata*) and other freshwater pests when moving between waterways. "Check, Clean, Dry" cleaning methods can be found at <http://www.biosecurity.govt.nz/cleaning>. The Concessionaire must regularly check this website and update their precautions accordingly.

#### **Other**

32. The Concessionaire must take reasonable and proper care not to damage any property of the Grantor and must promptly repair any such damage.
33. If the Concessionaire opens up the surface of the Easement Land the Concessionaire must

immediately upon completion of any works restore the surface of the Easement Land as nearly as possible to its former condition to the satisfaction of the Grantor.

34. Nothing contained or implied in this Concession entitles the Concessionaire to interfere with the services of any other user of the Easement Land.

#### **Payment of Fees and Activity Return**

35. The Concessionaire must complete and submit the Annual Return *Statement of Landowners to Benefit from Concession (Schedule 6)* due on 31 January each year for the duration of this Concession. The Concession Activity Fee and Environmental Premium Fee will be calculated as follows:
- a. For Year 1 (1 February 2022 to 31 January 2023) the Fees as described in Item 6 of Schedule 1 being the Concession Activity Fee (\$43,520.00 plus GST) and Environmental Premium Fee (\$4,352.00 plus GST) will be charged in accordance with the following: 50% of the Fee being \$23,936.00 plus GST will be invoiced on 31 July 2022 and the balance of \$23,936.00 plus GST will be invoiced on 31 January 2023;
  - b. For Year 2 (1 February 2023 to 31 January 2024) the Annual Return (Schedule 6) due on 31 January 2023 will be used to calculate the Concession Activity Fee and Environmental Premium Fee in Item 6 of Schedule 1, based on the number of landowners to receive the benefit of the Concession;
  - c. For the avoidance of doubt, from Year 2 onwards, the Concession Activity Fee and Environmental Premium Fee will be calculated based on the number of landowners to receive the benefit of the Concession and will be invoiced in advance in accordance with Item 7 of Schedule 1.

#### **Monitoring and compliance**

36. If the Grantor determines that compliance with the conditions of this Concession or the effects of Concession Activity should be monitored, the Concessionaire shall meet: either the full costs of any monitoring programme that is implemented; or, if the Grantor determines that the costs should be apportioned among several Concessionaires who use the same locations, part of the costs of the monitoring programme. These costs will include the Department's standard charge-out rates for staff time and the mileage rates for vehicle use associated with the monitoring programme.

#### **Monitoring**

See proposed special condition 36 above.

#### **Term**

The Applicant sought an easement for a Term of 30-years.

#### Appropriateness of a 30-year easement versus a 10-year licence and easement

Further to the discussions in section 6 in this Report (section 17SC of the Act). After the Applicant provided further information, including visual renderings of before and after (Appendix 1), it is considered that one of the primary purposes of the flood protection at the Hurunui River is to protect the proposed activity, which includes the existing easement (canal infrastructure) over marginal strip to be utilised as part of the proposal.

As the wording in the interpretation of easement facility includes “, and anything in replacement or substitution” it is considered that the entire proposal over conservation lands, including the flood

protection on part of the marginal strip within the Hurunui River can (appropriately) be considered as an easement.

As stated in the discussions under section 17SC public access will not be impeded or compromised if a concession is granted, regardless of whether the Decision Maker grants the concession as a 30 year easement pursuant to section 17SC(3) or, a 10-year licence and easement pursuant to section 17SC(2). The Decision Maker will need to make a statutory decision pursuant to section 17Q(2)<sup>21</sup> that it is appropriate, after considering the contents of this Report, whether an easement can be granted or, in the case of the flood protection, it is more appropriate to grant a licence.

In accordance with section 17Z, regardless of what decision is made on the concession type (if granted) a 30-year easement will be appropriate pursuant to section 17Z(3) and, a 10-year licence and easement will be appropriate pursuant to sections 17Z(1) & 17Z(3).

### **Decision on concession type and Term**

To assist the Decision maker in deliberations on the type of concession and Term for the entire proposal, tiered recommendations have been included in section 9 in this Report (see recommendation 4).

To assist the decision maker the Recommendations portion of this Report provides 2 options which canvass the range of options set out above:

1. Option 1 to grant a concession (easement) for a 30-year Term.
2. Option 2 to grant a concession (licence and easement) for a 10-year Term.

### **Fees**

Section 17Y enables the Minister to require the Concessionaire to pay any specified rents, fees or royalties and also any levies or charges imposed on an occupier of land. In setting the rent, fee or royalty the Minister may set the amount according to market value. Section 17Y (2) also requires that regard shall be had to:

- (a) Any circumstances relating to the nature of the activity; and*
- (vi) The effects of the activity on the purposes of the area affected; and*
- (vii) Any contractual conditions, covenants or other encumbrances placed upon intrinsic resources, natural resources, or historic resources by the concession.*

### **Processing Fee**

\$11,977.50 plus GST.

### **Concession Activity Fee**

A desktop exercise was carried out to classify the beneficiaries into either minor commercial or commercial easement categories. The result of this is that all 44 beneficiaries have been classified as commercial, this rate is discounted due to a 20% bulkage discount.

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<sup>21</sup> The Minister shall not grant an easement in respect of an activity if a lease, licence, or permit may be granted in respect of the activity and the Minister considers that a lease, licence, or permit is more appropriate in that case.



44 beneficiaries x \$1600 = \$70,400

minus 20% bulkage discount (\$14,080) = \$56,320

Plus 10% land type premium for conservation area (marginal strip) (\$5,632) = **\$61,952 pa + GST**

This equates to an annual cost of **\$1408 pa + GST** to each beneficiary of the irrigation scheme, a discount of \$192 off the standard commercial easement price.

This fee was approved by Deidre Ewart, Business Manager<sup>22</sup>.

Fee revised after Applicant provided feedback (see points 16-31 in section 8.0 in this Report)

The following revision of the fee has been approved by Deidre Ewart, Business Manager<sup>23</sup>

Method

34 beneficiaries multiplied by commercial easement rate of \$1600 + GST

= \$ 54,400 + GST

minus 20% bulkage discount (-\$10,880)

= \$ 43,520 + GST

Plus 10% land type premium for conservation park (marginal strip) (+\$4352)

= **\$ 47,872 + GST**

### **Activity Return**

It is also recommended that a certifiable activity return be included in any concession document (if granted) that will require the Applicant to provide an updated list of beneficiary landowner properties that will be used to determine the activity fee for the coming year.

### **Environmental Premium Fee**

It is appropriate to consider the imposition of an Environmental Premium Fee. This to reflect the environmental impact i.e. compensates for the visual and noise impact, reduction in recreational use, and loss of vegetation associated with the Concession Activity on the Land.

In accordance with the pricing manual (Appendix A) this is 10% and has been included in the Concession Activity Fee calculation above.

### **Concession Management Fee**

The Management Fee represents a fee to recover administrative costs of managing the concession during its term. The management fee covers matters such as responding to general enquiries about the concession, invoicing, reviews and the like.

Section 59 of the Setting of Concession Fees SOP guidance document [DOCDM-596529](#) recommends the following standard Management Fee components:

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<sup>22</sup> [DOC-6849072](#)

<sup>23</sup> [DOC-6893874](#)

- (i) Basic Rate \$150 per annum + GST
- (ii) Rent/Fee Review \$100 per annum + GST
- (iii) Activity Return \$150 -\$200 per annum + GST
- (iv) Recovery of the processing of rates \$100 per annum + GST

As this is a commercial easement the following management fee is recommended in accordance with the table below.

Component	Description	Assessed as	Amount (Excl GST)
Basic Rate	Includes: Accounts receivable invoicing; general discussion and queries to the concessions team and district office  Excludes: any time spent on discussing variations or new applications that will be recovered by an application processing fee	4 hours @ \$130 (Advisor)	\$520.00
Rent Review	Includes: Category 4 rent review (complex)  Excludes: valuations (if required) for the rent review and any fee dispute negotiations	1 hour @ \$140 (Pricing & Economics/Business Support Manager)  3 hours @ \$130 (Advisor)	\$530.00
Activity Return	Includes processing activity fee return; desktop compliance for activity; update permissions billing module	3 hours @ \$130 (Advisor)	\$390.00
<b>Total (Exclusive of GST)</b>			<b>\$1,440.00</b>

The Concession Management Fee to be **\$1,440.00 per annum + GST**.

### **Fee Reviews**

All fees reviewed 3-yearly.

### **Bond**

The Conservation Act 1987 enables the Minister to impose bonds. The relevant provision is:

#### ***17X Power of Minister to impose and enforce conditions***

*(e) the provision by the concessionaire of bonds—*

- (i) to cover any costs incurred by the Minister in carrying out work that the concessionaire has failed to carry out and that was required by the concession document to be carried out; or*
- (ii) to mitigate any adverse effects arising from but not authorised by the concession or not reasonably foreseen at the time the concession was granted:*

If a concession is granted, and a bond required, the Department would require the Applicant to enter into a formal process with an independent professional bond/surety assessment firm to assess and calculate an appropriate bond/surety amount. The Department would participate in this exercise and the parties would need to agree to an appropriate bond amount. This bond would be expected to be sufficient to ensure there are appropriate financial safeguards in place to address the risks.

In general, when considering if a bond is appropriate and should be imposed we need to consider the following possible risk factors to the Department:

- the assurances we need relating to financial issues.
- the applicant becoming unable or unwilling to meet/comply with contractual obligations.
- the removal of infrastructure and rehabilitation of the subject land in the event of insolvency or concession expiry.
- the applicant unwilling to mitigate any adverse effects arising from, but not authorised by, the concession or resulting adverse effect not reasonably foreseen at the time the concession was granted.

It is considered that the risk factor for this application is low as:

- the Easement Facility on conservation land is of a minor nature, and
- the establishment phase of the Easement Facility is of a short-term duration, and
- the Department will be actively monitoring the establishment phase and ongoing use of the Easement Land, and
- the Applicant will be employing a consultant/specialist to establish the Easement Facility, and
- adverse effects have been identified and addressed by the Department, and therefore the risk of there being major unforeseen adverse effects is considered to be low, and
- any change in ownership that necessitates an assignment of the concession, the Grantor, as a condition of the assignment, can impose a bond or bank surety on the Assignee if this is deemed necessary.

If a concession is granted, and a bond required, the Department would require the applicant to enter into

a formal process with an independent professional bond/surety assessment firm to assess and calculate an appropriate bond/surety amount. The Department would participate in this exercise and the parties would need to agree to an appropriate bond amount.

It is recommended that the decision maker, after considering the contents of this Report and with regard to s.17X(e) agree that a bond not be imposed (refer to Recommendation 3, section 9 in this Report).

### **Fee Summary**

Processing Fee: \$11,977.50 plus GST

Concession Activity Fee: \$43,520.00 per annum plus GST. See comment below

Environmental Premium Fee: \$4,352.00 per annum plus GST. See comment below

Concession Management Fee \$1,440.00 per annum plus GST. To be invoiced in advance.

Note: In further discussions with Pricing and Economics if a concession is granted, the Applicant has raised concerns that they may not have resource consent approval for some time and if the Concession Activity Fee is invoiced on commencement of any concession (in advance), they will be paying for an activity that is not yet constructed and operational.

The recommendation is that the Concession Activity Fee and Environmental Premium Fee are invoiced 6 months after the concession commencement date and pro-rated based on the calculation above i.e. \$23,936 (50% of \$43,520 & \$4,352) with the balance of \$23,936 invoiced on the concession anniversary date. This will allow time for the resource consenting process to be concluded. When the Activity Return is received at the end of year 1, the Concession Activity Fee and Environmental Premium Fee for anniversary year 2 will be reassessed based on this return and, all fees will convert to being invoiced in advance.

Refer to proposed special condition 35 in section 7 in this Report.

## **8. Applicant Comments**

### **Comments received from Applicant**

A draft abridged copy of this Report was sent to the Applicant on 6 December 2021<sup>24</sup>.

The Applicant's response<sup>25</sup> is excerpted below. Included in the response is a revised list of landowners who benefit from concession (x34).

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<sup>24</sup> [DOC-6863705](#) (email sent 6/12/21 [DOC-6867315](#))

<sup>25</sup> [DOC-6893867](#)



23 December 2021

Department of Conservation  
Dunedin Office  
PO Box 5244  
Dunedin 9054

By email: [kibrown@doc.govt.nz](mailto:kibrown@doc.govt.nz)

Your ref: 91328-OTH

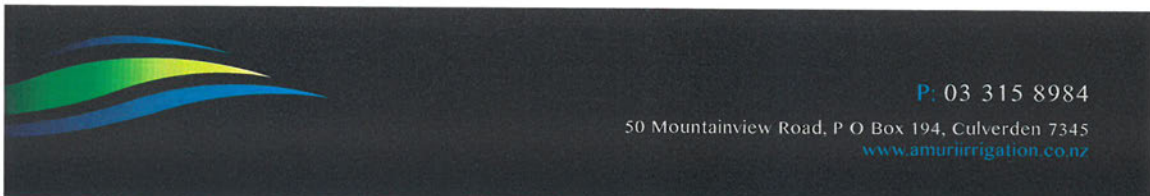
Dear Kelvin,

**Concession Application to construct the Hurunui Irrigation Scheme**

1. Thank you for providing us with a copy of the Permission Decision Support Document. We would like to provide some feedback on the proposed terms and conditions of the concession (subject to a final decision by the Decision maker). We appreciate the thorough and professional way this document has been prepared.
2. We support the following recommendations contained in the report:
  - a. That the concession is granted as a 30-year easement. We are investing \$30M in infrastructure to build this scheme and relying on a 10yr licence could potentially affect our funding options.
  - b. Easement in gross: we are a farmer owned company and property owners who benefit from this easement will all become shareholders. The added expense and administration of registering the easement against all the properties that benefit seems an unnecessary addition.

**Existing easement 47898-OTH**

3. Part of our application relates to taking over the concession covered in Easement 47898-OTH belonging to Mark Hassall and Mark Dallison.
4. As part of the requirements for the new concession, the owners of the existing concession will be asked to surrender it. We are still working through the process of gaining a resource consent for the construction of our project. To prevent the existing concession holder being left in a situation where they no longer hold a concession and our project does not proceed, we propose including a grace period (for example, 12 months) where both concessions be allowed to overlap before the surrender is formally requested or required.



**Footprint of the proposed infrastructure**

5. The Location (page 8 DSD) notes that Area 1 totals 750m<sup>2</sup>. However, our estimates based on the concept design measure this area at 1029m<sup>2</sup> which is in line with the measurements included in our original application. Can you please check this measurement?

**Construction of the proposed infrastructure**

6. It is our intention to engage an established contractor with a proven ability to complete the construction of this infrastructure. The works will be professionally project managed and be overseen by a specialist river engineer.
7. We have noted the requirement to create a buffer zone around the wetland.
8. Can you please confirm that the restrictions contained in the special conditions relating to vehicle and machinery use, bird protection, fish protection and other general construction conditions are intended to relate solely to the land contained within the Marginal Strip?
9. It is our intention to meet these conditions for any work on Public Conservation Land and also to apply for any required wildlife permits.

