Submission on Proposed
Canterbury Land and Water
Regional Plan

Form 5: Submissions on a Publicly Notified Proposed Policy Statement or Regional Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991

Return your signed submission by 5.00pm Friday 5 October 2012 to:
Freepost 1201 Proposed Canterbury Land and Water Regional Plan
Environment Canterbury
P O Box 345
Christchurch 8140

Full Name: John Robert WAUGH
Organisation*: Ashburton Branch, Forest & Bird
Postal Address: PO Box 460, Ashburton 7740
Email: jrodhwaugh@xtra.co.nz
Contact name and postal address for service of person making submission (If different from above):
JR Waugh, 33 Wills Street, Ashburton 7700

Trade Competition

Pursuant to Clause 6 of Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and
b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☑ I could not gain an advantage in trade competition through this submission; or
☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☐ I am directly affected by an effect of the subject matter of the submission that adversely affects the environment and does not relate to trade competition or the effects of trade competition.
☐ I am not directly affected by an effect of the subject matter of the submission that adversely affects the environment and does not relate to trade competition or the effects of trade competition.

Signature: ________ Date: __________

(Signature of person making submission or person authorised to sign on behalf of person making the submission)

Please note:
(1) all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.

☐ I do not wish to be heard in support of my submission; or
☑ I do wish to be heard in support of my submission; and if so,
☐ If others make a similar submission, I will consider presenting a joint case with them at the hearing.
Submission on proposed Land and Water Regional Plan, September 2012

Set out below are submissions on the proposed Land and Water Regional Plan (LWRP), August 2012, from the Ashburton Branch of Forest and Bird.

Section 4: Policies
4.26 Livestock exclusion from water bodies
Forest and Bird support these provisions and suggest that Canterbury Regional Council (CRC) might make the conditions even more specific.

Decision Sought from CRC
The map of “Nutrient Zones” on page 4-8, CRC should extend the “Sensitive Lake Catchment” zone to include Lake Denny, and possibly the Spider Lakes group.

Nutrient Loss
4.33 to 4.35 and Policy 4.1 concentrate on nitrogen loss to water bodies and this is commendable.
Decision Sought from CRC
Forest and Bird suggest that consideration also be given to the effects of phosphorus and other contaminants.

4.74 Sharing Water in times of Restriction.
Forest and Bird supports this provision as a practical means of managing water resources at times of scarce supply.

4.79 to 4.83 Wetlands and Riparian Margins:
Forest and Bird strongly supports these policies

4.84 to 4.89 Activities in Beds of Lakes and Rivers:
Forest and Bird supports these policies as stated, as a means of regulating activities and affording some protection to within river-bed habitat.

Section 5: Region-wide Rules
Decision Sought from CRC
Forest and Bird suggests that there needs to be a definition of a lower limit (Land area) for the application of nutrient (Nitrogen) rules, eg. Hobby Farms or Lifestyle Blocks could be defined as properties of less than 20 hectares, and be excluded.

5.39 to 5.41 Use of land for a Farming Activity:
Forest and Bird supports the proposed rules.

5.42 Forest and Bird strongly supports 5.42 (b) which refers to land outside a “Lake Zone as shown on the Planning Maps”. It is pleasing to see sensitive lakes protected in this way.

5.43 Rules on Land Use and Water Quality:
5.43, items (1) to (4), Forest and Bird supports CRC on the use of these criteria, especially (1) the proposed management practices to avoid or minimise the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land. Forest and Bird strongly supports the intent of this concept and its inclusion of items other than Nitrogen.
5.45 to 5.51 Forest and Bird strongly supports these rules.

5.128 Dams and Damming:
5.128 (2), “In the bed of a River” Forest and Bird support these rules and conditions as stated, as they serve to protect both the flow in rivers, instream habitat for fish, and the river bed habitat for birds.

5.133 to 5.134 Stock Exclusion from Waterbodies:
Forest and Bird strongly support these rules and their intent.

