

BEFORE THE INDEPENDENT COMMISSIONERS

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of the Proposed Canterbury Land
and Water Regional Plan

**EVIDENCE IN CHIEF OF SCOTT PEARSON ON BEHALF OF
NELSON/MARLBOROUGH, NORTH CANTERBURY AND CENTRAL
SOUTH ISLAND FISH AND GAME COUNCILS**

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QUALIFICATIONS AND EXPERIENCE

1. My name is Scott Pearson.
2. I am the Environmental Officer for the North Canterbury Fish and Game Council since September 2012.
3. I hold a Master of Science degree (Hons) in natural resource management from Lincoln University and an undergraduate degree in Resource Studies, with majors in ecology and land and water management.
4. Over the last nine months I have been involved in coordinating Fish and Game's responses to the proposed Canterbury Land and Water Regional Plan.
5. I have managed national projects to reduce the environmental effects and enhance the environmental benefits of tourism businesses, both within and outside of public conservation lands.
6. I have past experience in a non-expert capacity, monitoring surface and ground water quality and gauging hydrological flows.
7. As referred to above I am employed by Fish and Game, a statutory body whose functions include advocating for the interests of Fish and Game New Zealand, in the management of sports fish and game and their habitats (section 26C Conservation Act 1987).

SCOPE OF EVIDENCE

8. I have been asked by Fish and Game to prepare evidence in relation to the values and reasons for the relief sought for Chapters 6, 7, 8 ,12, 13, 14, and 15 of the proposed Canterbury Land and Water Regional Plan.

EXECUTIVE SUMMARY

9. In the following evidence I make some general comments in regard to the sub-regional chapters and their relationship with the main body of the pCLWRP.
10. The limitations of the sub-regional chapters are noted with regard to not giving effect to Sections 3, 4 and 5 of the pCLWRP and also the requirement to identify and plan for instream values under the requirements of the National Policy Statement for freshwater.
11. A large focus of the proposed sub-regional chapters relates to catchment water allocations and minimum flows. Fish and Game has noted the importance of setting appropriate allocations based on a number of environmental factors, including regional limits.
12. Fish and Game's submission identified a number of specific provisions in the sub-regional chapters where there are concerns and has noted requested relief.

CHAPTERS 6 – 15 General comments and relief sought

General

Plan Hierarchy

13. Fish and Game stated in its original submission that it has concerns with the pCLWRP being treated as an interim measure until sub-regional catchment plans are in place. We are not convinced that an interim measure without clear overarching limits will avoid further degradation of Canterbury water bodies in the short to medium term. Expert evidence presented on behalf of Fish and Game has shown that in regards to farming the currently proposed approach will lead to further degradation in water quality. Creating a regional plan without effective overarching limits that apply prior to subsequent plan changes taking effect, will not give effect to the RMA in the short to medium term, and will dilute the importance of regional and national policies and rules. Reliance on this approach will also put at risk the ability to claw back existing over-allocation in both water quality and water quantity (allocation).

14. Fish and Game is not opposed to the sub-regional chapters, but instead wishes to ensure these chapters, and future ones that come about through plan changes, give effect to the objectives, policies and rules in Chapters 3, 4, and 5 of the pCLWRP, the limits specified in tables 1a to 1c and schedules 1 – 7, 9 – 12, 14 – 15, 17 – 23 where relevant, and schedule XX that apply to all Canterbury's catchments.
15. In the introduction to the sub-regional chapters it is stated that "*the policies and rules in these sections apply in a location **instead of, or in addition to,** policies or rules in Sections 4 and 5. They implement the region wide objectives in the most appropriate way for that particular catchment or catchments*". Fish and Game considers this level of discretion in a plan creates confusion between regional and catchment based rules and policies.

Relief

16. Policies 4.1 and 4.1A be included as sought by Fish and Game (Philip Percy HG1 EiC Appendix 2), to ensure that future resource consent and plan change decisions in respect of sub regional chapters give effect to, and are consistent with, those policies, and the overarching plan provisions referred to in those policies, such as Table 1, Schedule XX and others.