**Bird observation**

10. Wildland Consultants Limited prepared a report in 2018 identifying braided river birds present in both the Hurunui and Waiau Uwha rivers and considering the impact our existing river works may have on them. As part of that work, they provided key recommendations on practical options for avoiding or mitigating any potential effects on braided river birds.
11. At the river intake, some work is required at the start of the irrigation season (August to October) to direct water into the infrastructure and the level of ongoing work required during the irrigation season is dependent on the size and frequency of flood events. Generally, that work is minor and often involves a very small area of land. However the work is often required at short notice during the summer period and the difficulty of getting an ecologist on site, one of the recommendations in the report was that nominated members of our operations team were trained by a suitably qualified ecologist to survey sites requiring work for the presence of braided river birds prior to work commencing.
12. If river birds are found to be nesting near the site (<100m) then a plan for minimising disturbance to them should be prepared before work commences. Any mitigation should take into effect the location of the nests (if any) and birds should be monitored during the works. The plan and works should be documented with photos to show compliance with it.
13. We have developed a standard operating procedure for this work, which has been accepted by Environment Canterbury, where we keep a written record of inspections containing the following information:

- a. Date and location
- b. River level and weather conditions
- c. Description of work
- d. Birds spotted and distance from work site.

14. We propose that special condition 12 be amended to incorporate our procedure as outlined above. Notice could be provided at least 24 hours prior to work commencing using an agreed template.

**GHG reporting**

15. Understanding and reducing the greenhouse gas emissions of our company and shareholders is an important consideration for AIC and we appreciate the opportunity to revise any proposed conditions added to the concession in the future.

**Concession Fee**

16. Please note that our postal address is incorrectly recorded in the concession document and is PO Box 194, Culverden 7345.
17. We note that the concession year runs from 1 June to 31 May which helpfully matches with our financial year. We propose that the concession to begin on 1 June 2022 with the concession fee payable in arrears.
18. As our project is still awaiting some final approvals, this arrangement would allow time for these approvals to be arranged within the initial term of the concession.
19. Can you please amend the number of landowners who benefit from 44 to 34 due to some landowners withdrawing from the project. An amended table of landowners is **attached** to this letter.
20. Fee reviews are set for three yearly, but it appears that a rent review component is included in the annual concession management fee. Can you please confirm whether this is the case or whether this would only be applied in review years?
21. Can you also provide an estimate of likely monitoring costs we could expect on an annual basis, both for construction and then on an on-going basis?
22. We appreciate the provision of an annual return as part of the concession as the number of landowners may vary slightly over the first few years. However, once the infrastructure is built, there will be one further stage of construction. After this time, it is unlikely there will be further variation to the number of landowners that benefit. Can the annual return be ceased during a rent review if it is no longer required at the election of AIC?
23. The concession fee was significantly more than we had estimated and while we understand the basis for this fee, we ask that DOC consider further discounting the fee taking into account the following information.

24. We are a farmer owned company who operates with a collective philosophy on a cost recovery basis. No dividend has been paid to farmers over the company's 30-year history.
25. The infrastructure proposed is for the construction of a new delivery network providing water for irrigation to approximately 3,000 hectares of cropping, sheep, beef and deer farmland in Hawarden and Waikari in North Canterbury. The area to be serviced is very drought prone and suffered significantly over successive droughts from 2015-17 which the farming community is still recovering from.
26. The landowners in this area are primarily dryland sheep and beef farmers and without the guaranteed provision of water, the viability of their businesses and the nearby communities are at risk. Water also provides these farmers with an opportunity to diversify from their current land use and adapt and manage the impact of climate change. It will not facilitate additional dairy farming or significant land intensification.
27. The irrigation that the landowners have applied for makes up a small portion of their total farming operations and these farms will continue to be predominately dryland sheep, beef and deer farms. In most cases, a 150–300-hectare farm has applied for 20-50 hectares of irrigation to create some resilience for their current farming operations. An annual fee based on the number of farmers receiving water unduly penalising the farmers who are investing in relatively modest areas of irrigation and not changing land use to intensive dairy or dairy support systems.
28. As you are aware, the resource consents already held for this project contains comprehensive monitoring conditions and provisions for an environmental trust to restore habitat and viability of the scheme.
29. Our company strategy is focused on utilising our assets to support the long-term prosperity of our communities and the environment. We have a significant number of environmental enhancement projects planned in coming years to improve water quality and enhance biodiversity. This year we are undertaking monitoring of native species in the vicinity of our river intakes so that we can design an appropriate fish screen upgrade to protect native fish. We are also investing significantly in ecological monitoring of tributary stream and creeks.
30. It is proposed that DOC consider discounting the concession fee by 90%. We would like to invest in improved braided river outcomes and the degraded state of the braided river in the vicinity of the intake area is something we would like to enhance in partnership with Ngāi Tūāhuriri Rūnanga, Kaikōura Rūnanga and other landowners in the area.
31. We propose to agree on funding a programme in partnership with tangata whenua, DoC and landowners. We would like to direct funds towards this partnership and work with DOC, Runanga and the local community to enhance of the Hurunui River and protection of braided river birds and habitat.
32. We appreciate the opportunity to provide feedback on the draft decision document and look forward to hearing from you. Please contact me if you have any questions or require further information regarding any matter raised in this letter.



Yours sincerely  
 Sec 9(2)(a)

Sara Black  
 Business Services Manager



AMURI IRRIGATION CO  
 Sec 9(2)(a) | p +64 3 315 8984

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#### Discussion:

Point/s	Details / Outcome
1	Comments only need to be noted.
2	Applicant's support of 30-year easement and any easement (if granted) being in gross. Comments only need to be noted.
3-4	<b>Existing easement 47898-OTH.</b> That is to become part of this proposed activity can continue until such time as Mark Heyward Hassall and John Victor Dallison decide to surrender it.
5	<b>Footprint of proposed infrastructure.</b> After considering Applicant's comment, amended area of proposed activity within Marginal Strip - Hurunui River from 750m <sup>2</sup> to 1,029m <sup>2</sup> in the Report.
6-9	<b>Construction of the proposed infrastructure.</b> The restrictions contained in the special conditions relating to vehicle and machinery use, bird protection, fish protection and general constructions conditions are intended for conservation lands and waters and, this will be clearly stated in any concession (if granted) in Schedule 1.

10-14	<p><b>Bird observation.</b> The proposed draft special conditions for bird protection sent to Applicant for comment are shown below as Item A. These are the more comprehensive special conditions that the Department uses for such things as gravel extraction activities and the like. After considering the feedback from the Applicant, it is accepted that urgent maintenance and repair work may be required during the bird breeding season therefore, the following amendments to proposed special condition 12 (Item B below) are considered acceptable, without compromising or minimising any impact on nesting river birds.</p> <p><b><u>A. Proposed special conditions included in draft Report sent to Applicant</u></b></p> <p><b>Bird protection</b></p> <p>11. Whenever practicable, any gravel disturbance in the river fairway/active bed between 1 August - 28 February inclusive should be avoided. If works must be undertaken during this time, clause 12 in this Schedule 3 must be followed.</p> <p>12. Prior to any works authorised by this Concession being carried out in the period 1 August - 28 February, the Concessionaire must ensure that:</p> <ul style="list-style-type: none"> <li>(a) a suitably qualified person inspects the proposed area of gravel disturbance in the river fairway/active bed, no earlier than eight days prior to any works being carried out, to locate any breeding sites of ‘threatened’ or ‘at risk’ river birds; and</li> <li>(b) the person carrying out the inspection must prepare a report (this can be in email form) that identifies the location of all bird breeding or nesting sites, or conversely that no sites were identified. This report must be provided to the Grantor at least 48 hours before works commence; and</li> <li>(c) the name and qualifications of the person carrying out the inspection are provided to the Grantor with the report; and</li> <li>(d) any contractor or person carrying out works authorised by this Concession must be informed of any bird breeding or nesting sites located; and</li> <li>(e) where work ceases for more than eight days, the site must be re-inspected for bird breeding and nesting sites in accordance with subclauses (a) to (d) of this clause; and</li> <li>(f) vehicles and/or machinery must not be operated within 50 metres of birds which are nesting or rearing their young in the bed of the river, as identified by the inspection undertaken in accordance with subclause (a) of this clause; and</li> <li>(g) vehicles and/or machinery must be confined to one set of tracks, as far as is practicable, to reduce potential for crushing of nests (or other fauna), especially if inconspicuous nests are re-established, and minimise disturbance of wider feeding habitat; and</li> <li>(h) works must be confined to one reach of the waterway at any one time in order to minimise overall disturbance, by ensuring that only one reach is worked at a time during the nesting season, rather than operations over several reaches where birds are present.</li> </ul>
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	<p><b><u>B. Recommended amendment to proposed special condition 12</u></b></p> <p><b>Bird protection</b></p> <p>11. Whenever practicable, any gravel disturbance in the river fairway/active bed between 1 August - 28 February inclusive should be avoided. If works must be undertaken during this time, clause 12 in this Schedule 3 must be followed.</p> <p>12. Prior to any works authorised by this Concession being carried out in the period 1 August - 28 February, the Concessionaire must ensure that:</p> <ul style="list-style-type: none"> <li>(a) a suitably qualified person (which may include the Concessionaire’s employee or contractor trained by a suitably qualified ecologist), must inspect the proposed area of works in the river fairway/active bed, to locate any breeding sites of ‘threatened’ or ‘at risk’ river birds; and</li> <li>(b) if river birds are found to be nesting near the site (&lt;100m) then the Concessionaire must prepare a written record of inspection (“inspection report”) before any works commence. The inspection report must include: <ul style="list-style-type: none"> <li>(i) date and location:</li> <li>(ii) river level and weather conditions:</li> <li>(iii) description of work:</li> <li>(iv) birds spotted and distance from works:</li> <li>(v) before and after photographs of any nesting river birds and work site/s;</li> <li>(vi) the name and qualifications of the person carrying out the inspection; and</li> </ul> </li> <li>(c) any contractor or person carrying out works authorised by this Concession must be informed of any bird breeding or nesting sites located; and</li> <li>(d) where work ceases for more than eight days, the site must be re-inspected for bird breeding and nesting sites in accordance with subclauses (a) to (c) of this clause; and</li> <li>(e) vehicles and/or machinery must not be operated within 50 metres of birds which are nesting or rearing their young in the bed of the river, as identified by the inspection undertaken in accordance with subclause (a) of this clause; and</li> <li>(f) vehicles and/or machinery must be confined to one set of tracks, as far as is practicable, to reduce potential for crushing of nests (or other fauna), especially if inconspicuous nests are re-established, and minimise disturbance of wider feeding habitat; and</li> <li>(g) works must be confined to one reach of the waterway at any one time in order to minimise overall disturbance, by ensuring that only one reach is worked at a time during the nesting season, rather than operations over several reaches where birds are present.</li> </ul> <p style="text-align: center;">Inspection reports are to be provided to the Grantor, if requested.</p>
15	<b>Greenhouse Gas Emissions (GHS).</b> Comments only need to be noted.

16-31	<p><b>Concession Fee.</b> The feedback from the Applicant was considered by DOC’s Pricing &amp; Economics Team. The following review of fees was carried out and approved by Deidre Ewart, Business Manager<sup>26</sup>:</p> <p><b>Purpose</b> To provide a response to the disputed easement fee for a proposed irrigation scheme from the Hurunui riverbed.</p> <p><b>Recommendation</b> Recommended annual fee: <b>\$ 47,872 + GST</b> charged in advance.</p> <p>Apply a commercial easement rate of \$1408 pa + GST multiplied by the number of beneficiaries of the irrigation scheme. This rate is the commercial easement rate of \$1600 discounted by \$192 due to receiving a bulkage discount.</p> <p><b>Method</b> 34 beneficiaries multiplied by commercial easement rate of \$1600 + GST</p> <p style="padding-left: 40px;">= \$ 54,400 + GST</p> <p>minus 20% bulkage discount (-\$10,880)</p> <p style="padding-left: 40px;">= \$ 43,520 + GST</p> <p>Plus 10% land type premium for conservation park (marginal strip) (+\$4352)</p> <p style="padding-left: 40px;"><b>= \$ 47,872 + GST</b></p> <p><b>Context</b></p> <ul style="list-style-type: none"> <li>• The concessionaire has proposed that DOC consider discounting it’s proposed concession fee by 90%.</li> <li>• The concessionaire proposes to invest in improved braided river outcomes and the degraded state of the braided river in the vicinity of the intake area in partnership with tangata whenua, DoC and other landowners in the area.</li> <li>• The concessionaire has proposed that activity fee is charged in arrears.</li> <li>• The concessionaire has sought clarity on the monitoring and management fees they will be charged.</li> </ul> <p><b>Response</b></p> <ul style="list-style-type: none"> <li>• Due to the concessionaire’s activity producing private commercial benefits for the landholders, it is not eligible for a discount or waiver. To be eligible for a discount, the direct purpose of the applied concession must be to provide “non-commercial public benefits”. As this applied concession benefits private landholders and provides commercial gains it does not meet this criterion.</li> <li>• The irrigation easement will result in private benefits to beneficiaries in both</li> </ul>
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<sup>26</sup> [DOC--6893874](#)

	<p>improvements to farming efficiencies and an increase in the value of the privately held land. It is anticipated these private benefits will exceed the annual easement fee. Any waiver of these fees would result in the Department subsidizing these private benefits at the expense of internal funding for conservation work that benefits the public.</p> <ul style="list-style-type: none"> <li>• Many of the other environmental monitoring actions that the concessionaire has put forward as grounds for discounts are considered an expectation of holding a concession and are a minimum requirement of mitigating any negative environmental impact of the concession.</li> <li>• We applaud the concessionaire’s proposal to establish a partnership with tangata whenua, DoC and landowners to enhance the Hurunui River and protect braided river birds and habitat. However, the most appropriate means of obtaining funding for this proposal is through applying for <a href="#">a funding grant</a>, which we encourage the concessionaire to explore.</li> <li>• Any proposed community project needs to be vetted to the same standards as other potential projects through the appropriate mechanisms in place. This is in the interests of fairness and consistency.</li> <li>• Discounting concession fees for a commercial activity as a means of securing funding for a separate community project which is not the stated purpose of the concession application is not appropriate or fair to other proposed community projects which do not hold concessions with the Department.</li> <li>• Consideration of monitoring and management fees are outside of CaPS scope.</li> </ul> <p><u>The outcome of this fee dispute/review has been reflected in the discussion on fees in section 7 in this Report.</u></p>
32	Comments only need to be noted.

## 9. Decision Making

### Recommendations

It is considered that the proposed activity is not inconsistent with the provisions of the Conservation Act and is not contrary to the purpose for which the land is held nor with other provisions of the Act (s.17U3) and, is not inconsistent with the Conservation General Policy (CGP) and Canterbury CMS (s.17W(1)).

It is considered, in accordance with s.17S(2)(c), that the applicant has supplied reasons for the request and provided sufficient information in its further information to satisfy the Minister that it is both appropriate to grant the easement and lawful to grant it.

The key operative words in section 17U(4) of the Conservation Act 1987 are whether the applicant could reasonably build this structure somewhere else, or could reasonably use an existing structure (i.e. the existing easement). It is considered that the Applicant has now provided sound, tenable reasons in the further information (from its consultant), which has

been assessed in this Report in accordance with legislation, to satisfy the Minister that the proposed activity cannot reasonably use the existing easement for the entire proposal and, it cannot reasonably be constructed somewhere else, in conjunction with the existing easement.