5.138 to 5.142 Wetlands:
Forest and Bird supports this rule on “reducing the area of a natural wetland”

5.146 Forest and Bird supports this rule about the introduction or planting of any plant ---- in the beds of lakes or rivers.

Sub-regional Sections:
Section 12 Central Canterbury Alpine Rivers
12.7 High Naturalness Waterbodies: this section includes
“Lake Denny” located at BX19: 486-630, its outstanding characteristics include
• Outstanding natural features and landscape
• Habitat of threatened /endangered indigenous birds
• High visual amenity value
Forest and Bird strongly support this listing.
Decision Sought from CRC
It would be better placed in 13.8 with all the other Ashburton Lakes, together with a note stating that Lake Denny drains to the Rangitata River.

Section 13 Ashburton

The introduction states that the flow and allocation regime will introduce a minimum flow of 6,000 l/s at SH 1, and in the longer term a minimum flow of 10,000 l/s, (should be 10,800 l/s). Forest and Bird strongly support these proposals.

Decision Sought from CRC
CRC needs to add an objective of keeping the mouth of the Hakatere/Ashburton River open most of the time (say 90% of time). This should be achieved with flows above 6,000 l/s at SH1.

13.4 Policies
13.4.1 The taking of water for community stockwater supplies from the Hakatere/Ashburton River from 1 July 2015 will not exceed 2,900 l/s in total.

Decision Sought from CRC
Forest and Bird supports this policy provided other, or surplus water previously allocated to stockwater schemes is returned to the Ashburton River.

13.4.2 No new surface or stream-depleting groundwater permits will be granted until the minimum flow at SH1 reaches 10,000 l/s( should be 10,800 l/s). Forest and Bird support this policy.
13.4.3 to 13.4.5 These policies to address over-allocation are supported by Forest and Bird.

13.4.4 Provides an allocation of 35 Million cubic metres per year for applicants who surrender surface water takes and/or stream depleting groundwater takes. Forest and Bird support this policy and commend CRC for including it in the LWRP.

13.4.6 Forest and Bird supports the notion that any water surrendered should not be reallocated.

13.6 Allocation Limits:

13.6.1 Environmental Flow and Allocation Limits, Table 12 (Copy Attached)

Decision Sought from CRC
Forest and Bird would like to see the following changes made to Table 12:

- Ashburton river at SH1, Minimum flow from August 2020, set at 10,800 l/s. This is the correct value, based on 80% of the 7 day MALF, using CRC data and quoted to the same level of precision as the other figures in Table 12.
- South Branch of Ashburton R. Downstream of the RDR, a minimum flow set at 3,200 l/s all year.
- North Branch of Ashburton R. Above the South Branch confluence, a minimum flow set at 2,940 l/s all year.
- Taylor’s Stream at above the South Branch confluence, a minimum flow set at 740 l/s, based on better flow data, 7 day MALF is 920 l/s.
- The minimum flows stated in Table 12 for other rivers and streams are satisfactory, eg. Lagmhor Creek set at 100 l/s, and Pudding Hill stream set at 80 l/s.
- The Ashburton River at the mouth needs a flow of 7,000 l/s from October to April and 5,000 l/s from May to September in order to keep the mouth open most of the time (say 90% of time), Mark Webb, pers.comm.2/5/2011, based on 7 years of observations.

13.7 Flow Sensitive Catchments
Forest and Bird supports the designation of Bowyers, Lambies, Jacob Stream and the South Branch of the Hinds River as flow sensitive catchments.

Decision Sought from CRC
Forest and Bird recommend that CRC add Taylors Stream above Winterslow, K36: 854-325, add the whole upper catchment to the above list and designation.

13.8 High Naturalness Waterbodies:
Forest and Bird strongly supports this designation and the list of lakes included.

Decision Sought from CRC
- Forest and Bird recommends that CRC moves Lake Denny into Section 13.8 of the Plan as it is part of the “Ashburton Lakes” zone. It could be noted that Lake Denny drains into the Rangitata River. For consistency it should also be noted that Lake Heron drains into the Rakaia River.
- Forest and Bird recommend that CRC add or include Mystery Lake, BX 18: 404-773, shown on Map B-054, to this list of high naturalness waterbodies.
Other Topics:
14.8 High Naturalness Waterbodies, for the Orari River from the mouth of the gorge to the headwaters, Forest and Bird strongly supports this designation.