Setting Limits Based on Instream Values

17. Fish and Game in its submission has referred to the requirement under the National Policy Statement Freshwater Management, to set freshwater objectives and then set limits based on the need to firstly safeguard life supporting capacity and secondly maintain or enhance water quality and flows in order to meet those freshwater objectives.
18. Fish and Game note the limitations with the current sub-regional chapters in that they have not adequately addressed the identified instream values within specific catchments or the wider Canterbury region, whereas in relation to other chapters of the pCLWRP all parties have had the opportunity to present their respective instream values, in submissions, further submissions and evidence.

Relief

- a. Policies 4.1 and 4.1A be included as sought by Fish and Game (Philip Percy HG1 EiC Appendix 2), to ensure that future resource consent and plan change decisions in respect of sub regional chapters give effect to, and are consistent with, those policies, and the overarching plan provisions referred to in those policies, such as Table 1, Schedule XX and others.

Calculating Surface Water Allocation

19. Fish and Game have concerns over the approach taken in Schedule 13 toward calculating surface water allocation blocks, (see page 81 of our submission). We believe that in order to take a conservative approach to allocation, surface water allocation regimes should be calculated based on maximum instantaneous rate of abstraction, rather than average daily rate. If Schedule 13 is not changed to reflect this, we consider the allocation limits in Sections 13, 14 and 15 will be incorrect.

Relief

- a. We request that Schedule 13 be changed to include the calculation of surface water allocation regimes based on the maximum instantaneous rate of abstraction, rather than average daily rate.

Allocation Limits

20. Fish and Game support the inclusion of flow and allocation regimes and limits in the sub-regional chapters providing they safeguard life supporting capacity and give effect to the objectives, policies and rules in the pCLWRP and protect identified values.
21. Roger Young in his evidence (paragraph 91) for Fish and Game states that the proposed allocation limits at some sites are considerably higher than that suggested in the draft NES on Ecological Flows and Water Levels (MFE 2008) and could reduce flow variability and result in prolonged periods of flat-lining the river at the minimum flow. This will have significant adverse effects on the natural character of the river along with significant adverse effects on ecosystem health and life supporting capacity.
22. As noted in Phillip Percy's Hearing Group 1 (4 February 2013) evidence paragraph 52, the Canterbury Regional Policy Statement allows for the consumptive use of water provided the life supporting capacity of water is safe guarded and its natural character is preserved.
23. Core allocation and minimum flows should not be set on existing use alone where currently takes are significantly impacting on the health and sustainability of aquatic ecosystems. Many catchments are over allocated and steps need to be put in place to address this allocation over time.

Relief

- a. Policies 4.1 and 4.1A be included as sought by Fish and Game (Philip Percy HG1 EiC Appendix 2), to ensure that future resource consent and plan change decisions in respect of sub regional chapters give effect to, and are consistent with, those policies, and the overarching plan provisions referred to in those policies, such as Table 1, Schedule XX and others. In respect of allocation specifically. Policy 4.1A (e) states:

In circumstances where environmental flow and water level limits and allocations have not been established for a river in Sections 6-15 of the Plan, the following minimum flow and allocation regime must apply: For rivers with mean flows less than or equal to 5m³/s, a minimum flow of 90% of the 7-day mean annual low flow (7DMALF) as calculated by the Canterbury Regional Council and an allocation

limit of 30% of the 7DMALF; and for rivers with mean flows greater than 5m³/s, a minimum flow of 80% of the 7DMALF as calculated by the Canterbury Regional Council and an allocation limit of 50% of the 7DMALF;

Creating Allocation Blocks

24. We are concerned with the approach used to create allocation blocks, whereby the existing abstraction forms the basis for the block. We consider allocation blocks should be set to safeguard the life supporting capacity of rivers and protect their natural character and ecosystem health. These allocation limits should be based on relevant environmental factors which relate to ecological health, such as MALF (as supported by Regional Rule 5.96).

25. When these allocations were made, regard was not necessarily given to the cumulative effect of those allocations on instream values, as there was often no regional plan limit set to provide for those values; and allocations were made on a case by case basis.

26. Many catchments are currently overallocated, with resulting significant adverse effects on the life supporting capacity of the water body, its ecological health, and natural character. These effects should be addressed through the establishment of robust environmental bottom line limits rather than the establishment of limits based on current abstractions which would result in continuation of current effects and mandate on going unsustainable water management practices. Targets should be set which ramp back current allocation over time to achieve the limits (Roger Young EIC paragraphs 14, 15, 23 and 24).