**Existing Easement 47898-OTH**

The existing easement 47898-OTH in the name of Mark Heyward Hassall and John Victor Dallison to benefit Record of Title CB25K/882, is to be surrendered if this proposal is granted, as this landowner is to be a beneficiary landowner of the proposal outlined in this Report.

**Appropriateness of granting a 30-year easement versus a 10-year licence and easement**

As stated in this Report (section 7, public notification and Term) any decision to grant either a 30-year easement or, a 10-year licence and easement is a statutory decision and, as such, the two options have been provided below as recommendation 4. It is recommended that the entire proposal, if granted, be a 30-year easement.

It is considered that, even after taking into consideration comments from the Conservation Board, that there appears to be no reason why the Minister should not grant a concession to the Applicant for the proposed activity. The impact and effects of the proposed activity are minor, are well known at this location (understood and manageable), especially as there is an existing gallery channel that the Applicant is going to utilise as part of its proposal. Any potential adverse effects on conservation values such as biodiversity, historic, social and amenity values resulting from the proposed activity can be avoided, remedied, or mitigated by conditions, if a concession is granted.

**Decision: Non-Notified Concession under Part 3B of the Conservation Act 1987**

1. Deem this application to be complete in terms of s17S of the Conservation Act 1987:

Agree

2. Agree that it is not considered appropriate to give public notification of the application:

Agree

3. Agree that a bond pursuant to section 17X(e) is not required:

Agree

4. With respect to the granting of a concession for the proposal:

- (a) Agree to grant a Concession (Easement) for a Term of 30 years to Amuri Irrigation Company Limited subject to the standard concession contract and the special conditions listed below:

Agree

Special conditions to be included: Proposed special conditions 1-36 in section 7 in this Report

Sec 9(2)(a)



\_\_\_\_\_  
Signed by Leeann Ellis, Operations Manager, North Canterbury  
Pursuant to the delegation dated 9 September 2015 / 7 July 2019

1/02/2022

\_\_\_\_\_  
Date

**Decision Maker comments**

**I consider the assessment of the applicant is very thorough, and clearly demonstrates that the proposed works are not in conflict with the statutory planning documents under the Conservation Act.**



## APPENDIX 1

### Hurunui River

The infrastructure crosses the Marginal Strip: Hurunui River in two locations between Bishells Road and The Peaks Road, Hawarden adjacent to Records of Title CB33B/93 and CB25K/882. This is in a riparian area on the true right (south) bank of the Hurunui River, approximately 5km downstream from where the Mandamus River joins the Hurunui River.

The Hurunui River irrigation scheme sited within the Hurunui River Marginal Strip required further clarification from the Applicant. A letter<sup>27</sup> was sent to the Applicant on 8 April 2021 seeking clarification and comment on the following:

- Existing easement 47898-OTH over Hurunui River Marginal Strip<sup>28</sup>
- Flood Protection area (lack of visual representation)
- Landscape effects
- Access road
- Temporary construction compound

As there was a significant amount of further information received on the Hurunui River this has been consolidated in Appendix 1 attached to this Report.

A response was received from the Applicant on 6 May 2021<sup>29</sup> and this has been included itemised below under each heading.

Included in an email dated 9 June 2021<sup>30</sup> the Applicant included the following:

#### *“Licence or Easement*

*Our current application is for an easement for river protection, existing canal, right of way and Waitohi River crossing. We note your suggestion and reasoning that the river protection work or the whole concession could be dealt with by way of a licence for a term of 10yrs. It would be our preference that the canal and river crossing be kept as an easement/concession for 30 years (if possible). This is in recognition of the investment we are making for the piped scheme and the debt we are taking on. However we would be happy for the flood protection to be dealt with by way of a licence for 10 years. Yesterday we didn't specifically mention the access track, but this could be dealt with either as a licence or easement as we may not have exclusive use of this.*

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<sup>27</sup> [DOC-6623636](#)

<sup>28</sup> Deed of Easement [DOC-5484255](#) to benefit Record of Title CB25K/882 [DOC-6620201](#) (Dallison Hassall) Map [DOC-6614461](#), Survey Office Plan SO3135 [DOC-6620199](#),

<sup>29</sup> Applicant further information response [DOC-6658984](#)

<sup>30</sup> [DOC-6721855](#)

Easement in Gross OR easement to benefit individual titles:

*As noted already, it is our preference that the easement be one in gross rather than one which is registered on individual titles. The additional cost involved in registering this easement over the titles receiving benefit would be costly and probably confusing for the landowners, especially given the areas of Public Conservation land are comparatively small compared to the length of the pipeline (approx. 30-40km). Whilst our general preference would be to have this interest registered, would not registering the easement avoid this additional administrative work?*

*We would be happy if a clause was added to say that any additional title benefitting from the easement would need to be brought to DOC's attention. Hopefully your legal advice supports this.*

Surrender of existing easement (held by Mark Hassall):

*We are happy for the existing concession for the canal to be surrendered and replaced by a new easement. The surrender would be conditional on our easement/licence going ahead.*

Ken Hughey input

*I am informed that the inclusion of the pond as part of our river intake infrastructure was initially suggested by ECan staff and we asked for Ken Hughey's view of this in his role as ZC chair rather than as a DOC employee."*



6 May 2021

Department of Conservation  
Dunedin Office  
PO Box 5244  
Dunedin 9054

By email: [kibrown@doc.govt.nz](mailto:kibrown@doc.govt.nz)

Your ref: 91328-OTH

Dear Kelvin,

**Concession Application to construct the Hurunui Irrigation Scheme**

1. Thank you for assessing our concession application. We would like to respond to the key issues raised in your letter dated 8 April 2021.

**Existing easement 47898-OTH**

2. Thank you for providing us with a copy of the Deed of Grant of Easement. The existing intake referred to in our application was the one covered in Easement 47898-OTH. As we were unaware of its existence, we proceeded on the basis that there was none. It is our intention to repurpose the existing gallery as part of a new river intake structure.
3. An inspection of the existing easement suggests that our application, insofar as it relates to that area of the marginal strip can be accommodated into the existing easement. As there is no design plan attached to the easement, we can only assess our proposed structure in relation to the existing gallery in situ.
4. We acknowledge section 17U (4) of the Conservation Act 1987 and ask that you modify our application to remove the proposed new canal structure and instead ask to modify Easement 47898-OTH subject to confirmation of the following matters:
  - a. That the parties to Easement 47898-OTH consent to the assignment of it to Amuri Irrigation Company Limited as Concessionaire.
  - b. That the current concession fee be disclosed to us.
  - c. That the Grantor provides their consent in accordance with clause 7.04 (d) of Easement 47898-OTH to modify the existing gallery to incorporate our new intake structure. This includes that the proposed access way (marked in the brown dashed line on the below diagram).





#### **Access Road and Temporary Construction Compound**

5. Please find **attached** with this letter a revised set of Drawing No. 190091 which take into account the changes outlined in our telephone discussions. You will note on these plans the River intake access road and temporary construction compound have been relocated so they no longer encroach onto the Marginal Strip.



#### **Flood protection area**







11. This diagram provides a visualisation of the location of the managed river channel and flood protection area in relation to the riverbed location.



12. The works downstream of the marginal strip are marked in blue lines on the below photo.





13. The flood protection works encroach on the marginal strip in the area circled in red on the below photo.



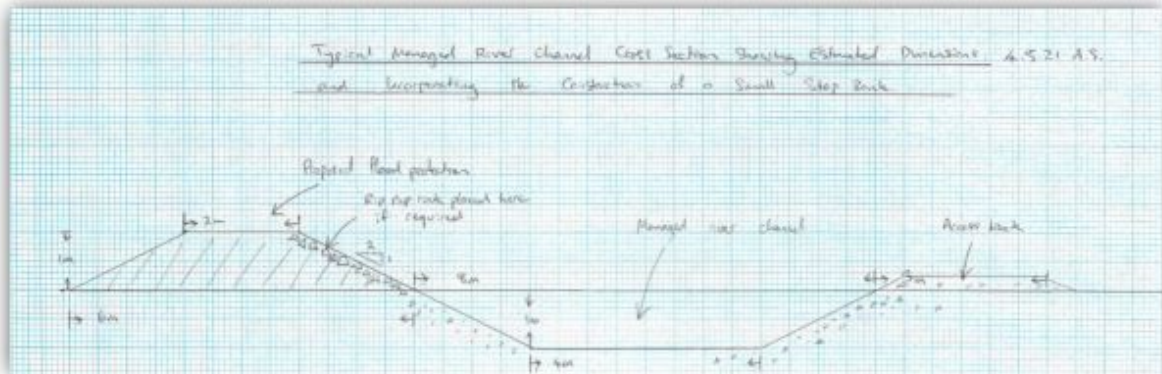
14. This diagram provides a visualisation of where the flood protection and managed river channel are located in relation to the estimated location of the marginal strip.







17. This sketch shows a typical cross section of the managed river channel at cross section C-D of the above diagram.



18. Below is another photo looking downstream into the marginal strip towards cross section location C-D.



19. Below are examples of what we expect the formed bank of the managed river channel to look like.





20. Rip rap rock may be required to line this slope. An example is shown below.



21. This is a typical bywash or fish bypass race, (utilising in situ riverbed gravels without rock rip rap armouring).





**Access Track**

22. Below is an example of what the managed channel with adjacent access track would look like.



23. Below is an example of the access track. This track is formed on the riverbed out of natural materials and is part of the natural landscape.



24. Another example of an access track.





**Existing Upstream Flood Protection Area**

25. The following aerial photo shows existing river protection works directly upstream of the proposed site. We are proposing to join on to the end of the existing works and extend it further down the riverbank.



26. The below photo from upstream looking down marks Location 1 where we would join on to the existing upstream river protection works.



Proposed pond for native birds and fish

27. We recently met with Ken Hughey (Hurunui-Waiiau Zone Committee Chair) at the intake site. It was suggested that a small pond could be incorporated near the structure. We propose including a small pond with an internal island for native species of fish and birds (marked in blue) on the below diagram. The water would be channelled in from the fish bypass canal via a control gate and the overflow would go back into the river channel (the arrows show where the water would come in and where the water would go out).





28. An aerial view of the pond site



29. This diagram shows where the diversion canal connects into the existing gallery which then goes across the marginal strip.





30. If you have any additional questions, please do not hesitate to contact me.

Yours sincerely

Sec 9(2)(a)

Sara Black  
Business Services Manager



Sec 9(2)(a)

p +64 3 315 8984

Amuri Irrigation Company Ltd  
50 Mountainview Road, P O Box 194, Culverden 7345  
e [sara@amuriirrigation.co.nz](mailto:sara@amuriirrigation.co.nz) | [www.amuriirrigation.co.nz](http://www.amuriirrigation.co.nz)

Attachments: Revised Drawings No. 190091



20 August 2021

Department of Conservation  
Dunedin Office  
PO Box 5244  
Dunedin 9054

By email: [kibrown@doc.govt.nz](mailto:kibrown@doc.govt.nz)  
Your ref: 91328-OTH

Dear Kelvin,

**Concession Application to construct the Hurunui Irrigation Scheme**

1. Thank you for your letter of 27 July 2021. We note your fee estimate for our application and we thank you for your work to date.
2. We also note your confirmation to process our application for a 30-year easement in relation to the existing easement 47898-OTH and Waitohi Riverbed.

**Existing easement 47898-OTH**

3. Thank you for supplying additional historic information in relation to the existing easement 47898-OTH.

**Additional crossing for Flood protection and managed river channel**

4. We note the Decision Maker's concerns regarding the lack of information supplied for this crossing of the Hurunui River Fixed Marginal Strip ('additional crossing').
5. We enclose the following documents to allow the Decision Maker to make an informed decision:
  - a. Letter from Riley Consultants, the water resource engineers who prepared the river intake design and have provided an assessment on why the additional irrigation infrastructure is required and cannot be contained within existing easement 4789-OTH.
  - b. Images prepared by Virtual View showing 3D rendering of the proposed managed river channel and flood protection. **\*Please note that the images enclosed with this letter are draft versions provided for landscape purposes. Virtual View is working on updated versions which will be sent to you on Monday. The current version shows the channel flowing through the wetland. The design has been further amended to prevent this occurring.**
6. We note the provisions of section 17U (4) of the Conservation Act 1987. However, the proposed river intake infrastructure cannot utilise the existing easement corridor and meet the latest fish screen requirements. Whilst it was our intention to avoid Conservation land, it was not possible in this instance. For this reason, the additional crossing was incorporated in response to the nature of the braided river system in a way to minimise future work in the active riverbed.



7. The river intake design has been prepared by experienced water resource engineers who considered the current situation of the river and consciously sited in a location which allows optimum water passage for native fish while utilising as much of the existing infrastructure as possible to reduce the possible construction footprint.
8. The existing intake was not favoured because it requires more frequent diversion works. Whilst our development cannot be fully integrated into the existing easement 4789-OTH, it will once constructed, deliver water to that landowner. The existing canal is perpendicular to the main stem and vulnerable to variable river flows and does not form a predator barrier. The existing intake arrangement requires active management with excavators during the irrigation season whereas the proposed location will require less disturbance.
9. The existing intake also has less fall which reduces options for improved management of fish passage. Our consent conditions also contain provisions that restrict our design (i.e. the length of the diversion is limited to 400m) and we don't believe that can be achieved if the existing intake was used.
10. The pond for native fish and birds concept proposed in our letter of 6 May 2021 was initially suggested by Environment Canterbury staff as a means of creating habitat that was less vulnerable to predators for native riverbed birds. This concept can be withdrawn from the design if it is believed that it does not provide sufficient merit to include.
11. We note that the proposed new managed channel and flood protection is within a reach of the Hurunui River already authorised area for flood protection works and features 4 intakes and pump stations on the true right bank within 2 km of the proposed works.
12. In this letter, we have endeavoured to provide you with as many detailed specifications and construction methodologies as possible as project timeframes and the required funding are not available to allow for a formalised and detailed design to be prepared at this time.
13. Our design has been prepared to utilise the existing contours of the riverbed, the flood protection work extends the natural elevation of the riverbank and existing works, and the trained river channel has been located in a historic river channel. In response to your concerns, we have amended our design where the proposed trained channel passes over the Marginal strip so that where, initially a formed channel was located, we now intend to contour the existing ground so that water will flow more similar to a natural braid to the intake along the historic channel.
14. The intention of this change was to minimise work within the Marginal Strip. However, the consequence for this decision is that water now inundates the wetland adjacent to the infrastructure and so a further modification is proposed to divert the trained river channel around the wetland rather than leave the water to naturally flow into the wetland.
15. The Flood Protection works have also been revised and reduced so that they only encroach to the Marginal Strip land as minimally as possible (as shown below). This will

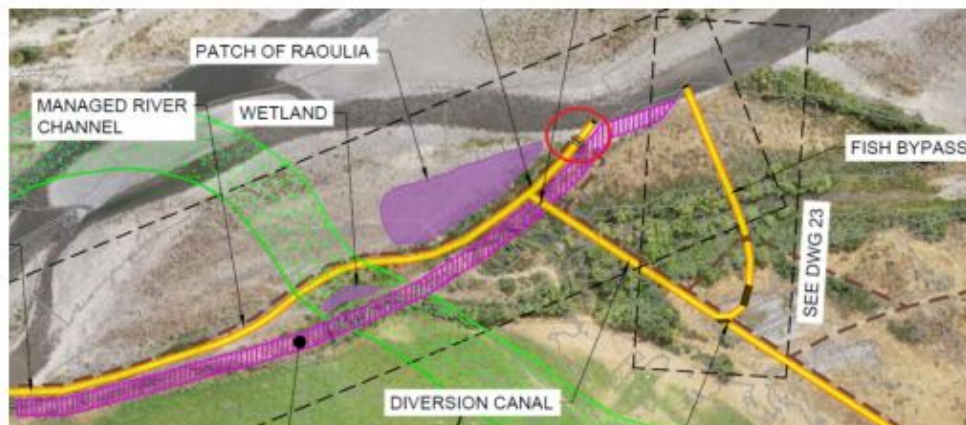


be done by stripping topsoil off the footprint of the flood protection. It will be built from locally won material, most likely be sourced from the earth cut to form the canals and sediment pond. The riverward face to be covered in riprap (optional based on detailed design) and the rest of flood bank can be re-grassed. Woody vegetation can be planted on either side of the flood protection, but not directly on it.

