

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, the Spider Lakes group, and other lakes such as Trinity Lake and Mystery Lake.

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 and the associated rules R 5.138 to R 5.142.

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 (2) 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 rule 5.141 and 5.142 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 and will be left in the river.

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.

Discussion

- (1) A minimum flow of 10800 L/s from August 2020 on the Ashburton River at SH1 might seem to be a large minimum flow when compared with present day flows. This is really just a reflection of the extent to which the Ashburton River has been over allocated.
- (2) I wish to draw your attention to the fact that environmental flows are regularly rounded down to the nearest whole cumec, for example the 6,000 L/s and 10,000 L/s in Table 12, while water allocation information is always quoted to the last litre per second.

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. Refer to Insert A, next page.

Insert A:Flow Sensitive Catchments (In response to the Section 42A Report)

(1) Taylors Stream above Winterslow, K36:854 325

There is only a small area of native forest on the front foothills of this catchment, contrary to the statement in the Section 42A Report. I estimate that over 90% of the Taylors Stream catchment is in tussock or scree and rock. There are several significant water takes from Taylors Stream and it contributes flow to the South Branch of the Ashburton River.

(2) South Branch of the Hinds River is farmland and tussock covered hills and should be protected as a flow sensitive catchment, so as to not exacerbate water problems in the Hinds .

(3) The Upper Orari catchment is also largely tussock covered hills with some improved pasture along the river flats.

(4) These three catchments would all be very flow sensitive if the upper catchments were subject to afforestation. Afforestation in these upper catchments would compound current water management issues in the Ashburton, Hinds and Orari rivers.

Forest and Bird (Ashburton) recommends that these upper catchments be added to the list/schedule of "flow sensitive catchments" in the LWRP.

Forest and Bird (Ashburton) also recommends that CRC reject recommendation R13.7 in the Section 42A Report.

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.
- Also add Nursery Lake, BX19: 490 693 and Seagull Lake , BX19: 584 810.

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, ie. 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.

*Compiled by
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10/4/2013*

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*

River or stream (see Planning Maps)	Location of recorder site, or site where flow is measured	Topo 50 Map Reference	From August 2012				From August 2022			
			Minimum flow for A permits (L/s)	Allocation limit for A permits (L/s)	Minimum flow for B permits (L/s)	Allocation limit for B permits (L/s)	Minimum flow for A permits (L/s)	Allocation limit for A permits (L/s) for the whole catchment	Minimum flow for B permits (L/s)	Allocation limit for B permits (L/s)
Ashburton River main	State Highway 1 Bridge	BY21:999-351	6,000	253	14,000	500	10,000	15,100	14,000	5000
South Branch	Residual flow site immediately downstream of the RDR intake point	BX20:721-576	3,200 (October – April) 2,300 (May – September)	5,100	4,000	2,000	10,000 at State Highway 1 Bridge (map reference (BY21:999-351))			
	South Branch at North Branch confluence	BY21:976-399	4,650	3,905	10,500	100				
North Branch	at above confluence	BY21:976-401	1,000	2,194	4,000	540				
Pudding Hill	at below ADC water race	BY21:976-404	80	528	1,600	-				
Taylor's Stream	at above South Branch Confluence	BX20:808-742	500	4,465	3,700	200				
O'Shea Creek	at bywash to North Ashburton	BY20:885-527	450	556	1,000	-				
Mt. Harding Creek	Aitkens Road	BY21:926-502	500	1562	1,000	-				
Lagmhor Creek	Frasers Road	BY21:962-366	100	295	-	-				

For all other areas see Rule 5.96(2).

Table 13: *Hakatere/Ashburton River Restriction Regime*

Flow at SH1 (L/s)	Reduction in Take
7,700	0%
7,275	25%
6,850	50%
6,425	75%
6,000	100%