27. The setting of allocation blocks should also be combined with the setting of environmental flow regimes that allow for a minimum flow and flow variability to fulfil water quality and habitat requirements. These flow regimes should also allow for the natural character of a river to ensure it maintains its healthy functions. Therefore, allocations as explained by Roger Young in his

evidence paragraphs 53 to 60 should not be based on minimum flow alone, given the detrimental effects that can occur using a single parameter.

Relief

- a. That policy 4.1A be included as sought by Fish and Game so that future sub regional chapter plan changes are bound by it, in determining allocation blocks and environmental flow regimes, so that: *In circumstances where environmental flow and water level limits and allocations have not been established for a river in Sections 6-15 of the Plan, the following minimum flow and allocation regime must apply: For rivers with mean flows less than or equal to 5m³/s, a minimum flow of 90% of the 7-day mean annual low flow (7DMALF) as calculated by the Canterbury Regional Council and an allocation limit of 30% of the 7DMALF; and for rivers with mean flows greater than 5m³/s, a minimum flow of 80% of the 7DMALF as calculated by the Canterbury Regional Council and an allocation limit of 50% of the 7DMALF;*

Policies

28. The "Policy" sections of the sub-regional chapters state that "these policies apply in addition to those set out in Section 4". There is no cross referencing in Section 4 to when the sub-regional chapters apply beyond specific flow and allocation limits. It therefore means you have to read this part of the plan and try and work out which parts of the remaining plan still apply.
29. Many of the policies are based on what is notified in Section 4. However if these policies change during the course of the plan becoming operative, then the sub-regional sections of the plan may need to be altered to reflect any such changes, given the plan is still evolving. Additional policies or changes may be required

Relief

- a. To ensure clarity and ease of giving effect to the sub-regional sections and Section 4, cross-referencing of the relevant policies and rules is included within the plan.
- b. That the hierarchy of policies in Section 4 of the regional plan be stated in so far as they are weighted or prioritised over and above

what is stated in the sub-regional sections. Fish and Game wish it to be stated in Section 4 and in the introduction to the sub-regional chapters, that regional policies will have dominance over the policies in the sub-regional sections. Sub-regional policies must be developed in accordance with, rather than in place of regional policies. as re-worded by Phil Percy in his EIC, 4 February 2013, Appendix 2 policies 4.1 and 4.1A

Rules

30. The "Rules" sections of the sub-regional chapters state that "these rules apply in addition to those set out in Section 5". There is no cross referencing in Section 5 to when the sub-regional chapters apply beyond specific allocation and flow limits. It therefore means you have to read this part of the plan and try and work out which parts of the remaining plan still apply. In the introduction to the sub-regional chapters it is stated that "the policies and rules in these sections apply in a location **instead of, or in addition to**, policies or rules in Sections 4 and 5. They implement the region wide objectives in the most appropriate way for that particular catchment or catchments". Fish and Game considers this level of discretion in a plan creates confusion between regional and catchment based rules and policies.
31. Many of these rules are based on what is already notified in Section 5. However if the rules change during the course of the plan process becoming operative, then the sub-regional chapters of the plan may need to be altered to reflect any such changes, given the plan is still evolving.

Relief

- a. To ensure clarity and ease of giving effect to the sub-regional chapters and Section 5, cross-referencing of the relevant policies and rules is included within the plan.
- b. That the hierarchy of rules in Section 5 of the regional plan be stated in so far as they are weighted or prioritised over and above what is stated in the sub-regional chapters. Fish and Game wish it to be stated in Section 5 and in the introduction to the sub-regional chapters, that regional rules will have dominance over the rules in the sub-regional chapters. Sub-regional rules must be developed in

accordance with, rather than in place of regional policies, as reworded by Phil Percy in his EIC, 4 February 2013, Appendix 2 policies 4.1 and 4.1A.