#### Access

16. Access to the Marginal Strip remains as provided in the original and updated Riley plans via an access track adjacent to the managed river channel (shown below). A formed crossing via culvert or bridge will be installed over the channel at the point circled in red. This is approximately 100m from the Marginal Strip. Please note that the Patch of Raoulia identified in this diagram is no longer present after the latest flood event.

Diagram showing location of access track only



**Overview of the Intake Works (plan view)**



**Close up of the Marginal Strip (plan view)**



Overview of the Intake Works 3D



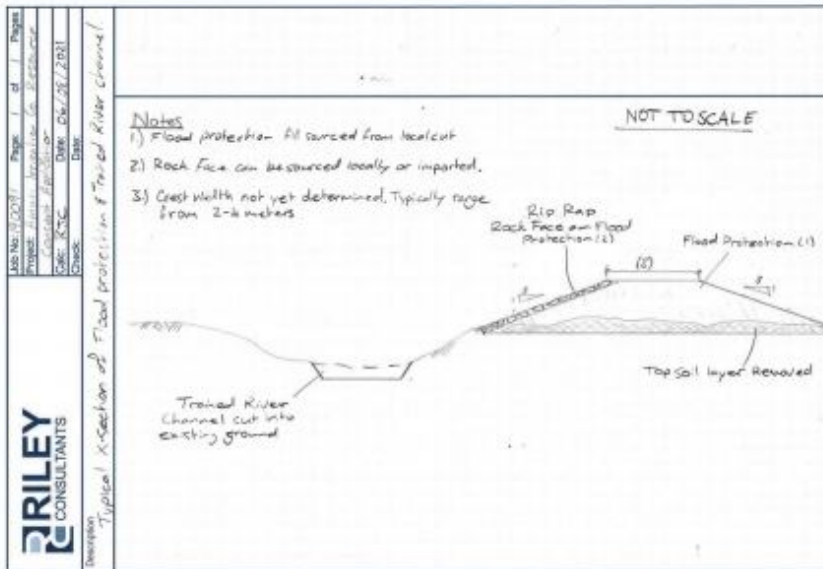
Close up of the Marginal Strip 3D



Flood Protection Works 3D view from land

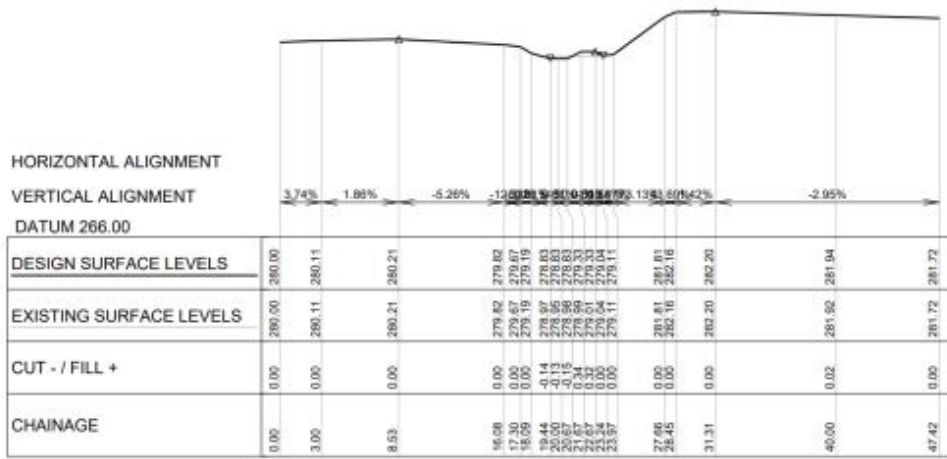


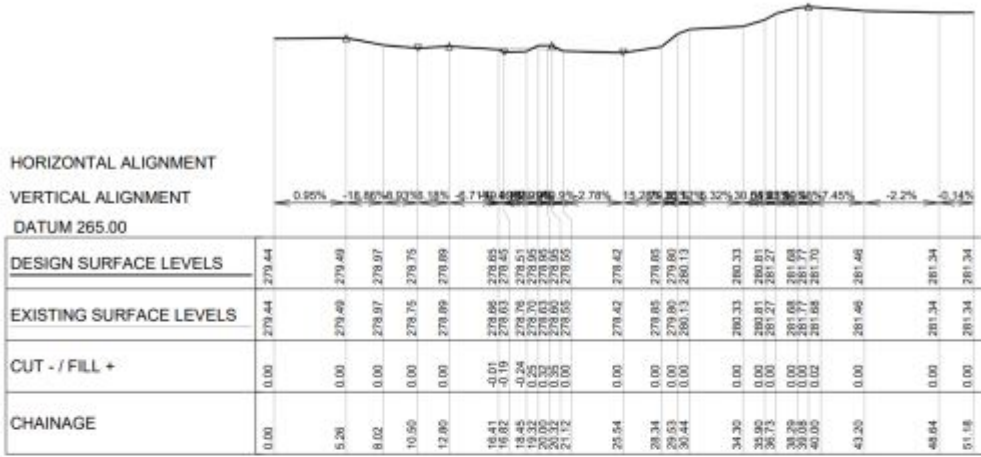
Typical Cross Section, (cross section 4 and 5), showing the make-up of the Flood Protection Works and Trained River Channel.



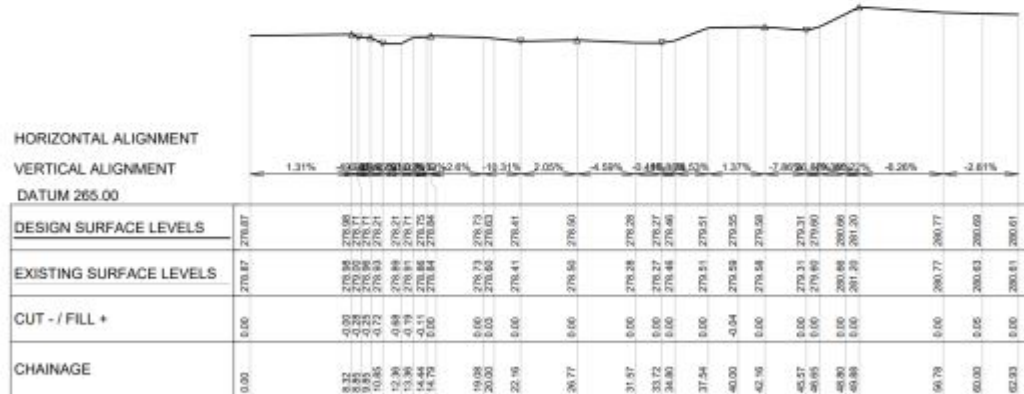


Location of the Cross Sections 1-5 (being left to right)





LONGITUDINAL SECTION - 2  
HORIZ 1:250 VERT 1:250



LONGITUDINAL SECTION - 3  
HORIZ 1:250 VERT 1:250



### Conservation Management Strategy 2016

17. We note the provisions of the Canterbury (Waitaha) Conservation Management Strategy, more specifically Section 2.6 relating to braided rivers, and note the following matters which have been considered in arriving at the current design:
- a. 2.6.1(b) and (c): The proposed intake location provides sufficient fall to allow us to protect native fish by implementing fish passage, install a fish screen and return to the river in line with NIWA guidelines.
  - b. 2.6.2: The proposed scheme will support over thirty farming properties within the close knit Hawarden and Waikari farming community. We will work closely with those landowners to adopt Farm Environment Plans to improve practices on farm.
  - c. We recently signed a Memorandum of Understanding with Te Ngāi Tūāhuriri Rūnanga who are the Papatipu Rūnanga holding mana whenua responsibility over takiwā from the Hurunui to the Hakatere river. This agreement records our commitment to work with Te Ngāi Tūāhuriri Rūnanga on various matters including developing a cultural monitoring programme but also to rehabilitate the highly modified and degraded habitat at the area of riverbed where we intend to build the proposed river intake.
  - d. We understand that maintaining a channel in this location will provide a barrier to predators which will offer some protection to riverbed birds.
  - e. The proposed intake requires less frequent riverbed disturbance than any other intake arrangement. The frequency of machinery movement presents the greatest threat to nesting riverbed birds.
  - f. It is our intention to control noxious weeds such as gorse and broom to remove cover for native riverbed bird predators, which will provide a positive effect for nesting riverbed birds.
18. We trust these changes are acceptable to you and provide you with enough comfort to make a decision on the additional crossing.
19. If you have any additional questions, please do not hesitate to contact me.

Yours sincerely  
 Sec 9(2)(a)



Sara Black

**Business Services Manager**

Sec 9(2)(a) | p +64 3 315 8984

Amuri Irrigation Company Ltd  
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Amuri Irrigation Company Ltd  
andrew@amuriirrigation.co.nz

18 August 2021

Attention: Mr Andrew Barton

Our Ref: 190091-E

Dear Mr Barton

## **RESPONSE TO DEPARTMENT OF CONSERVATION REQUEST FOR FURTHER INFORMATION RELATED TO PROPOSED INTAKE AMURI SOUTHERN EXPANSION**

### **1.0 Introduction**

RILEY was engaged by Amuri Irrigation Company Ltd (AIC) to assist with the application for resource consent for the Southern Expansion of AIC's irrigation scheme on the Hurunui River (Ref 190019-C plans for Lower River Intake Consent Application (prepared 18 June 2020 and updated April 2021. Copy of latest plans attached). The application for the resource consent was submitted to Environment Canterbury (ECAN). The Department of Conservation (DOC) have responded with a request for further information. The following letter addresses the questions DOC asked and our responses to them.

RILEY are experienced in fish screen design in Canterbury's braided rivers and Paul Morgan is a member of the Environment Canterbury Regional Committee Fish Screen Working Group with 24 year's experience in the design of river intakes.

We have reviewed the letter from DOC Ref: 91328-OTH, dated 27 July 2021.

The information requested included:

- a water resource engineer's assessment of the need for the additional infrastructure;
- a 3D rendering or visual simulation of the managed river channel and flood protection to give the department a better perspective of what the visual impact of the proposal would look like (previous overdrawn photo images are not sufficient), and
- detailed specifications and plans outlining construction methodologies, design, and the scale of the flood protection area.

This letter responds to the first request listed. We understand Virtual View are providing the visual information requested in the second point. We are preparing further information to address the third point and will provide that in due course.

## 2.0 Responses to DOC Questions

### 2.1 Assessment of Need for Additional Infrastructure

The proposed Hurunui Scheme intake has been designed and located to effectively screen native fish and return them to the Hurunui River in accordance with NIWA Fish Screen Guidelines<sup>1</sup> (2007). The intake location has been determined by the location of the farmer shareholders that will receive water from the Scheme.

The design of an intake needs to account for a number of elements, which include control of flows, flood protection, management of debris, fish screening, safety for river users and operators. In a braided river there are additional challenges with changes in movement of braids and our approach has been to design an intake that as much as possible fits within the natural processes that occur in the river. The proposed design has accounted for where channels are currently occurring in the river. The proposed diversion channel location has been selected to minimise maintenance and excavator movements in the Hurunui Riverbed by selecting a more stable braid point for the diversion works.

The fish screen location is best to be as close as possible to the river intake but needs to account for flood and debris issues, which for the Hurunui River means the screen needs to be located away from the river to enable it to be protected. A condition of the water permit is that the water diverted needs to be returned to the river within 400m, to minimise effects on fish passage. For an effective fish screen and bypass back to the river, there needs to be sufficient fall in the water level between the river intake and where the bypass flow returns fish to the river. There also needs to be sufficient fall to also achieve the required sweep velocities at the fish screen.

The existing Hassall intake works for the small rate of water taken and with the older set of resource consent conditions that do not reflect the NIWA fish screen guidelines and current best practice. The channel from this intake is perpendicular to the flow direction and flood braids that it crosses, which makes the channel vulnerable to changes in river flows and there does not appear to be sufficient fall in water level from the intake to allow a bypass back to the river. If the Hassall intake was to be used, the fish screen and flow control structures would have to be located further away from the river and this would result in the distance from intake to bypass outlet back to the river being greater than 400m.

The existing intake is located in an active part of the river and currently requires regular maintenance as flows increase and decrease. Photo 1 was taken recently following high river flows and shows the significant effects on the Hassall intake and channel that occurred and subsequent work now required to return it to previous condition once flows have reduced. In comparison, Photo 2 taken at the same time at the proposed intake, highlights that the river flows at intake and the downstream channel are part of the naturally occurring pathways for the water to flow. The Hassall intake would require significant modification and earthworks to increase the capacity at the intake and channel and the construction of a new bypass channel.

---

<sup>1</sup> Jamieson, D., Bonnett, M., Jellyman, D., & Unwin, M. (2005). Fish Screening: good practice guidelines for Canterbury. NIWA, Auckland, 70pp.





**Photo 1: Recent image of Hassall Intake**



**Photo 2: Recent image of proposed Intake site**

The Hassall intake is located within an area of the river where there are significant changes in the flows in the braids. Photo 3 shows an aerial image from 2006 when almost all of the river was flowing adjacent to the true-right bank at the proposed diversion site, but there is insufficient flow in the channel at the Hassall intake, requiring further works in the river. From a review of aerial photos over time, the proposed intake is located on a more stable part of the river, which will require much less in river works to maintain an intake and flow to it.





Photo 3: Aerial image of Intake Area 2006

In summary, the existing intake has the following limitations over the proposed intake:

- The intake is on a more active part of the river subject to greater risk from flooding and greater risk of insufficient water at the intake that will require more ongoing work in the river to maintain a flow and greater impact on the river.
- There is not sufficient fall from the diversion/intake to the fish screen location to allow for effective fish screening that minimises the distance that water is diverted from the river and back to the river through a bypass for an effective fish screen that meets the water permit requirement of a maximum length of 400m.
- The existing intake and channel will need to be modified significantly to meet the flow control, flood protection, and fish screening requirements.

