



Department of Conservation
Te Papa Atawhai

To: Tony Preston, Operations Manager Geraldine

From: Christine Butler, Permissions Regulatory Delivery Manager

CC: Colm Dubienec (Permissions Advisor), Kelly Aspinwall (Permissions Advisor)

Date: 25/06/2025

OBJECTION AND SUBMISSION SUMMARY RECOMMENDATION REPORT

1.0 APPLICATION DETAILS

Applicant: Barkers Fruit Processors Limited

Permission Number: 118687-OTH

Permission Type: Lease, license, and easement

Brief activity description: To authorise a pre-existing bore in the Hae Hae Te Moana River Conservation Reserve.

2.0 PURPOSE

1. This report is provided pursuant to Section 49(2)(d) of the Conservation Act 1987 (CA). It provides the Minister with:
 - A summary of all submissions received.
 - Recommendations to the extent to which submissions are allowed and accepted.
 - A recommendation on the application so the Minister can decide whether to proceed.
 - Any recommended actions due to the submissions e.g. special conditions.
 - Any recommendations on further information the Minister may wish to obtain and consider.
2. Section 49(2)(a) of the Act refers to allowing a person or organisation to provide a written submission to the Director-General against or in support of the proposal.
3. In this report where “submissions” is used, this term covers submissions from objectors and submitters.

4. Additionally, where “objectors” or “objections” are used, these terms mean an expression of feeling of disapproval or opposition, a reason for disagreeing, being opposed to the application.
5. Where “submitters” or “comments” are used, these terms mean an expression of neutrality or support and approval, a reason for neutrality, support or approval of the application.
6. In section 49(2)(d) of the Act, it refers to the extent to which all submissions should be allowed or accepted. In this report where “allowed” is used, this term means that if I consider a submission to be legally relevant, I recommend that it is “allowed”. Subsequently, “not be allowed” refers to the opposite.
7. Where “accepted” is used, this term means that if I consider a submission has substantive merit or is correct, I recommend that it is “accepted”. Subsequently, “not be accepted” refers to the opposite.
8. If I recommend that a submission “not be allowed” then I do not give a recommendation about whether it should be “accepted”.
9. The implications and extent of “allowed” and “accepted” submissions are noted for the Minister to assist the Minister in forming a view ‘before deciding whether or not to proceed with the proposal’, pursuant to section 49(2)(e) of the Conservation Act 1987.
10. I note that any recommendation, as the Director-General’s delegate, that I make to the Minister in no way fetters the Minister’s discretion in considering all the relevant issues of this application.

3.0 BACKGROUND

11. The Applicant has applied to retrospectively authorise an existing water bore and its associated infrastructure on the Hae Hae Te Moana River Conservation Reserve. The duration of the concession application is 30 years. The application includes the following components:
 - Lease for a shed enclosing the bore (approximately 5m²)
 - License associated with the existing steps providing access from the Applicants land to the bore (approximately 9.1m²)
 - Easement to convey water and electricity from the bore to the Applicants property through underground water pipes and cables (approximately 5.5m long).
12. The application comes after the Applicant was found to be carrying out the above activities on Public Conservation Land (PCL) without any authorisation from the Department of Conservation

(DOC). The Applicant was then directed by DOC to apply for a concession to authorise the activity.

13. The application was received on 12 November 2024, and publicly notified on 16 May 2025, via the DOC website and the Timaru Herald Newspaper. The notification period closed on 13 June 2025.

14. Four submissions were received, and no submitters requested to be heard. Of these submissions, three were opposed to the application, and one submission neither opposed nor supported the application.

15. It should be noted that the Applicant has also applied for a concession to convey and drain treated wastewater onto the Hae Hae Te Moana River Conservation Reserve. That Application is subject to a separate assessment process.

4.0 SUMMARY OF KEY POINTS FROM OBJECTIONS AND SUBMISSIONS/COMMENTS- BOTH WRITTEN

16. The submissions received have been categorised under the themes and subthemes in the table below. As submissions often contained different sub-themes, they

Key-themes	Sub-themes
Planning	<ul style="list-style-type: none">- Legality of existing activity occurring on PCL.
Nature and effects of the proposed activity	<ul style="list-style-type: none">- Light pollution associated with bore infrastructure.- Effects of the water take on downstream water quantity and quality.- Indirect effects associated with the water bore.
Miscellaneous	<ul style="list-style-type: none">- Suitability of extracted water for industrial purposes and food manufacturing.- Cultural significance of the Hae Hae Te Moana River.- Desired outcomes of submissions.- DOCs role in environmental management over activities at the fruit processing factory.- Decision makers for water allocation.