CHAPTER 7

7.6.1 – Table 5

32. Recent changes to flows in the lower Conway River did not have adequate consultation with Fish and Game, or provision for salmonid habitat or angling amenity. Neil Deans in his EIC paragraph 114 states:

“No detailed analysis was undertaken of the instream flow requirements for trout in this catchment as it was, inappropriately in my view, determined that trout habitat was irrelevant in that case. While the exact flow requirements for trout have not been established through instream flow incremental modelling ("IFIM") or a similar approach, I did analyse the hydraulic radius (a measure from hydrological data of water depths and velocities from gauged river flows) for the data available from ECan. This suggested that reducing the flows below those which had been measured (usually more than 1000 l/second) would seriously reduce the likely habitat available for trout in those sections at least.”

Relief

- a. Flows in the lower Conway River should be reinstated to those which existed prior to those recent changes, as noted in correspondence to the Council and shown below as per Neil Dean's EIC paragraph 115:

Conway River between Charwell River confluence and SH 1 Bridge

*1 September - 30 April: **1000***

1 May – 31 August: 2100

1 September – 30 April:

All takes reduce by

*25% if flow is **1201 - 1300***

All takes reduce by

50% if flow is 1101-1200

All takes reduce by

75% if flow is 1001 – 1100

CHAPTER 8

Rule 8.5

33. F&G support the inclusion of the Ashley Gorge as a high naturalness water body from the Ashley Gorge Bridge to 200m below the confluence with the Townshend River.
34. We submit that the prohibition of damming (rule 8.5.1) should include the entire length of the mainstem of the Ashley River for the following reasons.
35. Ross Millichamp in his Evidence in Chief paragraph 43 - 46 explains the significant adverse effects that can occur from damming in relation to migrating salmon or spawning salmon. He notes that damming can create a vertical barrier between reaches, as well as affecting spawning habitat and natural flows. In paragraph 53 he also notes that the Ashley has seen degraded water quality and flows in recent years.
36. Tony Hawker paragraph 57 to 63 notes the Ashley River is a regionally significant fishery still popular with anglers, despite past degradation. In assessing the values outlined in Mr Hawker's evidence and in particular trout migration requirements in the evidence of Ross Millichamp paragraph 63, Fish and Game consider the introduction of a dam in any reach of this river system would significantly affect its recreational and amenity values.
37. I note the officer's Section 42 Report supports changes to rule 8.5.1 which provides a prohibited activity rule for the damming of the Ashley Gorge. Fish and Game does not however agree with the officer's initial comment that Fish and Game has not provided evidence that all reaches of the Ashley River should be protected.
38. Fish and Game support Herb Familton's evidence and recommendations (for the Director General of Conservation) in regard the prohibition of damming "in the mainstem of the Ashley whether or not the damming is in the full flow". We also support the Director General's recommendation regarding B Block allocation for the small spring fed streams other than the Ashley River in

Table 7, as the recommended unlimited B Block allocation by the S42 Officer would likely be greater than the default rule 5.96 in the pCLWRP.

Relief

- a. Amend Rule 8.5.1 so as to prohibit damming of the entire length of the mainstem of the Ashley River.
- b. Remove the “unlimited” B block allocation in Table 7 in accordance with the Director General’s recommendation.

Reason

39. The flow regime notified for the Ashley River is not adequate to provide for the values present in the river. The Ashley River is regionally important as a brown trout fishery. Brown trout tend to be highly migratory on East Coast rivers. The current flow regime does not provide continuous passage from the headwaters to the sea as noted by Ross Millichamp in his EIC paragraph 43 to 46.

Relief

- a. Amend flow regime so as to provide continuous passage from the headwaters to the sea. We recommend raising the minimum flow for A Block permits to 3200 L/s (January to July), and requiring 1:1 flow sharing for B and C Block abstractions.

CHAPTER 12

General

40. The Central Canterbury Alpine Rivers are highly significant to Fish and Game, as evidenced by the Water Conservation orders for the (Rakaia River) 1988 and the Rangitata River 2006, initiated by our organisations, as well as our involvement in the Waimakariri River Regional Plan (WRRP) process.

Relief

- a. Retain references to these Conservation Orders and the WRRP.

12.7

41. As stated in the EIC of Mark Webb in paragraph 39 and his first paragraph [41] on page 11, we consider additional water bodies need to be added to the Table 12.7 High Naturalness Water Bodies, specifically the Clyde River and all tributaries; and the Havelock River and all tributaries. This ensures the Schedule 1 Waters in the Water Conservation (Rangitata River) Order 2006 are afforded adequate protection under the LWRP.