We do not consider that the proposed diversion channel could reasonably be constructed at another location because AIC does not have access to the Hurunui River at another location and this location is directly adjacent to the farms that have purchased AIC shares.

We do not consider that the existing Hassall diversion canal can be used as an alternative to the AIC proposal to cross the Marginal Strip with a new diversion canal because it has insufficient capacity for the design flow and native fish cannot be effectively screened. We note that we have managed to design the intake canal so that the existing crossing of the Marginal Strip is utilised.

Yours faithfully

**RILEY CONSULTANTS LTD**

Prepared by:

Sec 9(2)(a)

Ross Campbell  
Water Resources Engineer

Reviewed and approved for issue by:

Sec 9(2)(a)

Paul Morgan  
Project Director

18 August 2021  
Riley Consultants Ltd

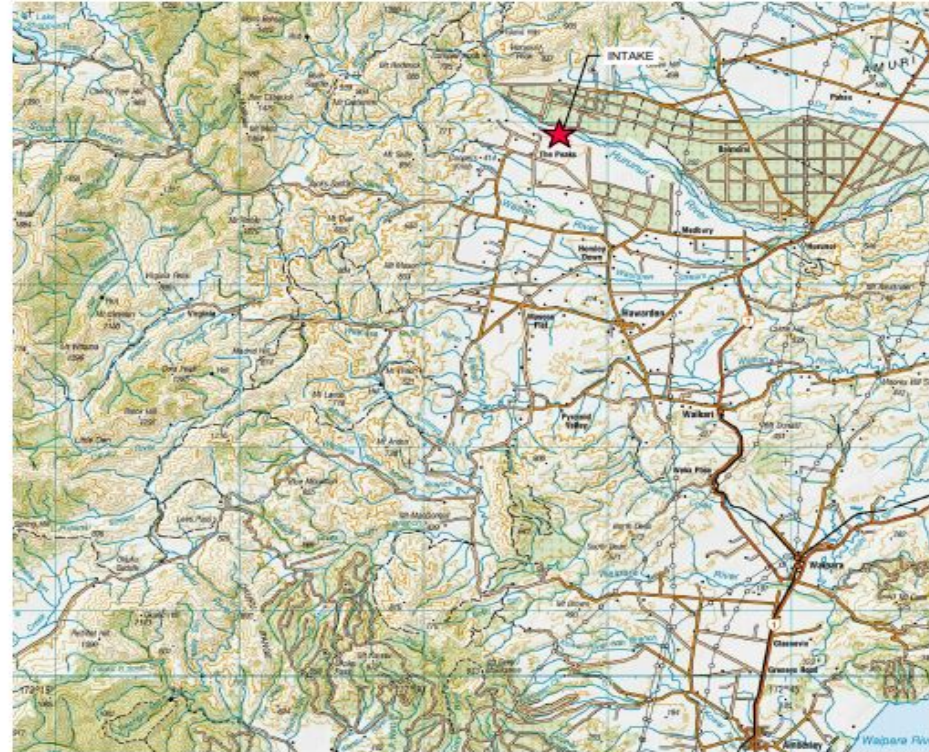
# AMURI IRRIGATION CO. LTD.

## LOWER RIVER INTAKE RESOURCE CONSENT APPLICATION

### DRAWING LIST - APRIL 2021



DRAWING NO.	DRAWING TITLE	REV
190091-20	SITE LOCATION PLAN & DRAWING LIST	5
190091-21	GENERAL ARRANGEMENT	5
190091-22	MANAGED RIVER CHANNEL	4
190091-23	DIVERSION CANAL, FISH SCREEN AND FISH BYPASS PLAN	4
190091-24	MAIN SEDIMENT CANAL AND SEDIMENT POND AREA	4
190091-25	5 YEAR FLOOD DEPTHS	5
190091-26	10 YEAR FLOOD DEPTHS	5
190091-27	100 YEAR FLOOD DEPTHS	5
190091-28	MOBILISATION LOCATIONS	4
190091-29	CONSTRUCTION STAGING PLAN	3

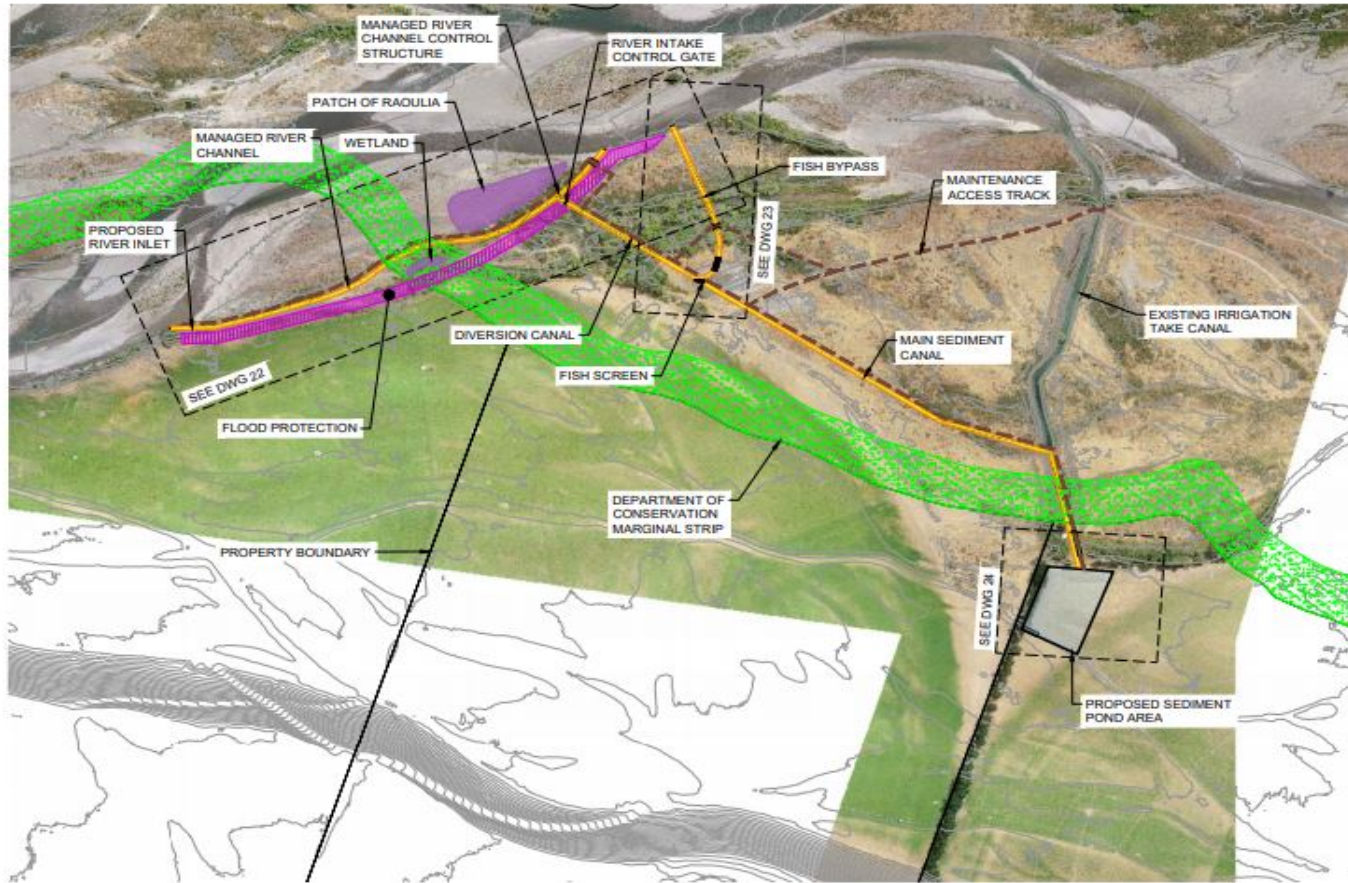


**SITE LOCATION**  
SCALE: NTS

FOR CONSENT

REV	DATE	ISSUE	BY	DESIGN	DES CHECK	APPROVED FOR ISSUE		CLIENT	ADDRESS	PROJECT	SHEET TITLE	CADFILE	SCALE (A3)	ORIG. SHEET SIZE	DRAWING No.	REV.
5	19.04.21	REVISED FOR CONSENT						AMURI IRRIGATION CO LTD	AMURI, NORTH CANTERBURY	LOWER RIVER INTAKE RESOURCE CONSENT APPLICATION	SITE LOCATION PLAN & DRAWING LIST	190091-20.dwg	NTS	A3	190091-20	5
4	25.06.20	ISSUED FOR CONSENT														
3	19.05.20	REVISED CHANNEL LAYOUT														
2	08.04.20	ISSUED FOR INFORMATION														
1	28.03.20	ISSUED FOR INFORMATION														



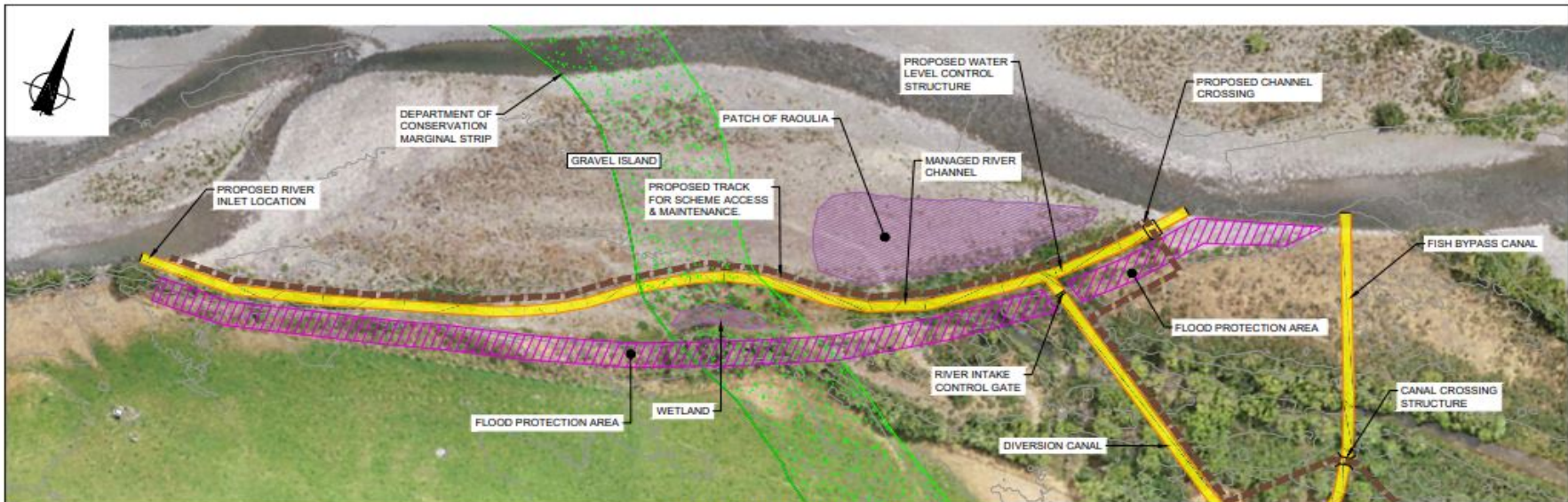


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SCALE 1:4000

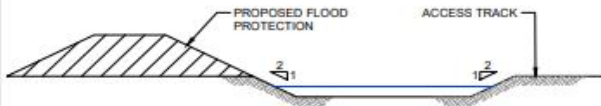
FOR CONSENT

5	18.04.21	REVISED FOR CONSENT	RBT	DESIGN	DES CHECK	APPROVED FOR ISSUE	 www.riley.co.nz		CLIENT	AMURI IRRIGATION CO LTD		 190091-21-24.dwg	CADFILE	190091-21-24.dwg
4	25.06.20	ISSUED FOR CONSENT	RBT	RC/NSL	PM				ADDRESS	AMURI, NORTH CANTERBURY			SCALE (A3)	1:4000
3	18.06.20	REVISED CHANNEL LAYOUT	RBT	DRAWN	CAD CHECK			PROJECT	LOWER RIVER INTAKE RESOURCE CONSENT APPLICATION		DRAWING No.	190091-21	REV.	5
2	08.04.20	ISSUED FOR INFORMATION	RBT		RBT			SHEET TITLE	GENERAL ARRANGEMENT					
1	26.03.20	ISSUED FOR INFORMATION	RBT	DATE DRAWN		ISSUE DATE								
REV	DATE	ISSUE	BY	17.03.20		/ /								





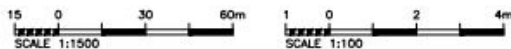
**MANAGED RIVER CHANNEL PLAN**  
SCALE: 1:1500



**TYPICAL MANAGED RIVER CHANNEL CROSS SECTION**  
SCALE: 1:100

**NOTES:**

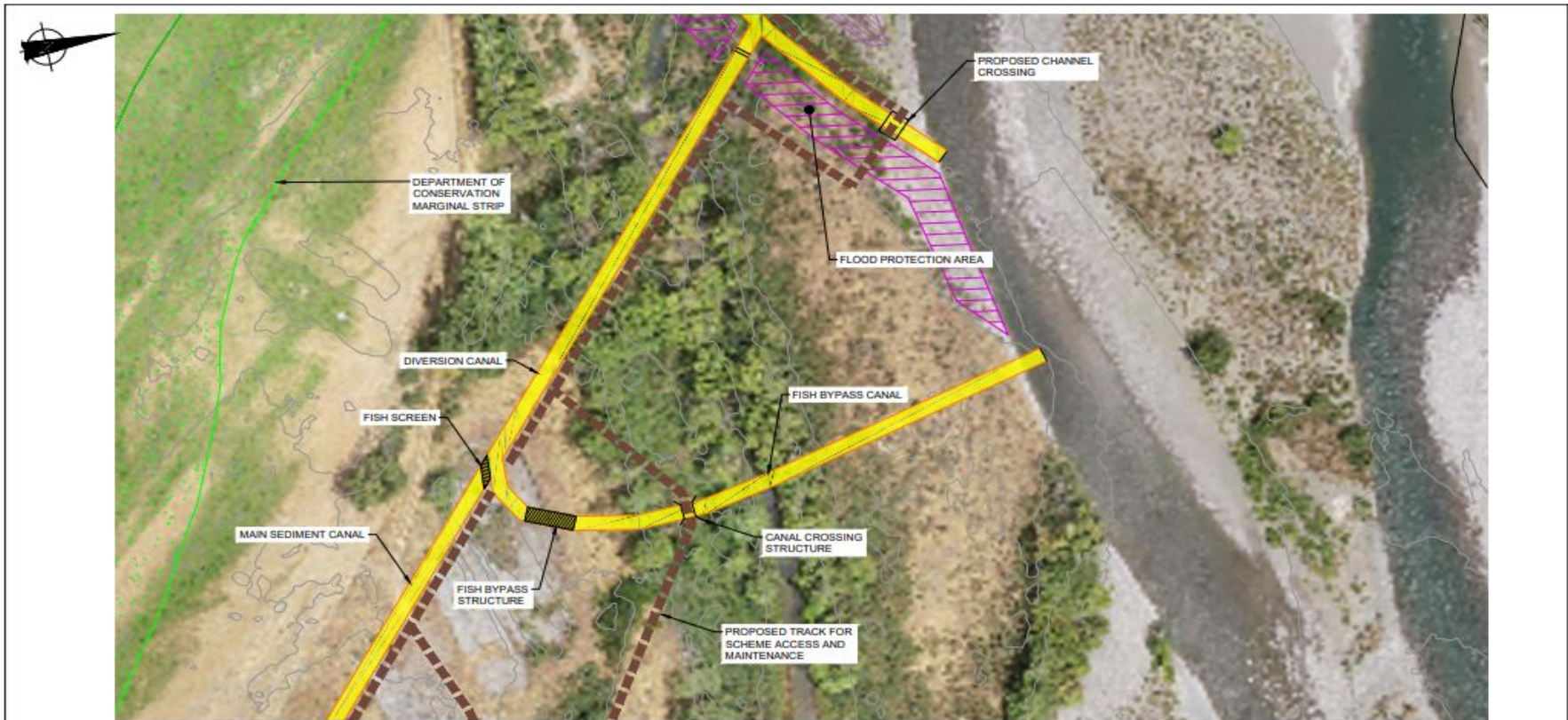
1. WATER LEVEL CONTROL STRUCTURE, EG ROCK WEIR, TO BE DESIGNED DURING DETAILED DESIGN.
2. FLOOD PROTECTION TO BE DESIGNED IN DETAILED DESIGN STAGE.
3. PROPOSED RIVER INTAKE CONTROL GATE STRUCTURE TO BE SIZED DURING DETAILED DESIGN. IT IS ENVISAGED THE STRUCTURE WILL CONSIST OF A SINGLE GATE.