5.0 RECOMMENDATIONS AS TO WHETHER SUBMISSIONS SHOULD BE ALLOWED AND ACCEPTED

17. This section provides assessment over whether the submissions be allowed and accepted as per the methodology described in Section 2.0. above. Quotes from submissions have been included as examples under each sub-theme. The quotes are representative examples and are not exhaustive of the submissions available. Where part of a submission has been quoted, it has been *italicised* and placed in inverted commas.
18. Individual submissions discuss several themes and sub-themes. For clarity, the assessment/analysis below recommends whether comments or objections (which only form part of an individual submission) should be allowed and/or accepted.

Preamble on matters pertaining to comments being allowed but not accepted

19. Prior to providing assessment on whether submissions should be allowed/not allowed and accepted/not accepted, it is important to highlight that the application is only to authorise the following activities:
- Lease of the land associated with the shed around the bore;
 - License of steps within the Reserve;
 - Right to convey water and electricity from the Reserve to the factory through underground pipes and cables.

The application does not authorise any water take, nor does it authorise any other activities associated with the wider operations at the factory.

20. The matters outlined below have been raised in submissions and are legally relevant to the activity being applied for and are therefore recommended to be **allowed**. However, as these matters fall outside of the scope of matters to be considered by the Minister, they are recommended to **not be accepted**.

Submissions related to water take from the bore (managed by Environment Canterbury)

21. The Applicant has an existing resource consent from Environment Canterbury (ECan) that authorises the take of groundwater from the bore. This resource consent was granted on the basis that adverse environmental effects associated with the activity were less than minor.
22. ECan are responsible for ensuring that the consent holder is compliant with its resource consent conditions to ensure adverse effects associated with activity are less than minor.

23. The current resource consent associated with the water-take expires 10 June 2026. After the resource consent expires, the Applicant will no longer be able to legally take water from the bore until they acquire a new resource consent from ECan.
24. Submissions that discuss the water take effects will be **allowed** as they relate to environmental effects associated with the bore infrastructure. However, they will **not be accepted** as ECan are responsible for water take through the resource consent.

Submissions related to effects associated with wider activities on the site.

25. Submissions have highlighted concern around wider activities on the site – including wastewater disposal associated with factory operations. As the application is purely for the lease, license, and easement associated with bore infrastructure and does not authorise any other activities, these parts to submissions will be **allowed** but **not accepted**.
26. As mentioned in Point 15, the Applicant has also applied for a concession to convey and drain treated wastewater onto the Hae Hae Te Moana River Conservation Reserve. Any environmental effects associated with that activity will be assessed as part of that application process.

Planning

Legality of existing activity

27. Two objectors highlighted that the bore has been placed on PCL and operated for many years without any authorisation from DOC.

Submission 1 (K):

28. *“They didn’t have a legal well or consent to take water as the well wasn’t on their land and the owner of the land didn’t know it was there ???????? tell me how you can take water from a different landowner without their consent ... Why have barkers been allowed to transfer water litreage from a well they do not own or have consent for to their new well on their own land. Now they want to move it back to Doc land again.”*

Submission 3 (G & K):

29. *“Extraction of water from DOC land illegally taken for Years. As it says on the application BARKERS HOLD NO PERMISSION for bore or structure they have placed on Public Conservation land They just can’t take water from one property title to another or build on DOC land (no structures allowed) without Authority then ask for a consent... A disgrace Barkers HOLD NO Permission”*

Recommendation

30. I consider that objections above are relevant as DOC has not previously granted any permissions relating to the bore infrastructure to the Applicant. I recommend that the Minister **allow** the comments above as they relate to the authorisation of the activity under appropriate regulations.
31. I recommend that the Minister **accept** the above objections as they highlight that DOC has not previously granted any permissions relating to the bore infrastructure.

Nature of effects of the proposed activity

Light pollution associated with bore infrastructure

32. An objector raised concern about the potential impacts on wildlife from lighting associated with the bore.

Submission 3 (G & K):

33. *"It's a public space for wildlife- getting bats roosting in area all wildlife fauna will be affected... There will be light pollution as well as light will be needed for staff safety monitoring pump around factory"*

Recommendation

34. The objector raised concern about lighting associated with the monitoring pump, and how that may adversely affect wildlife in the area such as bats. I consider that this is a valid point and the objection should be **allowed**. However, it is not considered appropriate to consider off-site effects that occur on the Applicant's private land. Therefore, I recommend that the Minister **accept** this objection **in part**, to the extent that it is a potential adverse effect on wildlife that may occur off PCL.