Relief

- a. Add the Clyde River and all tributaries; and the Havelock River and all tributaries to Table 12.7 High Naturalness Water Bodies, stating these rivers have outstanding wildlife habitat, fisheries, cultural and recreational features.

CHAPTER 13**13.4.2**

42. We consider it is appropriate to ensure no further allocation from the Ashburton/Hakatere surface water catchment until the minimum flows are raised. A higher minimum flow between 7,000 and 10,000 is recommended by Mark Webb in paragraph 69 and 78 of his EIC to provide for adult salmon passage throughout the river and provide flow attractive for salmon fishing at the river mouth. This flow level is higher than the current 6,000 L/s. A minimum of 7,000 L/s is also supported in the evidence of Herb Familton paragraph 107 for the Director General of Conservation.
43. We consider the wording of the policy should be changed slightly to make this completely clear. This then correlates Policy 13.4.2 with Policy 13.4.4.

Relief

- a. Amend as follows:

13.4.2 No new surface or stream depleting groundwater permits will be granted in the Hakatere/Ashburton River catchment until the minimum flow at the State Highway 1 recorder site is raised to

10,000L/s, except for the replacement of water permits that expire and where replacement with no increase in rate or volume is sought.

13.4.6

44. The Hakatere/Ashburton River system management has been of significant concern to Fish and Game, and the focus of much planning effort and frustration, for over 25 years. According to Mark Webb paragraphs 58 to 87, the river system was once a major sports fishery of the region but has severely declined, largely due to abstractive use and lack of comprehensive planning guidance. We support this policy as an attempt to claw back some of what has been lost.

Relief

- a. Maintain as worded.

13.4.7

45. As stated above the Hakatere/Ashburton River system management has been of significant concern to Fish and Game, and the focus of much planning effort and frustration, for over 25 years. Certainty in a Plan reduces the need to submit on resource consent applications. We consider this policy provides clear guidance as to the necessary flow regimes for various activities

Relief

- a. Maintain as worded.

13.6.1

46. In reference to the evidence of Mark Webb noted above and the Hakatere/Ashburton River System, Fish and Game have consistently presented information showing the minimum flows required to sustain fisheries values within the system. We support the minimum flows in Chapter 13 for 'A Block' permits at SH1 increasing in 2022 to 10,000 L/s for the Hakatere/Ashburton River at State Highway 1, and 15,100 L/s for 'A Block' permits in the whole catchment, as per Table 12 Hakatere/Ashburton River Catchment Environmental Flow and Allocation Limits, however consider the minimum flows proposed in the meantime are not sufficient to protect the fisheries values in the catchment. Accordingly we request they are amended.

Relief

- a. Amend the minimum flows for A permits from August 2012 to August 2022 as follows:

SH1: 7,000l/s

Sth Branch d/s RDR: 4,000l/s all year

Nth Branch: 2,100 l/s

Pudding Hill: 200l/s

Taylor's Stream: 700 l/s

O'Shea Ck 500 l/s

Mt Harding Ck 600 l/s

47. Policies 4.1 and 4.1A be included as sought by Fish and Game (Philip Percy HG1 EiC Appendix 2), to ensure that future resource consent and plan change decisions in respect of sub regional chapters give effect to, and are consistent with, those policies, and the overarching plan provisions referred to in those policies, such as Table 1, Schedule XX and others.

13.8

48. We are pleased to see sport fisheries values acknowledged as a component of High Naturalness Waterways.

Relief

- a. No change

CHAPTER 14

General

- 49. The following Chapter 14 requested relief is derived from the Evidence in Chief of Mark Webb paragraphs 117 to 140.
- 50. The importance of the Orari River to the people living, working and playing in the Catchment is evident from the public attendance and participation at open meetings and during development of the plan over the last 4 years. Following the first public meetings to present information on the values and condition of the Catchment in 2008, a smaller Community Advisory Group (CAG) of 56 members was formed from those who wished to take an active part in planning for the management of surface water and allocation.
- 51. Fish and Game support the sub-regional chapter provided future plan changes it gives effect to the regional provisions and limits of pCLWRP such as policies 4.1 and 4.1A and that this version includes the changes identified below.
- 52. Fish and Game are concerned about the inclusion of the sentence from the ZIP that states:

"We know that to achieve all the targets of the CWMS within our zone it is necessary to find a way to bring more water into the zone."
- 53. We opposed this phrase in the ZIP as we consider it inappropriate to base the achievement of targets on something that may not occur; it is better to work with what we have but provide opportunities for outside augmentation. Carrying this phrase through to the LWRP cements thinking that is limiting and uncertain to occur.

