

**TABLED AT HEARING**

Application: RDRML -

Joint hearing

Date: 30 April 2018

**RANGITATA DIVERSION RACE MANAGEMENT LTD – KLONDYKE  
STORAGE, FISH SCREENS & RELEVANT DISCHARGES  
APPLICATIONS CRC182535, 536, 537, 538, 539, 540, 541, 542, CRC182630,  
631 AND LUC17/0122**

My Name is John Ell, I reside in Christchurch and I am a hut owner at the South Rangitata Rerserve.

I make the following submissions in respect to these applications.

- I submit that it is not tenable at law that these hearings can be permitted to take place at this time due to the fact that the Rangitata Diversion Race Management Ltd (RDR) are in breach of the Rangitata Conservation Order in that they are abstracting water from the Rangitata River without having in place an effective fish screen.
- I submit that because the RDR is in breach of the Rangitata Conservation Order they are not entitled at law to file or have heard their current applications by this tribunal as to do so would be in breach of natural justice.
- I further submit that if these proceedings were not adjourned until RDR become compliant with the Rangitata Conservation Order, continuation of these hearings may in effect legitimise their unlawful water abstraction.
- I call upon this tribunal to find accordingly and direct the RDR to cease all water abstraction forthwith and adjourn these hearings until such time as that directive becomes effective.

If this tribunal rejects these submissions and directs that these hearings continue then I make the following submissions.

**Submissions:**

I firstly submit that this tribunal is working outside of natural justice principles in the continuance of these hearings and in so doing aids and abets the applicants in their current illegal water abstraction from the Rangitata River.

My association and time spent on the Rangitata River goes back over 62 years to 1956 and I have fished the river for about 56 years.

My association and love of this river makes it of paramount importance to my family and I together with so many others and it must be preserved for future generations. It is a river of National importance and significance. It's natural beauty; quality and values must be preserved at all costs.

I am a layman and cannot be expected to interpret and understand the volumes of information that is being presented in support of the current applications and nor should I have to.

### **General submissions in opposition to the identified applications below:**

What I can tell you is what I know. What I know is that this river was once a magnificent river in pristine condition. The first knife thrust into this river was by way of the construction of the RDR and everything has gone down hill from that point onwards.

Once this river supported extremely healthy salmon, trout and whitebait runs. Now it does not.

Once I could white bait in this river all season and hardly ever have to clean my net. Now when I fish for white bait I find that I have to continuously clean my net of scum which clogs the mesh and indeed have to use a water blaster to clean the scum from it.

Once I could go out trout fishing of an evening and see a river full of healthy good size sea run trout and confidently expect to catch some. With the passing of each season this happens less and less.

Once when I fished for Salmon in the surf at the mouth of the river I would often receive severe bruises to my lower legs from large boulders driven up the beach by waves. Now because of water abstractions resulting in lower flood levels, large volumes of shingle and boulders are no longer washed out to sea and then washed back up on the beach by waves. The deliberate reduction of natural flood levels is creating serious seashore erosion putting land and properties at risk.

Once you could virtually set your clock and expect to see significant runs of wild Salmon in November, January, February, mid to late March and early April. Now you are often fishing in water that is almost totally void of migrating Salmon.

Once a high escarpment of coastal land to the south side of the South Rangitata Reserve was stable with only one or two main underground streams emerging from it. This high escarpment once had WW II coastal defence trenches in places along the top. These are now all gone along with a considerable number of trees. Significant portions of this escarpment face are constantly wet from increased rates of ground water seepage and meters of this land are being eroding each year.

The Rangitata like other snow fed rivers of Canterbury were all once splendid rivers that provided a high environmental quality from source to sea for all manner of fish and bird life. This river like so many others has and continues to be progressively killed by a thousand cuts. These cuts are predominantly from repeated, systematic progressive water take applications in the name of self-serving commercial interests. These water abstraction applications are not about poor farmer Brown trying to survive but are made by large commercial interests who demonstrate over and over again that their ends justify any means who make these applications.

If more water is needed then those seeking it must be directed to seek it from elsewhere other than from this river. In a recent Press Release from Cape Town - **The City of Cape Town's R240m temporary desalination plant at Strandfontein Pavilion is on track, but it will only start producing the first two million litres of an expected seven million a day in March.**

Hydroponic growth on this type of land is just a waste of a precious resource, River Water.

Successive applicants clearly live in a fantasy world with a parasitic mind set which appears to give them a belief that they exclusively have every right to take as much water as they can from this river forever and for free in order to hydroponically grow grass assisted by large quantities of fertiliser to feed cattle that pollute the ground and sub surface water tables. This is a destructive course that must be reigned in and I call on this tribunal to take the vital step by declining applications whereby any increase water take is sought.