Environmental effects associated with the water take from the bore

35. All four submissions raised concerns about potentially adverse environmental effects from the water take associated with the bore.

Submission 1 (K):

36. *"My concern now is for the safety of my water supply for drinking and downstream"*

Submission 2 (J):

37. *"As Barkers are planning to double production there are serious concerns for the water flow in the Te Moana River and the natural wildlife dependant on this flow."... In drought conditions they will still have access to large volumes of water, even though it will affect the fish life etc in this river. Especially given this is a very shallow bore."*

Submission 3 (G & K):

38. *"The Well is shallow 8 metres deep so it is only River water (surface water) ... Shallow well [surface water] will affect people's ability to use water they have consented for legally in the area as over the years I see the water they have taken has increased expansionary as factory has grown"*

Submission 4 (Te Rūnanga o Arowhenua)

39. *"The bore is located next to and hydrologically linked to the Hae Hae Te Moana River. While the take is managed by CRC166288 must be recognised that the location of the bore does have an effect on the river that must be managed and monitored through consent conditions."*

Recommendation

40. I recommend that the Minister **allow** but **not accept** the above objections and comments for the reasons identified in Points 20-23.

Indirect effects associated with the water bore

41. Two objectors expressed concern that water extracted from the bore is being used in wider factory operations and then discharged as wastewater, contaminating the downstream environment.

Submission 1 (K):

42. *"Now the land is poisoned with washdown liquid and not fit for farming. ITS RIVERBED LAND FLAT NEXT TO FRESHWATER RIVER... As Barkers have said to date, they will have less wastewater with the new factory. This is a joke there is still washdown by hand and they will not spend money on automatic washdown technology.... My concern now is for the safety of my water supply for drinking and downstream, how long it will be safe for as the land at barkers where the wastewater goes is now contaminated."*

Submission 3 (G & K):

43. *"The water they are using Now is going through factory into their ponds and they are irrigating Back onto DOC Land which they have Now CONTAMINATED on irrigated runs – Rendered useless for Grazing"*

Recommendation

44. I recommend that the Minister **allow** but **not accept** the above objections as they relate to wider activities on the factory not associated with the Application (refer to Points 24-25).

Miscellaneous

Suitability of extracted water for industrial purposes and food manufacturing.

Two objectors questioned the quality of extracted water for industrial purposes and food manufacturing associated with the wider factory operations.

Submission 2 (J):

45. *“The water quality for food manufacturing must also be a question mark?”*

Submission 3 (G & K):

46. *“Not even suitable for Industrial- as Barkers know- they have to seek water from another source when it Rains via Temuka Transport.”*

Recommendation

47. I recommend that the Minister **not allow** the above objections as they relate to water quality for food manufacturing purposes.

Cultural significance of the Hae Hae Te Moana River

48. Te Rūnanga o Arowhenua made a submission and highlighted the cultural significance of the Hae Hae Te Moana River.

Submission 4 (Arowhenua):

49. *“The Hae Hae Te Moana is significant to Arowhenua. It was a river known for high-water quality in the upper reaches of the catchment. Alongside the wider catchment area, the Hae Hae Te Moana River provided nohoaka sites for rūnaka during their seasonal travels between Arowhenua and the Mackenzie Basin providing mahika kai along the way.*

Recommendation

50. The Department has an obligation to its Treaty Partners through Te Tiriti and Section 4 of the Conservation Act. DOC also holds a relationship with tangata whenua. I recommend that the views of tangata whenua are relevant to decision making and that the Minister **allow** these comments.
51. I recommend that the Minister **accept** this comment regarding cultural significance of the area and take this into account when assessing the application.

Desired outcomes/considerations

52. All four of the submissions provided their desired outcomes through the notification process for this application.

Submission 1 (K):

53. *“Water should be supplied by Te Moana scheme and water to be metered, contamination site cleaned up, better site for effluent well away from rivers”*

Submission 2 (J):

54. *“How Barkers intend to mitigate drought conditions with their water take via this very shallow bore ... Provide financial assistance to DOC ... Alternate water supply as no large scale private operation should access water directly from this river.”*

Submission 3 (G & K):

55. *“I think they should use there resources better by getting their own bore within their property more developed for a sufficient and reliable water supply and have more storage tanks would help them”*

Submission 4 (Arowhenua):

56. *“This submission further requests that should the Director General of Conservation approve the concession the following is considered: A commitment by Barker Fruit Processors to assist the Department of Conservation with weed and pest control and planting of the reserve area with indigenous species... Arowhenua would also like the Director General, to consider when assessing the consent that the CRC116288 expires in June 2026”*

Recommendation

57. I recommend that the Minister **allow**, but **not accept** the objections from Submission 1, Submission 2, and Submission 3 as they discuss matters that are not relevant to the application (see Points 20-23).
58. I recommend that the Minister **allow and accept** the comment from Aro Te Rūnanga o Arowhenua whenua. I recommend the resource consent expiry date and potential ecological restoration mitigations be considered within the Recommendation Decision Report.