Relief

- a. Maintain the majority of the wording as notified however delete the last sentence in the quote from the ZIP, as follows:

'Water is precious and limited. It must be managed in ways that recognise and balance its importance for cultural, economic and

recreational use, aesthetic and landscape values and biodiversity values – and delivers both individual and community good. We affirm and recognise tangata whenua and the value they place on mahinga kai, and the priority of available high quality sources of drinking water in rivers, waterways and aquifers. We also recognise the intrinsic value of aquatic ecosystems and river health (quality and flow), and the need to both prevent further decline and then restore wetlands and waterways. ~~We know that to achieve all the targets of the CWMS within our zone it is necessary to find a way to bring more water into the zone.~~

Policies

54. The first paragraph identifies the need for increased certainty around the science within the Orari catchment. This statement is very much supported by Fish and Game. The greatest issue faced during the formulation of the Orari Allocation and Flow Regime was the complexity of interaction between surface and groundwater less than 30 metres deep. It was agreed that in reality surface and shallow groundwater were inextricably linked. The difficulty was producing and getting acceptance of a hydrological model that could reliably predict environmental flows at the bottom of the catchment, from recorded river flow at the gorge and predicted irrigation demand.
55. The complication was that three-quarters of catchment abstraction is from groundwater that intuitively should have a delayed and reduced affect and not an immediate and equivalent effect on stream water flows. This was a fundamental issue since stream flow improvement and on-farm financial impact from reduced irrigation reliability require a sound and accepted hydrological model. After much debate it was agreed that the conjunctive use model was applicable and that it made use of the best information available at the time. This was qualified with the caveat that the current hydrological model requires further flow information to improve confidence in its predicted outcomes.
56. The Steering Committee requested that all surface water flow data and water metering in the catchment, including from land within the Rangitata South Irrigation Limited scheme, be reviewed at the end of three years from the plan becoming operative to coincide with the proposed increased step in environmental flows. The purpose of the review will be to ensure modelled

environmental flows and reliability of abstraction used by the Steering Committee in 2012 reflect reality and if they do not, to further develop the relationship between abstraction and river flow.

57. In the event that new information does not support the model used by the Steering Committee there needs to be a mechanism to address this in a Plan review. Proposed environmental flows have been agreed based on reliability of supply modelled for abstractors, indicating approximately 80% without storage. It is of critical importance that these predicted reliabilities are achieved, and if not, that there is some mechanism to rectify the situation.

Relief

- a. Add policies:

14.4.14 if the minimum flows especially in the Orari mainstem do not provide the reliability of supply expected, the Section shall be reviewed.

14.4.15 The additional scientific data required to verify and model the Orari Allocation and Flow Regime is based on information obtained by ECan by the end of three years after the Plan becomes operative.

14.4.16 all surface water flow data and water metering in the catchment, including from land within the Rangitata South Irrigation Limited Scheme be reviewed at the end of five years from the plan becoming operative. The purpose of the review will be to confirm or further develop the relationship between abstraction and river flow.

14.4.1

58. Fish and Game consider it is appropriate to reduce pressure on the Orari system by prioritising the use of RSIL water. Mark Webb has explained the pressure already placed on the Orari River Catchment on page 28 of his EIC.

Relief

- a. Maintain as worded.

14.4.3

59. It is important that not only irrigators are required to reduce allocation and improve efficiency of use but all abstractors involved in over-allocated rivers including the Timaru District Council, as stock and domestic users.

Relief

- a. Maintain as worded.

14.4.4

60. Transfer of consents upstream and between tributaries can exacerbate low flow effects. Fish and Game recommend that when over-allocation has been reduced to the approved level, transfer of consents for improvement of irrigation efficiency could be considered only if there are environmental benefits.