It is my belief that this current round of water applications has been presented to make it appear that the main objective is to build an effective fish screen to be located at a point prior to water being diverted from the Rangitata River into the RDR. I believe that this has been done in the belief that no sports fisherman is going to object to an effective fish screen being put in place to protect wild Salmon migrations. I believe that the RDR Management group are being deceptive in submitting these applications around a fish screen when in fact their main aim is to gain an increase in water abstraction and so they have dressed these current applications up by the inclusion of applications around the installation of a new type of fish screen. In support of this contention I site from a portion of the applicants submissions under the heading:

**Economic assessment by AERU**

**Klondyke Storage Proposal – Assessment of Economic Effects**

**Final report**

“In addition to the storage pond RDRML intends to apply for resource consent to divert an additional 10 cumecs from the Rangitata River during flood flows. Canal modifications to accommodate the additional flow will be undertaken as part of the construction project.”

When you consider the vast amount of the water taken from the Rangitata is used on extensive tracts of land that are essentially old dry riverbeds that are porous and not conducive to water retention it becomes evident that this is a wasteful practice designed to produce grass growth by hydroponics combined with considerable fertilizer applications.



This is a photo taken in the 1950's on the Orton Rangitata Mouth Road between Chalmers Road and Burnham Road before the south branch of the Rangitata River was closed. This extent of flooding was a not uncommon occurrence when this river carried large flows in floods. Those big floods ensured that large volumes of gravel were carried to the sea providing necessary shore erosion protection. With the on going reduction of flood water levels due to abstraction this no longer occurs and the coastal regions of the Rangitata river continue to be eroded and the shingle and bolder foreshore is being pounded to sand.

This photo is submitted in support of my opposition to Application CRC182630 through which an additional 10 cumecs of water is sought.

A clear signal is required to demonstrate that these continuous efforts to abstract water from this river must stop and I look to this tribunal to start this process and decline all current applications for increased abstraction and discharges and only approve applications that will begin to enhance this river. Enough is enough, water abstraction, dairy farming effluent and associated pollution through fertilizers is killing this river and it's aquifers and it must stop.



This is a photo taken in the late 50's showing the width and volume of water that this river carried while running in a southerly direction past the existing South Rangitata Reserve with an extensive seaward shingle bank.

This photo is also submitted in support of my opposition to Application CRC182630 through which an additional 10 cumecs of water is sought.

Successive Governments, particularly the National Party of New Zealand have actively sought to ignore the requirements of the Rangitata River Conservation Order of 2006. The blatant disregard for the Conservation order has been exacerbated by Environment Canterbury's failure to enforce requirements on users and abstractors of water from this river. All have failed this river and it's Conservation Order in what can only amount to high-level corruption, ineptitude and mismanagement in consequence of self-serving practices and interests.

**[Christchurch Press Friday 9 February 2018-Section A9 – Article by Sam Mahon is but the latest of many articles that have been printed and spoken of in the public domain about the National Governments undemocratic influences and manipulation of Water Conservation Orders aided and abetted by Environment Canterbury]**

The Rangitata Water Conservation Order of 2006 identifies this river as a site of Natural Significance and Section 10 requires that:

- (1) No resource consent may be granted or rule included in a regional plan relating to the waters identified in Schedule 2, authorising an activity that will adversely affect the passage of salmon, where schedule 2 identifies salmon passage or salmon spawning as an outstanding characteristic or contributing to an outstanding characteristic.

- (2) No resource consent in relation to an intake may be granted or rule included in a regional plan, for waters specified in Schedule 2 authorising any activity unless that resource consent provides for fish exclusion or a fish bypass system to prevent fish from being lost from specified waters.

Despite this clear legal message (NO EFFECTIVE FISH SCREEN MEANS NO WATER) water allocations such as these continue to be lodged and always there is a proposition that more water is required to achieve this or that. The sustained opportunist attacks on this river are perpetrated by a select few and mostly in support of the dirtiest industry on the planet, dairy farming. The degradation of waterways, and ground water pollution from this industry throughout the Country has been scientifically tested and proven and it simply has to stop.

The stated intent of the RDR was to provide water for irrigation, stock water and power generation but always to meet the values of the wider community. In the early years of the RDR it was safe flood free haven for juvenile salmon because not all the water was used for the RDR and so many juvenile salmon were able to make their way back to the river. Since the complete use of water commenced salmon losses into the RDR became a disaster.

From its inception despite objections and plea's from interested parties, RDR have been permitted to take water without providing any effective fish screening whatsoever.

In 2008, not of their own volition and not because they wanted to demonstrate that they were wishing to **"MEET THE VALUES OF THE WIDER COMMUNITY"** they were forced to install a fish screen to meet the requirements of the Rangitata Water Conservation Order.