Water allocation

59. Two objectors raised concern around the water allocation processes within the catchment.

Submission 1 (K):

60. *“Water should be supplied by Te Moana scheme and water to be metered... In 2015 the Orari Temuka Opihi Pareora water group gave more water to barkers to take in their allocation, which some of disagreed with as it’s a red zone for water e.g.: these 3 things, they didn’t have a water meter in place at the time or before this time”... Its Flood Prone, dirty water would be good for food production, it’s close to riverbed, why aren’t they being supplied by the Te Moana water scheme... Q: Why has Ecan given consent for these people to take extra water”*

Submission 2 (J):

61. *“Also given the vast quantity now drawn for the recently commissioned Te Moana Water Scheme situated at the Pleasant Valley/School Road corner the river flow is already compromised... As above I object to private bores at no cost for the water take being available to foreign owned companies ... Alternate water supply as no large scale private operation should access water directly from this river.”*

Recommendation

62. I recommend that the Minister **allow** but **not accept** the objections above as they relate to a water allocation process that is not managed by DOC (see Points 20-23).

Department of Conservation’s role in environmental management

63. Two objectors have questioned DOC’s role in managing activities associated with the water take from the bore as well as wider activities occurring at the factory.

Submission 1 (K):

64. *“Its time Doc did its job, looked after the land it was given to look after by the people for the people of NZ. STAND UP DOC “*

Submission 2 (J):

65. *“DOC’s role as I understand is to manage threats to nature. This is a threat to living creatures in the Te Moana River”.*

Recommendation

66. I recommend that the Minister **allow** but **not accept** the objections above for the reasoning provided in Points 20-23. DOC only can influence/control matters within the scope of the application received.

6.0 RECOMMENDATIONS

67. I have made the following recommendations to the Minister in respect of the extent to which submissions should be allowed and accepted.

Legality of existing activity

68. I recommend that the Minister considers the legality of the existing activity when assessing the application.

Effects of lights on wildlife

69. I recommend the Minister consider the effects on bats to the extent that that lighting from the bore infrastructure could have effects on local wildlife.

Considerations of desired outcome from submissions

70. I recommend that the Minister considers the expiry date of the water take resource consent associated with the bore when assessing this application.
71. I recommend that the Minister considers whether pest control/planting requirements are an appropriate mitigation for the proposed activity when assessing this application.

Recognition of cultural significance

72. I recommend that the Minister takes into account the cultural significance of the Hae Hae Te Moana River Conservation Reserve to Te Rūnanga o Arowhenua when assessing this application.



Christine Butler, Permissions Regulatory Delivery Manager

Date: 25/06/2025

Recommendation:

1. Note the summary of objections and comments received during the public notification process:

Yes / ~~No~~

Comments:

Reviewed and noted

2. Note the recommendations as to the extent to which objections should be allowed and submissions should be accepted:

Yes / ~~No~~

Comments:

Reviewed and noted

3. Note the recommendations on further information to be considered:

Yes / ~~No~~

Comments:

noted



Tony Preston, Operations Manager, Geraldine - Delegate of the Minister of Conservation

Date: [27/06/2025]

APPENDIX 1: LIST OF SUBMITTERS

Objection/Submission No.	Date objection/submission received	Contact details to be kept confidential	Objection/submissions	(object)/Submission (support or neutral)	Objection relating to specific application	Objector/Submitter wishes to be heard	Organisation
Example 1	29/2/2019	Retain contact details as an organisation PAGE 2 REMOVED FROM OBJECTION/SUBMISSION INFORMATION ON THE WEB OR CONTACT DETAILS REDACTED		Oppose		Yes	Obviously Out There Tourism
Example 2	29/2/2019			Support		No	
Submission 1	12/06/2025	K Pierce	N/A	Oppose		No	Individual
Submission 2	12/06/2025	J Nelson	N/A	Oppose		No	Individual
Submission 3	11/06/2025	G & K Murphy	N/A	Oppose		No	Individual
Submission 4	23/05/2025	Arowhenua	N/A	Neutral		No	Arowhenua