Relief

- a. Amend policy as follows:

14.4.4 Over-allocation of fresh water in the Orari Catchment is addressed by preventing the transfer of water permits, other than to new owners of the same property at the same location, until over-allocation is addressed and scientific studies show an environmental benefit.

14.4.5

61. This policy is supported as it provides a mechanism for those adjacent to the Coopers Creek to relocate consents closer to the Orari mainstem.

Relief

- a. Maintain as worded.

14.4.6

62. Fish and Game strongly support this policy, as we consider water allocation should be based on actual need, and efficiency of use. This policy is a mechanism for all abstractions to consider their water requirements based on actual water metering data and efficiency.

Relief

- a. Maintain as worded.

14.4.9

63. Fish and Game consider a restriction in the “conjunctive use zone” protects the values of the associated waterways; and provides a simple management tool for shallow groundwater abstraction.

Relief

- a. Maintain as worded.

14.4.10

64. Fish and Game support this policy, as in order to manage restrictions effectively, it is important that all users utilise telemetry water metering. However there is a slight error at the start of the policy.

Relief

- a. *14.4.10 In the Orari catchment, in addition to the requirements of the Resource Management (measurement and reporting of water takes) Regulations 2010, replacement of an expiring water permit, review or transfer of an existing permit to take 5 L/s or more of water shall include a condition requiring water use to be metered and water use records to be telemetered to the CRC or nominated agent.*

14.4.11

65. Fish and Game support this policy, in order to ensure all water abstracted is utilised as efficiently as possible.

Relief

- a. Maintain as worded.

14.4.12

- 66. Fish and Game strongly support this policy.

Relief

- a. Maintain as worded.

14.4.13

- 67. This policy provides a process for abstractors to change current minimum flow conditions to be consistent with the Plan prior to Orari Catchment consents being reviewed.

Relief

- a. Maintain as worded.

14.5.2

- 68. Fish and Game consider that, this rule recognises that to dam the Orari below the gorge is something that must go through high hurdles environmentally, hence the non-complying status; and it gives effect to Policy 14.4.12.

Relief

- a. Maintain as worded.

14.5.3

- 69. This rule recognises the high values of the Upper Orari catchment.

Relief

- a. Maintain as worded.

14.5.4

70. This rule ensures transfers do not occur until allocation limits are achieved. However it does make provision for those in the Coopers Creek to be exempt given this is a real possibility for a number of abstractors to reduce the impacts on Coopers Creek by relocating closer to the Orari mainstem.

Relief

- a. Maintain as worded.

14.6.1

71. Fish and Game consider the current allocation to abstractive use is higher than desirable to sustain the Catchment's ecological and cultural values; however we acknowledge the investment made by abstractors and the community benefits of water use. Accordingly we support the stepped reduction in allocation limits, however we request these be adjusted in line with Rule 5.96 and increased environmental flows proposed at adoption of the Plan, three years after adoption and with a vision for 2040, and acknowledge that the Plan sets a path to meet the community's expectation for environmental restoration and protection.

Relief

- a. Maintain rule/table as notified, however
72. Policies 4.1 and 4.1A be included as sought by Fish and Game (Philip Percy HG1 EiC Appendix 2), to ensure that future resource consent and plan change decisions in respect of sub regional chapters give effect to, and are consistent with, those policies, and the overarching plan provisions referred to in those policies, such as Table 1, Schedule XX and others.
- i. If Schedule 13 of the plan remains under its current wording using average rates for surface water, then the final allocation will need to be amended to reflect the operative Schedule 13.

14.7

73. Fish and Game consider the table accurately reflects flow sensitive catchments.

Relief

- a. Maintain as worded.

14.8

74. Fish and Game consider the table accurately reflects High Naturalness Water bodies.

Relief

- a. Maintain as worded.

CHAPTER 15**General**

75. Fish and Game consider the introduction to this section accurately reflects the values and issues within the catchments, as supported by the EIC of Mark Webb, paragraph 30.

Relief

- a. Maintain as worded.

15.1.1

76. Fish and Game consider that this section should be amended to clarify that the WCWARP includes all surface and groundwater in the catchment.