In their wisdom they installed what was called a Bio Acoustic Fish Screen fence (BAFF). From its installation to the present time it has consistently failed as an effective fish screen but no statutory body or Council took any action to insist that water abstraction was to cease until an **effective fish screen was installed**. The latest testing of this screen as I understand it was carried out between November 2010 and March 2011. These test's demonstrated that approximately 55,000 to 60,000 wild salmon smelt were diverted from the Rangitata River flow into the RDR canal and lost for ever and could never become part of the natural wild adult salmon run in the Rangitata River.

This testing was for just one season. One does not require a very fruitful imagination to gain an understanding of the devastation this RDR canal has caused to the natural wild salmon runs on this river.

Since the installation of the BAFF screen the RDR has been permitted continuous abstraction of Rangititata water in breach of the Rangitata Water Conservation Order.

**NO EFFECTIVE FISH SCREEN MEANS NO WATER, FULL STOP.**

The tourism industry in this country generates more revenue than dairying and this industry is primarily based around New Zealand's natural beauty and once pristine

waterways. To permit more water abstraction and sediment discharges under whatever guise means a continuation of polluting and destructive outcomes for this river and it is just not acceptable and must not be permitted.

The sustained abuse and neglect of this river by all organisations granted rights to it's water and by users granted consents to abstract ground water does not now make this river responsible for fixing problems such as dried up aquifers and does not justify the granting of consents to store water for some new unidentified and non specific scheme of the future. If the RDR wishes to store water, they have ample under their current consents and need no more to fill a storage pond. They do not need and should not be permitted to take more water to achieve that.

Consultants such as Ryder Consulting have been engaged on behalf of the RDR to prepare tables and charts to justify an increase water take and for justifying so called 'sluicing method' to rid a trap or canal or pond of the build up of sediment. In their consultation draft report of March 2016, page 36, para 6.4 they state, **"there is some information on the relationship between these two variables for the Rangitata River [Scarf and Waugh 1986] and on the relationship between flow, suspended sediment and clarity for the RAKAIA River.** These data sets as I understand them have been used to develop a relationship between clarity and flow for the Rangitata River at Klondyke and these are then used in support of their arguments around this equation.

The first thing that strikes me about this is that they are basing their arguments on some research that was published in 1986, which is now 32 years old and further more is based on a study of the Rakaia river. I suggest that their methodology and science must be questioned because both rivers have always been different in terms of flow and volume and I suggest their scientific arguments are likely to be flawed.

**CRC182535 – to discharge water from the take authorised under CRC182536 and suspended sediment to the river via the fish bypass return:**

#### **I appose this application**

1. Sediment collection discharge into the Rangitata River is apposed and my requirement is that all sediment is removed from the bypass and disposed of to a designated landfill area and not permitted to be flushed back into the river.
2. Sediment discharges have detrimental impacts on the river, its natural flow and impacts on water quality for the length of the river from the RDR intake to the sea.
3. Sediment discharges into the river accumulate more closer to the mouth of the river where the flow begins to slow and creates beds of sediment that result in a longer periods of silty dirty water that is not conducive to fishing and the migration of Salmon or Trout and other fish species.
4. The reduction of natural flood levels by way of current water take greatly affects the rivers ability to self-flush and deposit shingle to the seaward side of the river mouth and thus contribute to coastal erosion.

**CRC182538 – to temporarily discharge sediment to the Rangitata River as a result of the construction and maintenance of the fish bypass outlet:**

**I appose this application**

- 1 There can be no justification for the granting of this application. The construction of a fish bypass outlet for the installation of any fish screen would be done in dry conditions, not with water running through it making it a simple matter to ensure that once construction was completed and ready to receive water, only a small amount of sediment discharge would be involved in the initial flushing process.
- 2 Proper construction of a fish bypass canal would ensure that when at any time sediment build up requires removal, water entering the bypass can be closed off permitting extraction of sediment to a landfill site.

**CRC1822541 – the emergency discharge of water to the Rangitata River:**

**I appose this application**

1. My understanding of this application is to cover off the need for an emergency discharge of water from any water holding facility as sought under CRC182542.
2. I appose this application as it is not within the values set out by the RDR “to meet values of the wider community” and impacts on the ‘naturalness’ of the river.
3. Any sluicing method to clear sediment from a fish screen is likely to mean that young salmon are likely to be overwhelmed in such a process and killed.

**CRC182630 – to use water for storage:**

**I appose this application**

- 1 Under the current suite of applications an increase in the water take is sought on the basis that more water will be required to make new fish screens effective. But on [**Page 53, Para 7.4 Ryder Consulting draft report – Aquatic Ecology Assessment 2016 –An additional water take is likely to increase the fish loss to the RDR**]

This application also seeks to permit the construction of storage ponds, which are not part of the current consents granted to RDR. As I have already mentioned, this application is I believe the main purpose of these new applications in order to gain more water for storage purposes.