Map B-015 for Kaikoura.
Forest and Bird support the designation of Lakes Rotorua and Rotoiti, near Kaikoura, as “High naturalness lakes”.

Transfer of Water Permits:
Forest and Bird prefer the Orari rule, to address over-allocation, no transfers are allowed while over-allocation exists, other than to a new owner of the same site or property.

5.107 (3) In the case of surface water, “the point of take remains within the same surface water allocation zone” This is not a workable rule, it could allow a transfer from a location on the lower reaches of a river where there was plenty of water, to an upstream location, still in the same surface water allocation zone, where water was very scarce or fully allocated. At most, the rule should allow a transfer to an adjacent piece of land (property), with the water coming from the same point of take, i.e. where the water was previously being sourced prior to the transfer being made.

5.107 (4) The rule for transfers within the same groundwater allocation zone appears to be satisfactory, provided the new point of take does not interfere with other existing wells.

Decision Sought from CRC
That CRC carefully revise or reconsider policies and rules relating to the Transfer of water permits, to ensure that rules in the LWRP do not create adverse and unintended consequences for the environment, arising from the transfer of surface water permits.
13.6 Allocation Limits

13.6.1 Environmental Flow and Allocation Limits

The following flow and allocation limits are to be applied when reading policies and rules in Sections 4 and 5.

**Table 12: Hakatere/Ashburton River Catchment Environmental Flow and Allocation Limits**

<table>
<thead>
<tr>
<th>River or stream (see Planning Maps)</th>
<th>Location of recorder site, or site where flow is measured</th>
<th>From August 2012</th>
<th>From August 2022</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Topo 50 Map Reference</strong></td>
<td>Minimum flow for A permits (L/s)</td>
<td>Allocation limit for A permits (L/s)</td>
</tr>
<tr>
<td>Ashburton River mainstream</td>
<td>State Highway 1 Bridge</td>
<td>6,000</td>
<td>253</td>
</tr>
<tr>
<td>South Branch</td>
<td>Residual flow site immediately downstream of the RDR intake point</td>
<td>3,200 (October - April)</td>
<td>5,100</td>
</tr>
<tr>
<td></td>
<td>South Branch at North Branch confluence</td>
<td>2,300 (May - September)</td>
<td>4,650</td>
</tr>
<tr>
<td>North Branch</td>
<td>at above confluence</td>
<td>1,000</td>
<td>2,194</td>
</tr>
<tr>
<td>Pudding Hill</td>
<td>at below ADC water race</td>
<td>80</td>
<td>528</td>
</tr>
<tr>
<td>Taylor's Stream</td>
<td>at above South Branch Confluence</td>
<td>500</td>
<td>4,465</td>
</tr>
<tr>
<td>O'Shea Creek</td>
<td>at bywash to North Ashburton</td>
<td>450</td>
<td>556</td>
</tr>
<tr>
<td>Mt. Harding Creek</td>
<td>Aitkens Road</td>
<td>500</td>
<td>1562</td>
</tr>
<tr>
<td>Lagnmor Creek</td>
<td>Frasers Road</td>
<td>100</td>
<td>295</td>
</tr>
</tbody>
</table>

For all other areas see Rule 5.96(2).

**Table 13: Hakatere/Ashburton River Restriction Regime**

<table>
<thead>
<tr>
<th>Flow at SH1 (L/s)</th>
<th>Reduction in Take</th>
</tr>
</thead>
<tbody>
<tr>
<td>7,700</td>
<td>0%</td>
</tr>
<tr>
<td>7,275</td>
<td>25%</td>
</tr>
<tr>
<td>6,850</td>
<td>50%</td>
</tr>
<tr>
<td>6,425</td>
<td>75%</td>
</tr>
<tr>
<td>6,000</td>
<td>100%</td>
</tr>
</tbody>
</table>