Relief

- a. Amend as follows:

The Waitaki Catchment Water Allocation Regional Plan was prepared by the Waitaki Catchment Water Allocation Board under the Resource Management (Waitaki Catchment) Amendment Act 2004, and controls the taking, using, damming and diverting of all water (surface and groundwater) from within the Waitaki catchment.

15.4.1

77. Mark Webb's EIC paragraphs 52 to 57 indicate the values associated with Wainono Catchment. Fish and Game consider this catchment is compromised and at risk due to over-abstraction; also the impact of further land use intensification is unclear. Accordingly we support restricting abstraction.

Relief

- a. Maintain as worded.

15.4.2

78. Fish and Game consider this policy is appropriate to give security to existing users while addressing catchment issues; however consider that, for clarity, a duration should be included in the policy.

Relief

- a. Amend as follows:

15.4.2 Any application for water abstraction within the Waihao, Wainono, Sinclairs and Morven catchments affected by section 124B will be generally (subject to the consent authority considering the requirements of sections 104(2A) and 124B(4), where relevant) granted for a term no longer than five years if the abstraction may adversely impact on the ability of the community to find an integrated solution to address current and foreseeable water quality and water quantity issues in the catchments.

15.4.4

79. Fish and Game support this policy, as in order to manage restrictions effectively, it is important that all users utilise telemetry water metering.

Relief

- a. Maintain as worded.

15.4.5

- 80. Fish and Game support this policy to ensure the environmental discharge provided by MGIS remains instream; however consider the policy should be reworded slightly to ensure clarity. Refer to Mark Webb's EIC paragraph 160.

Relief

- a. Amend as follows:

15.4.5 The benefits from the Morven Glenavy Irrigation Scheme environmental flow discharge into the lower reach of the Waihao River are to be protected by reducing the flow available for abstraction downstream of Bradshaw's recorder by a rate equivalent to the environmental discharge.

15.4.7

- 81. Fish and Game support this policy to encourage the use of Scheme water ahead of run of river takes; however consider the policy should be reworded slightly to ensure clarity.

Relief

- a. Amend as follows:

15.4.7 On application for a water permit in the Waihao and Wainono catchments affected by section 124B or when consents are reviewed, and where the property has access to irrigation scheme water, the application must demonstrate that scheme water is being used efficiently and that use of fresh water from the Waihao and Wainono catchments is minimised..

15.5.1

- 82. Fish and Game support this rule.

Relief

- a. Maintain as worded.

15.5.2

- 83. Fish and Game support this rule, however we consider the rule as written is unclear in regard to the mainstem upstream of the confluence. We consider the significant fishery and recreational values of the river extend further downstream than the confluence and therefore damming should be prohibited from McCulloughs Bridge. Refer to Mark Webb's EIC paragraph 169.

Relief

- a. Amend as follows:

*15.5.2 The damming of water in the main-stem of the Waihao River, upstream of the confluence of **McCulloughs Bridge** ~~the North and South branch (Waihao Forks at or about Topo 50 CB18:372-388)~~ is a prohibited activity.*

15.6 – Table 17

- 84. Fish and Game support the table, with the amendment in relation to the calculation of allocation blocks as per requested changes to Schedule 13.

Relief

- a. Policies 4.1 and 4.1A be included as sought by Fish and Game (Philip Percy HG1 EiC Appendix 2), to ensure that future resource consent and plan change decisions in respect of sub regional chapters give effect to, and are consistent with, those policies, and the overarching plan provisions referred to in those policies, such as Table 1, Schedule XX and others.

15.6.2

- 85. Fish and Game support the table, with the amendment in relation to the calculation of allocation blocks as per requested changes to Schedule 13.

Relief

- a. Policies 4.1 and 4.1A be included as sought by Fish and Game (Philip Percy HG1 EiC Appendix 2), to ensure that future resource consent and plan change decisions in respect of sub regional chapters give effect to, and are consistent with, those policies, and the overarching plan provisions referred to in those policies, such as Table 1, Schedule XX and others.

15.7

- 86. Fish and Game consider the table accurately reflects flow sensitive catchments.

Relief

- a. Maintain as worded

15.8

- 87. Fish and Game consider the table accurately reflects High Naturalness Water bodies.

Relief

- a. Maintain as worded