**FOR CONSENT**

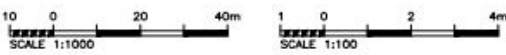
<table border="1"> <tr> <td>4</td> <td>25.05.20</td> <td>ISSUED FOR CONSENT</td> <td>REV</td> <td>DESIGN</td> <td>DES CHECK</td> <td>APPROVED FOR ISSUE</td> </tr> <tr> <td>3</td> <td>19.08.20</td> <td>REVISED CHANNEL LAYOUT</td> <td>REV</td> <td>RC/NS</td> <td>PM</td> <td rowspan="3">P. MORGAN</td> </tr> <tr> <td>2</td> <td>20.04.20</td> <td>ISSUED FOR INFORMATION</td> <td>REV</td> <td>DRAWN</td> <td>CAD CHECK</td> </tr> <tr> <td>1</td> <td>20.04.20</td> <td>ISSUED FOR INFORMATION</td> <td>REV</td> <td>REV</td> <td>REV</td> </tr> <tr> <td>REV</td> <td>DATE</td> <td>ISSUE</td> <td>BY</td> <td>DATE DRAWN</td> <td>ISSUE DATE</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>17.03.20</td> <td>25 / 5 / 20</td> <td></td> </tr> </table>		4	25.05.20	ISSUED FOR CONSENT	REV	DESIGN	DES CHECK	APPROVED FOR ISSUE	3	19.08.20	REVISED CHANNEL LAYOUT	REV	RC/NS	PM	P. MORGAN	2	20.04.20	ISSUED FOR INFORMATION	REV	DRAWN	CAD CHECK	1	20.04.20	ISSUED FOR INFORMATION	REV	REV	REV	REV	DATE	ISSUE	BY	DATE DRAWN	ISSUE DATE						17.03.20	25 / 5 / 20		 	<table border="1"> <tr> <td>CLIENT</td> <td>AMURI IRRIGATION CO LTD</td> </tr> <tr> <td>ADDRESS</td> <td>AMURI, NORTH CANTERBURY</td> </tr> <tr> <td>PROJECT</td> <td>LOWER RIVER INTAKE RESOURCE CONSENT APPLICATION</td> </tr> <tr> <td>SHEET TITLE</td> <td>MANAGED RIVER CHANNEL</td> </tr> </table>	CLIENT	AMURI IRRIGATION CO LTD	ADDRESS	AMURI, NORTH CANTERBURY	PROJECT	LOWER RIVER INTAKE RESOURCE CONSENT APPLICATION	SHEET TITLE	MANAGED RIVER CHANNEL	<table border="1"> <tr> <td colspan="2">  </td> </tr> <tr> <td>CADFILE</td> <td>190091-21-24.dwg</td> </tr> <tr> <td>SCALE (A3)</td> <td>AS SHOWN</td> </tr> <tr> <td>ORIG. SHEET SIZE</td> <td>A3</td> </tr> <tr> <td>DRAWING No.</td> <td>190091-22</td> </tr> <tr> <td>REV.</td> <td>4</td> </tr> </table>			CADFILE	190091-21-24.dwg	SCALE (A3)	AS SHOWN	ORIG. SHEET SIZE	A3	DRAWING No.	190091-22	REV.	4
4	25.05.20	ISSUED FOR CONSENT	REV	DESIGN	DES CHECK	APPROVED FOR ISSUE																																																										
3	19.08.20	REVISED CHANNEL LAYOUT	REV	RC/NS	PM	P. MORGAN																																																										
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REV.	4																																																															





**DIVERSION CANAL, FISH SCREEN & FISH BYPASS PLAN**  
SCALE: 1:1000

**TYPICAL MAIN & DIVERSION CANAL CROSS SECTION**  
SCALE: 1:1000



**NOTES:**

1. FISH SCREEN, BYPASS AND CANAL CROSSING STRUCTURE TO BE DESIGNED IN DETAILED DESIGN STAGE.

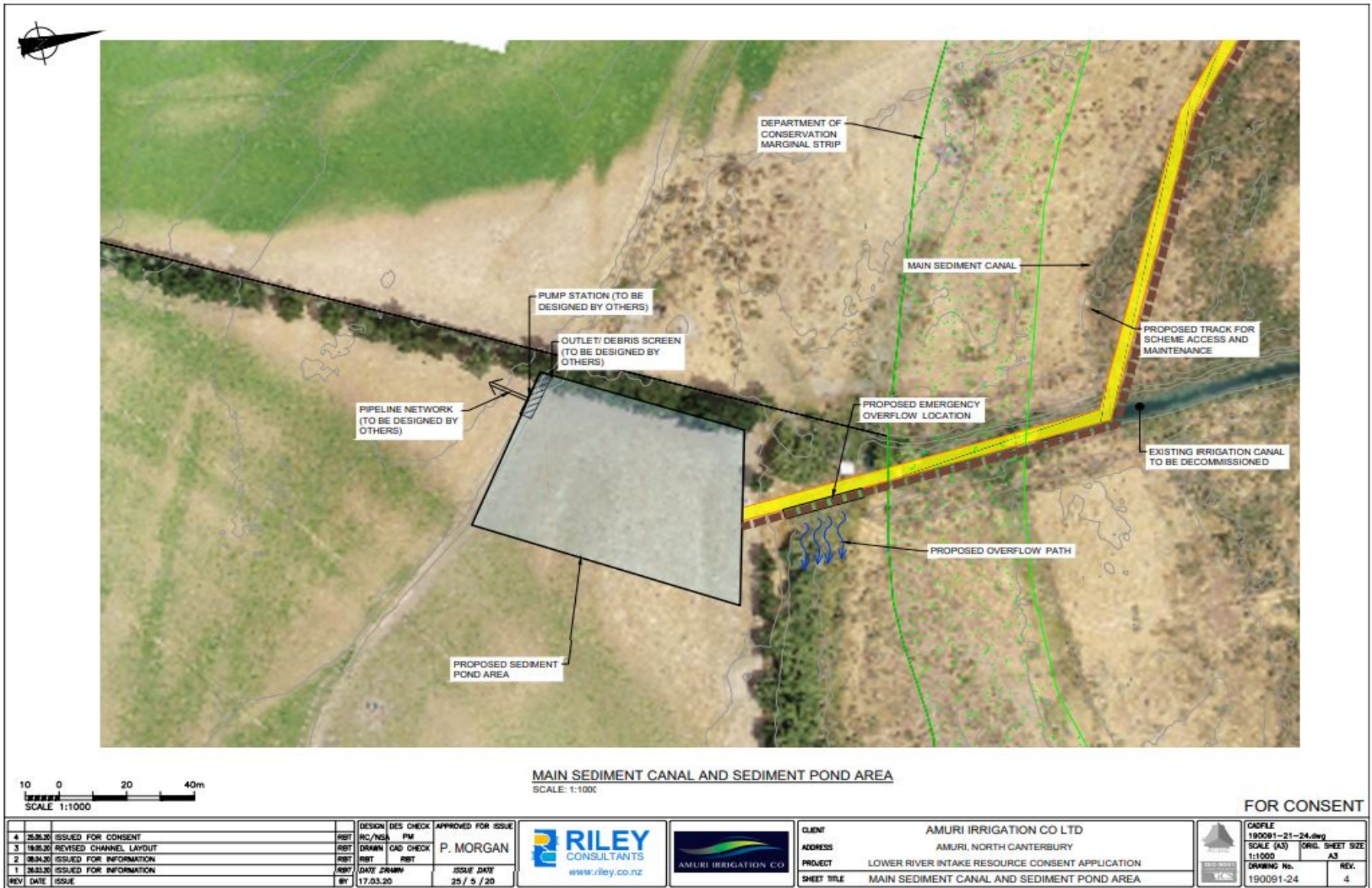
REV	DATE	ISSUE	DESIGN	DES CHECK	APPROVED FOR ISSUE
4	25.06.20	ISSUED FOR CONSENT	RBT	RC/NSA PM	P. MORGAN
3	19.05.20	REVISED CHANNEL LAYOUT	RBT	DRM/NB QND CHECK	
2	26.04.20	ISSUED FOR INFORMATION	RBT	RBT	
1	26.03.20	ISSUED FOR INFORMATION	RBT	DATE DRAWN	
REV	DATE	ISSUE	BY	BY	ISSUE DATE
					17.03.20 25 / 5 / 20

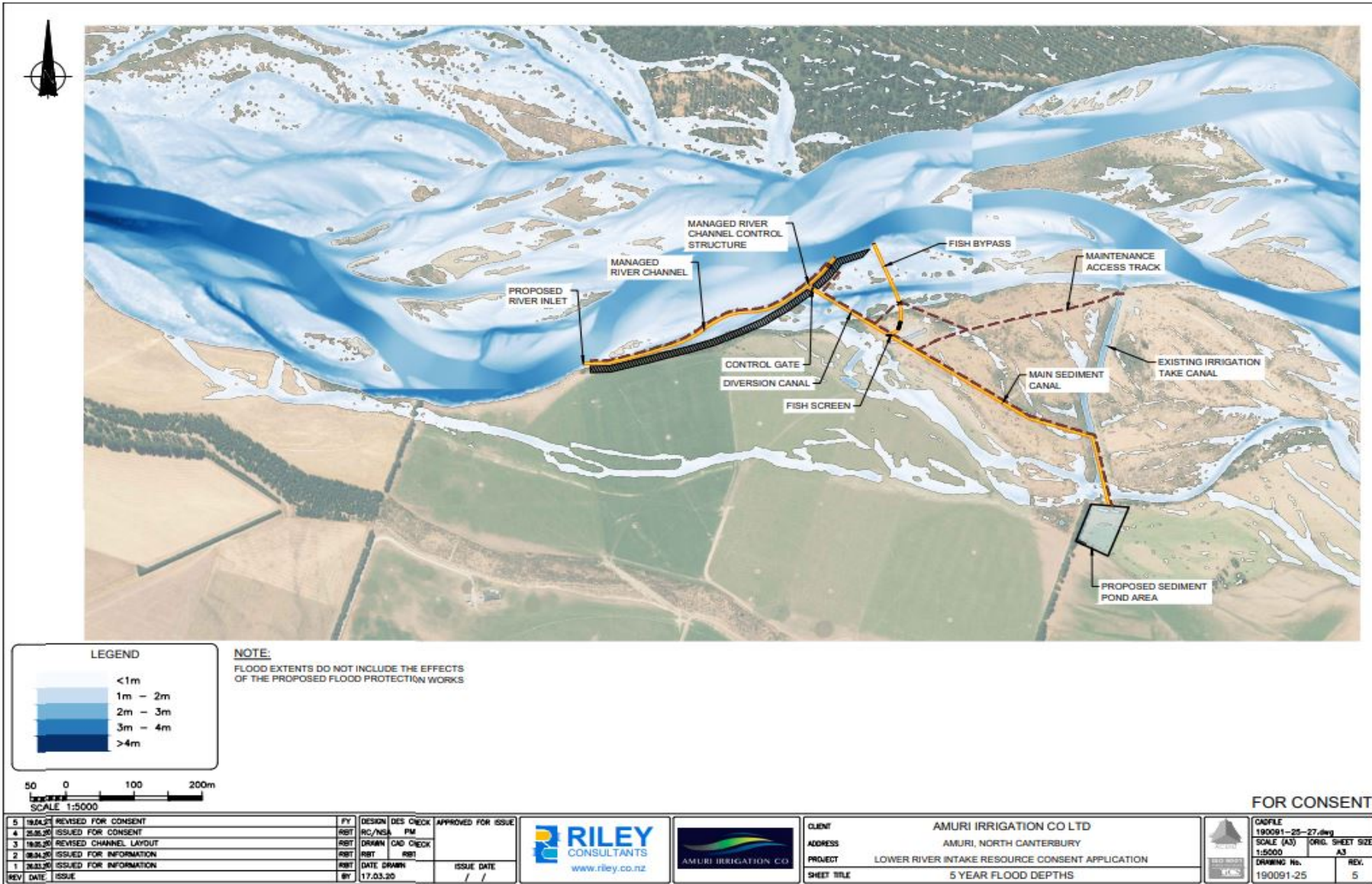


CLIENT	AMURI IRRIGATION CO LTD
ADDRESS	AMURI, NORTH CANTERBURY
PROJECT	LOWER RIVER INTAKE RESOURCE CONSENT APPLICATION
SHEET TITLE	DIVERSION CANAL, FISH SCREEN AND FISH BYPASS PLAN