- 2 The RDR has consents to extract or divert water from the Rangitata River for the purposes of Irrigation, Stock Water and Power Generation. There are no provisions permitting RDR to increase their legal water abstraction and neither should any further increase in abstraction be granted.



- 3 The RDR already have consent to take 32.7 cumecs and the purpose of this application to grant permission to store water does not appear to be supported by any evidence demonstrating how this will benefit the river.
- 4 Should RDR be permitted to build storage ponds then they already have more than sufficient water under their current abstraction rights to a construct a storage pond.
- 5 The application to store water appears to be based on a premise and hope that RDR will be able to generate more income at some point in the future by utilising stored water and I do not believe that this is a permissible use in terms of the Rangitata Conservation Order or the Resource Management Act. I see this application as another attempt by guise to gain greater water take rights.
- 6 An ever-increasing proliferation of irrigation schemes based on free water must not be permitted and water users must look to other sources for water and not this river.
- 7 It is not the role of the Rangitata River to remedy wrongs already permitted, i.e. re charging aquifers or the farm that seeks irrigation water because too much money has been spent in purchasing or converting totally unsuitable land for hydroponic grass growth.
- 8 An effective fish screen is a necessary requirement under the Resource Management Act where water is taken from rivers.
- 9 The Rangitata Diversion Race Management Ltd has failed to ever have an independently verifiable effective fish screen in place for their abstraction of water from the Rangitata River. As such in my opinion they have always been in breach of the Resource Management Act and the Conservation order.

**CRC182631 – to use water under CRC170654 for storage, irrigation and stock water purposes, and to generate electricity at Montalto and Highbank Power Stations:**

**I appose this application**

1. Current consents permit water take for irrigation, stock water and power generation. It does not permit water take for storage purposes and this application does not fall within the spirit and intent of either the Rangitata Water Conservation Order or within the spirit of the 'wider community values'.

**LUC17/0122 – land use consent at Klondyke Terrace, Ashburton, to construct and operate a Fish Screen on land that is zoned Rural B. This includes the construction of the fish bypass return on the bed of the Rangitata River and within the 20 meter setback and the upgrading of a utility structure exceeding the rural zone and geoconservation area earthworks standards.**

**A lapse period of 5 years has been sought for the Fish Screen consents and 35 years for the emergency discharge and use of water applications. RDRML seeks that an unlimited term be applied to all the land use consents that are sought from the Ashburton District Council. The company seeks a 35-year term for all**

of the resource consents that are sought from the Canterbury Regional Council.  
I appose the second part of this application

1. I acknowledge that the RDR management appear to be accepting that they must install an effective new type of fish screen but it appears that no firm time frame is given for this to happen.
2. The effectiveness of the fish screen planned is unknown and it appears that no effort has been made to set up trials for independent evaluation of the type of the fish screen that is proposed to quantify its effectiveness.
3. Because it appears no testing with independent evaluation has been conducted there is a high risk that if the proposed screens are installed and fail as has the (BAFF) system has that RDR may come back to this type of hearing process and argue why the requirement for an effective fish screen should be lifted or worse, that they have done all they can and seek an exclusion on the requirement to have an effective fish screen.
4. Indeed under this application they seek a 5-year lapse period, which to my way of thinking is saying, **“we will put in a fish screen but we may not do that for another 5 years”** so in the meantime trust us and we will just continue taking water without an effective fish screen. Granting this application could effectively mean that RDR would be granted legitimacy for the taking of water WITHOUT the need to have in place an effective fish screen for at least another 5 years.
5. The application for a 35-year term for all these new resource consents and this period of time is just ridiculous. No one can predict or see what will happen over the next 35 years and this term is far too long and outside what might be considered a reasonable time frame for consents to run.
6. No consent should be granted or scheme approved without provision for appropriate and independent reviews throughout the duration of the granted period and for consents to be rescinded where requirements are not met.

If I give the impression that I have no faith in the integrity of water abstraction applicants it is because I don't.

If I give the impression that I am angry about the destruction of our waterways it is because I am.

The current Government had an election slogan “Lets do this” so I am urging this tribunal to understand that part of what they meant in that slogan was to say that a new generation has dawned and that this generation is acutely aware of the destruction and degradation that has been done to our water ways. Our children are being left with a mess created in the name of profit at any cost that now has to be put right. I urge this tribunal to view my plea as a plea on behalf of our children and future generations and put a stop once and for all on all applications that seek to take more water from this magnificent river and to do this now.

John Ell