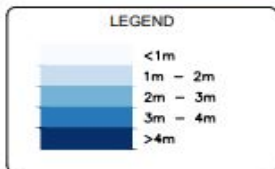
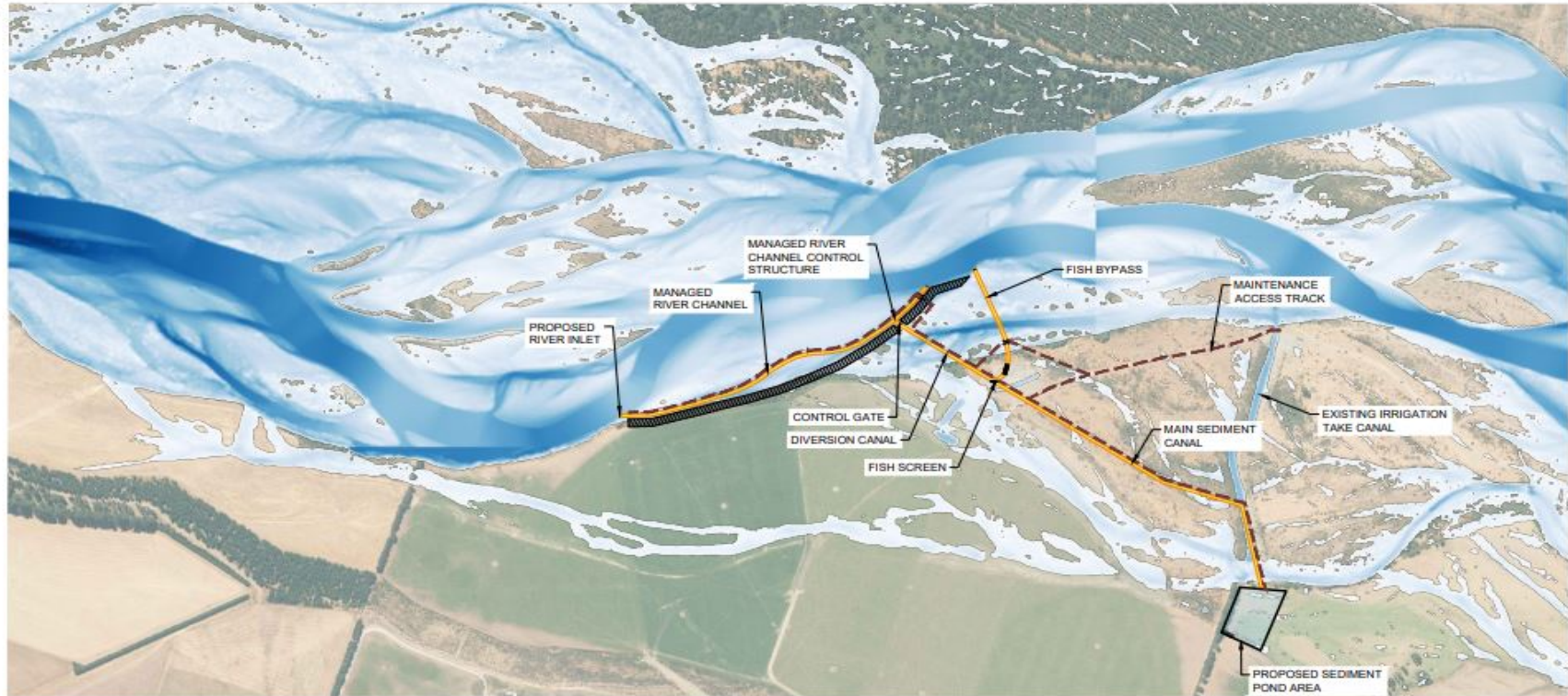
FOR CONSENT	
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SCALE (A3)	ORIG. SHEET SIZE
AS SHOWN	A3
DRAWING No.	REV.
190091-23	4



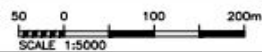








**NOTE:**  
FLOOD EXTENTS DO NOT INCLUDE THE EFFECTS OF THE PROPOSED FLOOD PROTECTION WORKS



**FOR CONSENT**

REV	DATE	ISSUE	BY	DATE DRAWN	ISSUE DATE
5	19/01/20	REVISED FOR CONSENT	RBT	17.03.20	/ /
4	25/06/20	ISSUED FOR CONSENT	RBT		
3	18/06/20	REVISED CHANNEL LAYOUT	RBT		
2	28/04/20	ISSUED FOR INFORMATION	RBT		
1	26/03/20	ISSUED FOR INFORMATION	RBT		

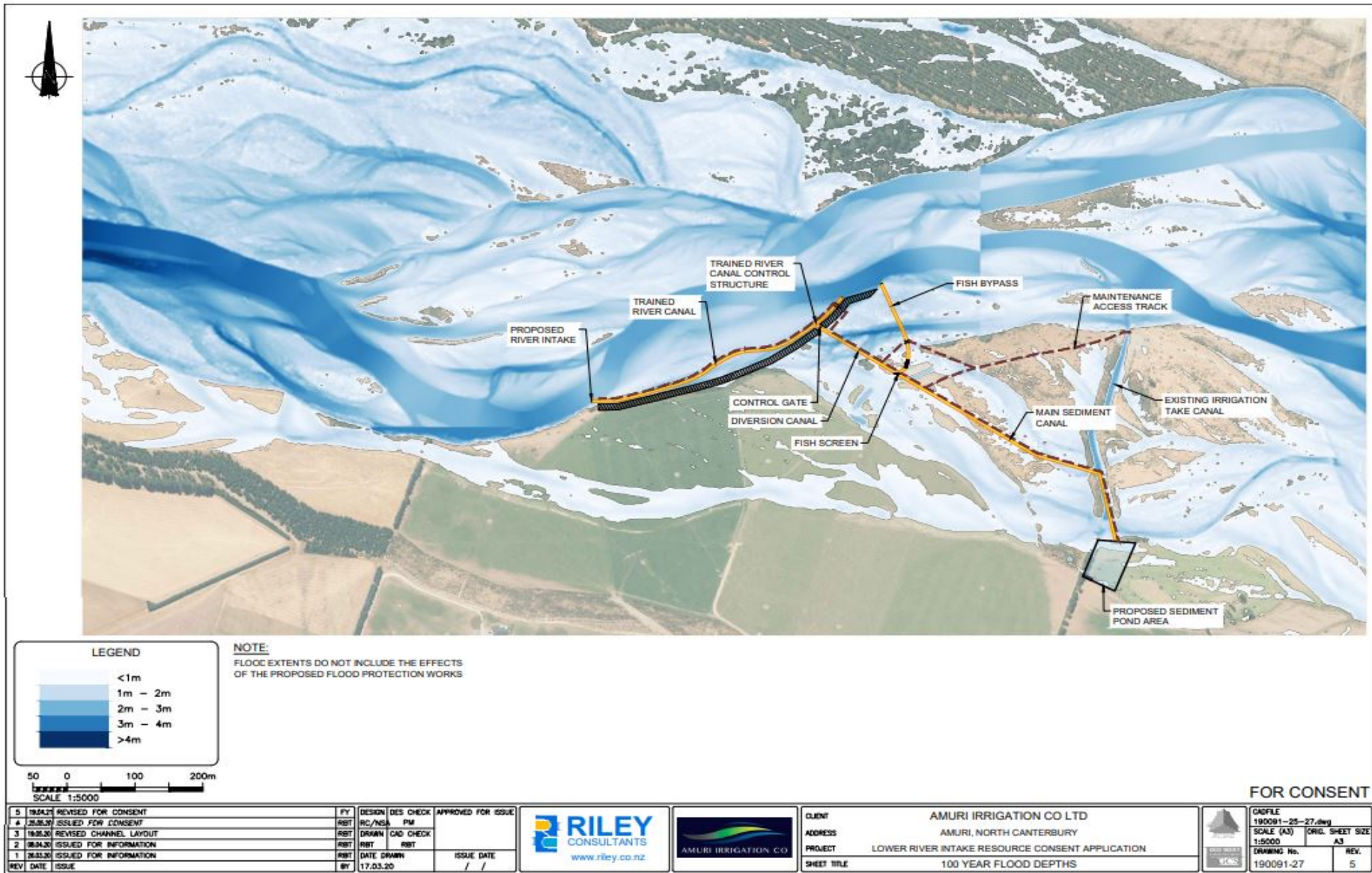


CLIENT	AMURI IRRIGATION CO LTD
ADDRESS	AMURI, NORTH CANTERBURY
PROJECT	LOWER RIVER INTAKE RESOURCE CONSENT APPLICATION
SHEET TITLE	10 YEAR FLOOD DEPTHS

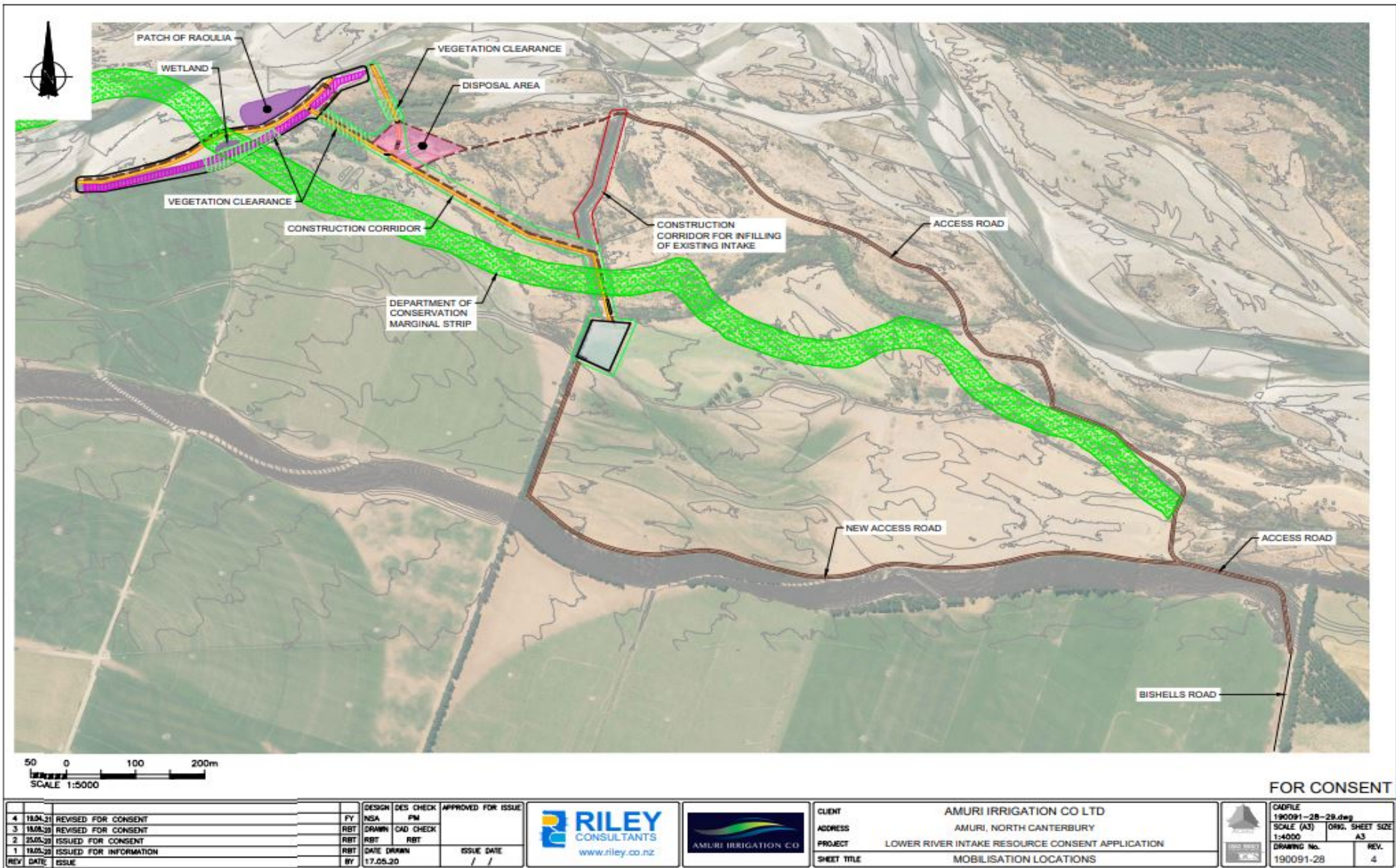


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SCALE (A3)	1:5000
ORIG. SHEET SIZE	A3
DRAWING No.	190091-26
REV.	5





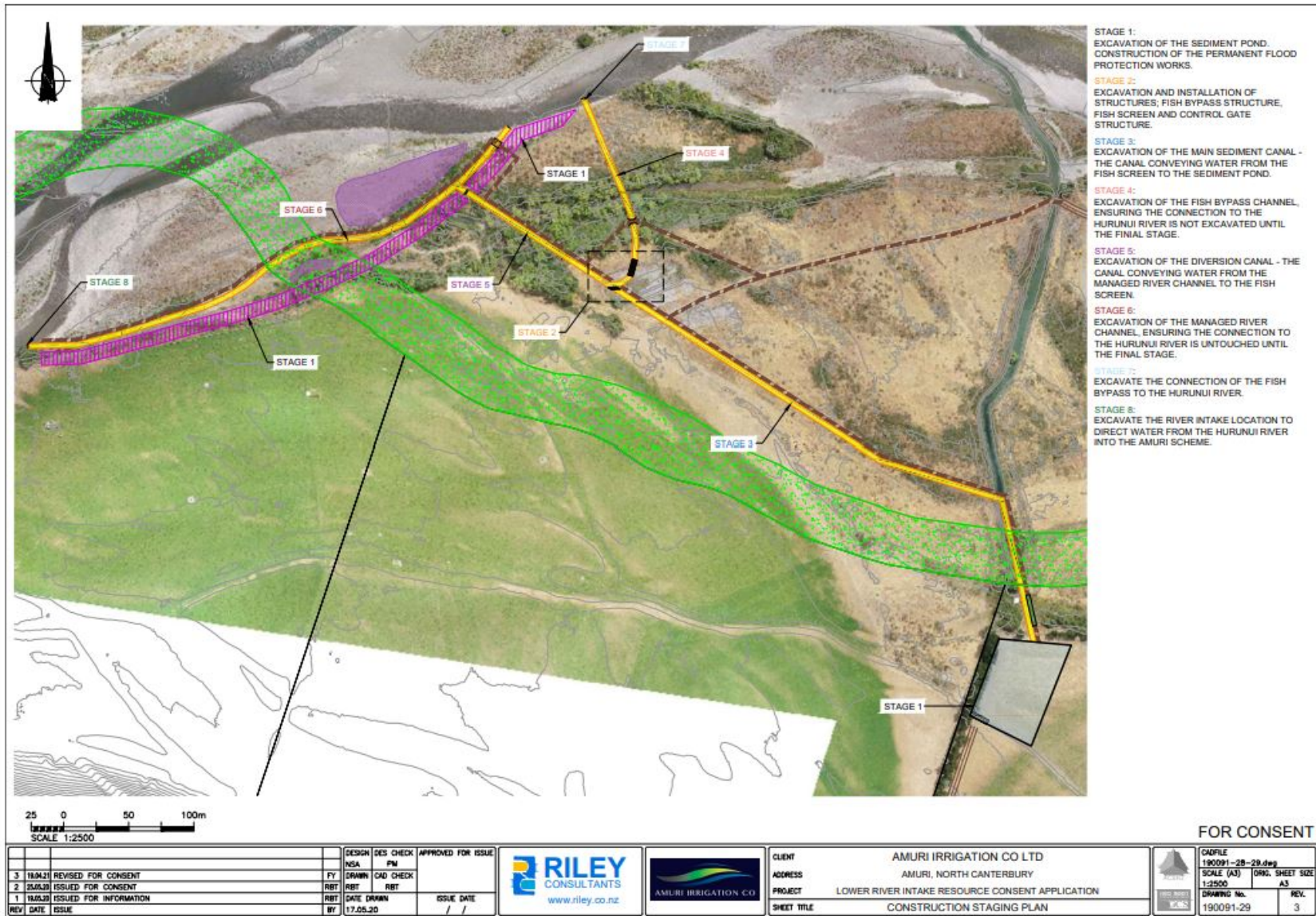




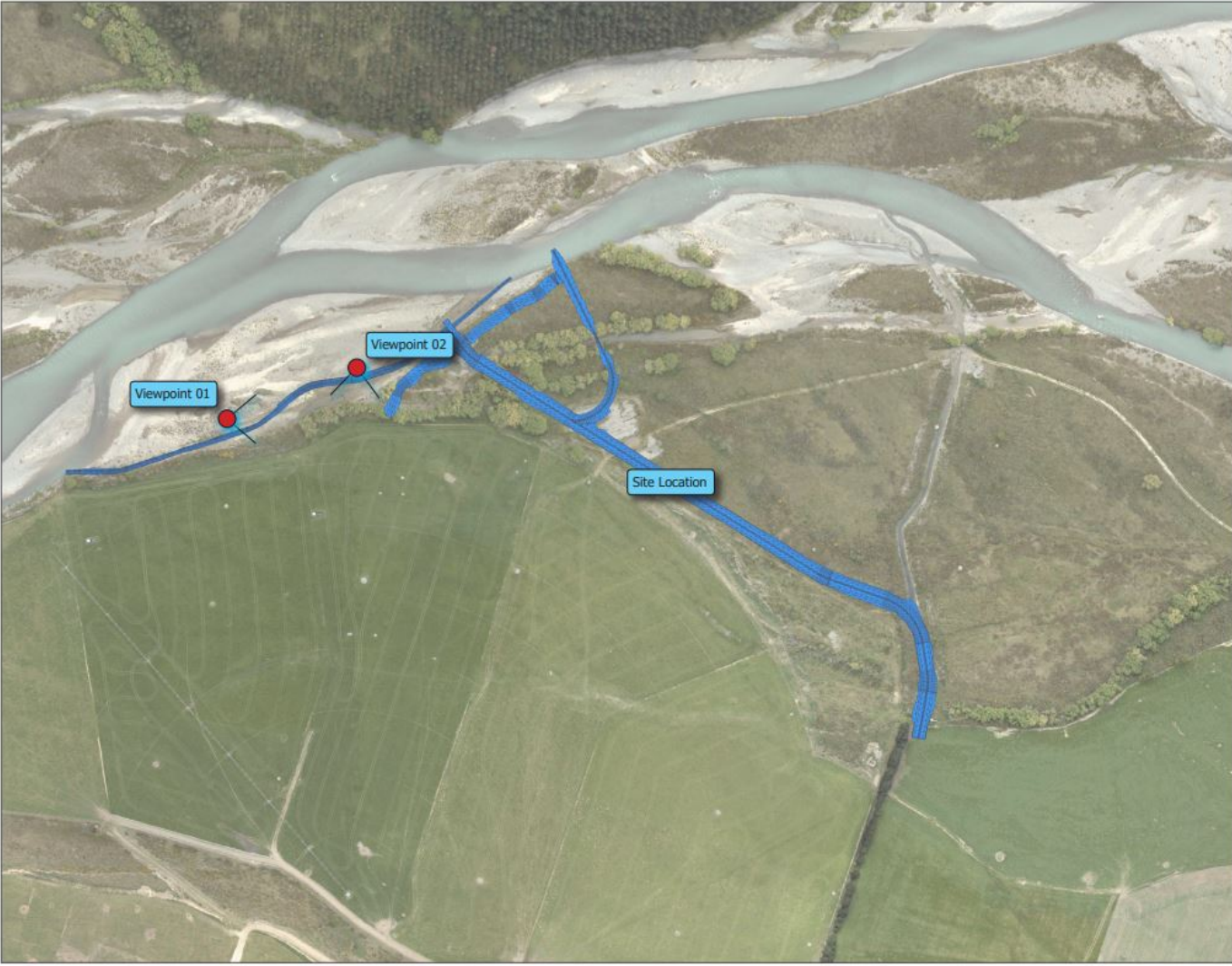
FOR CONSENT

REV	DATE	ISSUE	DESIGN	DES CHECK	APPROVED FOR ISSUE	 	CLIENT AMURI IRRIGATION CO LTD ADDRESS AMURI, NORTH CANTERBURY PROJECT LOWER RIVER INTAKE RESOURCE CONSENT APPLICATION SHEET TITLE MOBILISATION LOCATIONS	 CADFILE 190091-28-29.dwg SCALE (A3) 1:4000 DRAWING No. 190091-28	ORG. SHEET SIZE A3 REV. 4
4	19.04.21	REVISED FOR CONSENT	FY	NSA	APPROVED FOR ISSUE				
3	18.04.20	REVISED FOR CONSENT	RYT	RYM	RYM				
2	25.05.20	ISSUED FOR CONSENT	RYT	RYM	RYM				
1	18.05.20	ISSUED FOR INFORMATION	RYT	RYM	RYM				
REV	DATE	ISSUE	BY	DATE DRAWN	ISSUE DATE				
				17.05.20	/ /				





# Viewpoint Location Map



## Amuri Irrigation Lower River Intake

- Viewpoint 01  
Looking East  
(E)389724.658 (N)885706.584
- Viewpoint 02  
Looking South West  
(E)389839.685 (N)885748.678



Date Printed : 24-08-2021





Viewpoint 01 - Existing



Viewpoint 01 - Proposed



Easting: 389724.658  
 Northing: 885706.584  
 Elevation: 281.096m  
 Height of Camera: 1.6m  
 Orientation of View: E  
 Date of Photography: 4 August 2021  
 Time of Photography: 12:07pm

**Amuri Irrigation - Lower River Intake**  
 Viewpoint 01 - Looking East

NOTES: The proposed is a 3D photo montage.  
 All photos were taken by Virtual View with a Canon  
 S50M2 and a 50mm lens.  
 Photo positions were supplied by Amuri Irrigation LTD.

Version info: 0002  
 Date Printed: 24-08-2021







Viewpoint 01a - Existing

IMAGE TO BE VIEWED AT 50cm FROM EYE FOR CORRECT VIEWING SCALE WHEN PRINTED AT A3



Easting: 389724.658  
 Northing: 885706.584  
 Elevation: 281.096m  
 Height of Camera: 1.6m  
 Orientation of View: E  
 Date of Photography: 4 August 2021  
 Time of Photography: 12:07pm

**Amuri Irrigation - Lower River Intake**  
 Viewpoint 01 - Looking East

NOTES: The proposed is a 3D photo montage.  
 All photos were taken by Virtual View with a Canon  
 S20k2 and a 50mm lens.  
 Photo positions were supplied by Amuri Irrigation LTD.

Version info: 0002  
 Date Printed: 24-08-2021







Viewpoint 01a - Proposed

**IMAGE TO BE VIEWED AT 50cm FROM EYE FOR CORRECT VIEWING SCALE WHEN PRINTED AT A3**



Easting: 389724.658  
 Northing: 885706.584  
 Elevation: 281.096m  
 Height of Camera: 1.6m  
 Orientation of View: E  
 Date of Photography: 4 August 2021  
 Time of Photography: 12:07pm

**Amuri Irrigation - Lower River Intake**  
 Viewpoint 01 - Looking East

NOTES: The proposal is a 3D photo montage.  
 All photos were taken by Virtual View with a Canon  
 50mm f2 and a 50mm lens.  
 Photo positions were supplied by Amuri Irrigation LTD.

Version info: 0002  
 Date Printed: 24-08-2021







Viewpoint 01b - Existing

IMAGE TO BE VIEWED AT 50cm FROM EYE FOR CORRECT VIEWING SCALE WHEN PRINTED AT A3



Easting: 389724.658  
 Northing: 885706.584  
 Elevation: 281.096m  
 Height of Camera: 1.6m  
 Orientation of View: E  
 Date of Photography: 4 August 2021  
 Time of Photography: 12:07pm

**Amuri Irrigation - Lower River Intake**  
 Viewpoint 01 - Looking East

NOTES: The proposed is a 3D photo montage.  
 All photos were taken by VirtuAl View with a Canon  
 5Dmk2 and a 50mm lens.  
 Photo positions were supplied by Amuri Irrigation LTD.

Version info: 0002  
 Date Printed: 24-08-2021







Viewpoint 01b - Proposed

IMAGE TO BE VIEWED AT 50cm FROM EYE FOR CORRECT VIEWING SCALE WHEN PRINTED AT A3



Easting: 389724.658  
 Northing: 885706.584  
 Elevation: 281.096m  
 Height of Camera: 1.6m  
 Orientation of View: E  
 Date of Photography: 4 August 2021  
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**Amuri Irrigation - Lower River Intake**  
 Viewpoint 01 - Looking East

NOTES: The proposed is a 3D photo montage.  
 All photos were taken by VirtuAl View with a Canon  
 5Dmk2 and a 50mm lens.  
 Photo positions were supplied by Amuri Irrigation LTD.

Version info: 0002  
 Date Printed: 24-08-2021







Viewpoint 02 - Existing



Viewpoint 02 - Proposed



Easting: 389839.685  
 Northing: 885748.678  
 Elevation : 279.931m  
 Height of Camera : 1.6m  
 Orientation of View : SW  
 Date of Photography : 4 August 2021  
 Time of Photography : 12:59pm

**Amuri Irrigation - Lower River Intake**  
 Viewpoint 02 - Looking South West

NOTES: The proposed is a 3D photo montage.  
 All photos were taken by Virtual View with a Canon  
 5Dmk2 and a 50mm lens.  
 Photo positions were supplied by Amuri Irrigation LTD.

Version info: 0002  
 Date Printed: 24-08-2021







Viewpoint 02a - Existing

IMAGE TO BE VIEWED AT 50cm FROM EYE FOR CORRECT VIEWING SCALE WHEN PRINTED AT A3



Easting: 389839.685  
 Northing: 885748.678  
 Elevation : 279.931m  
 Height of Camera : 1.6m  
 Orientation of View : SW  
 Date of Photography : 4 August 2021  
 Time of Photography : 12:59pm

**Amuri Irrigation - Lower River Intake**  
 Viewpoint 02 - Looking South West

NOTES: The proposed is a 3D photo montage.  
 All photos were taken by Virtual View with a Canon  
 50mm f2 and a 50mm lens.  
 Photo positions were supplied by Amuri Irrigation LTD.

Version info: 0002  
 Date Printed: 24-08-2021







Viewpoint 02a - Proposed

IMAGE TO BE VIEWED AT 50cm FROM EYE FOR CORRECT VIEWING SCALE WHEN PRINTED AT A3



Easting: 389839.685  
 Northing: 885748.678  
 Elevation: 279.931m  
 Height of Camera: 1.6m  
 Orientation of View: SW  
 Date of Photography: 4 August 2021  
 Time of Photography: 12:59pm

**Amuri Irrigation - Lower River Intake**  
 Viewpoint 02 - Looking South West

NOTES: The proposed is a 3D photo montage.  
 All photos were taken by Virtual View with a Canon  
 50mm lens and a 50mm lens.  
 Photo positions were supplied by Amuri Irrigation LTD.

Version info: 0002  
 Date Printed: 24-08-2021







Viewpoint 02b - Existing

IMAGE TO BE VIEWED AT 50cm FROM EYE FOR CORRECT VIEWING SCALE WHEN PRINTED AT A3



Easting: 389839.685  
 Northing: 885748.678  
 Elevation: 279.931m  
 Height of Camera: 1.6m  
 Orientation of View: SW  
 Date of Photography: 4 August 2021  
 Time of Photography: 12:59pm

**Amuri Irrigation - Lower River Intake**  
 Viewpoint 02 - Looking South West

NOTES: The proposed is a 3D photo montage.  
 All photos were taken by Virtual View with a Canon  
 S20A2 and a 50mm lens.  
 Photo positions were supplied by Amuri Irrigation LTD.

Version info: 0002  
 Date Printed: 24-08-2021







Viewpoint 02b - Proposed

**IMAGE TO BE VIEWED AT 50cm FROM EYE FOR CORRECT VIEWING SCALE WHEN PRINTED AT A3**



Easting: 389839.685  
 Northing: 885748.678  
 Elevation: 279.931m  
 Height of Camera: 1.6m  
 Orientation of View: SW  
 Date of Photography: 4 August 2021  
 Time of Photography: 12:59pm

**Amuri Irrigation - Lower River Intake**  
 Viewpoint 02 - Looking South West

NOTES: The proposed is a 3D photo montage.  
 All photos were taken by VirtuAl View with a Canon  
 50mm f2 and a 50mm lens.  
 Photo positions were supplied by Amuri Irrigation LTD.

Version info: 0002  
 Date Printed: 24-08-2021







Viewpoint 02c - Existing

IMAGE TO BE VIEWED AT 50cm FROM EYE FOR CORRECT VIEWING SCALE WHEN PRINTED AT A3



Easting: 389839.685  
 Northing: 885748.678  
 Elevation : 279.931m  
 Height of Camera : 1.6m  
 Orientation of View : SW  
 Date of Photography : 4 August 2021  
 Time of Photography : 12:59pm

**Amuri Irrigation - Lower River Intake**  
 Viewpoint 02 - Looking South West

NOTES: The proposed is a 3D photo montage.  
 All photos were taken by Virtual View with a Canon  
 5Dmk2 and a 50mm lens.  
 Photo positions were supplied by Amuri Irrigation LTD.

Version info: 0002  
 Date Printed: 24-08-2021







Viewpoint 02c - Proposed

**IMAGE TO BE VIEWED AT 50cm FROM EYE FOR CORRECT VIEWING SCALE WHEN PRINTED AT A3**



Easting: 389839.685  
 Northing: 885748.678  
 Elevation: 279.931m  
 Height of Camera: 1.6m  
 Orientation of View: SW  
 Date of Photography: 4 August 2021  
 Time of Photography: 12:59pm

**Amuri Irrigation - Lower River Intake**  
 Viewpoint 02 - Looking South West

NOTES: The proposed is a 3D photo montage.  
 All photos were taken by Virtual View with a Canon  
 50mm f2 and a 50mm lens.  
 Photo positions were supplied by Amuri Irrigation LTD.

Version info: 0002  
 Date Printed: 24-08-2021







Viewpoint 02d - Existing

IMAGE TO BE VIEWED AT 50cm FROM EYE FOR CORRECT VIEWING SCALE WHEN PRINTED AT A3



Easting: 389839.685  
 Northing: 885748.678  
 Elevation: 279.931m  
 Height of Camera: 1.6m  
 Orientation of View: SW  
 Date of Photography: 4 August 2021  
 Time of Photography: 12:59pm

**Amuri Irrigation - Lower River Intake**  
 Viewpoint 02 - Looking South West

NOTES: The proposed is a 3D photo montage.  
 All photos were taken by Virtual View with a Canon  
 50mm lens.  
 Photo positions were supplied by Amuri Irrigation LTD.

Version info: 0002  
 Date Printed: 24-08-2021







Viewpoint 02d - Proposed

IMAGE TO BE VIEWED AT 50cm FROM EYE FOR CORRECT VIEWING SCALE WHEN PRINTED AT A3



Easting: 389839.685  
 Northing: 885748.678  
 Elevation: 279.931m  
 Height of Camera: 1.6m  
 Orientation of View: SW  
 Date of Photography: 4 August 2021  
 Time of Photography: 12:59pm

**Amuri Irrigation - Lower River Intake**  
 Viewpoint 02 - Looking South West

NOTES: The proposed is a 3D photo montage.  
 All photos were taken by Virtual View with a Canon  
 50mm f2 and a 50mm lens.  
 Photo positions were supplied by Amuri Irrigation LTD.

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