



25 November 2010

Ms Ciana Cerri
Environment Canterbury
PO Box 345
Christchurch

Dear Ms Cerri

Points of clarification regarding Department of Conservation submission on the Waipara Flow and Allocation Plan

Thank you for the opportunity to address questions of clarification raised through section 42a reports of Environment Canterbury Officers on the Waipara Flow and Allocation Plan. Given the current circumstance of not being in a position to present evidence to the Commissioners directly, I hope this letter will provide an acceptable substitute in assisting the Commissioners with their deliberations.

I note that Mr McCallum-Clark and Ms Whitmore have requested clarity from the Department on three matters;

1. In relation to the Department's submission seeking changes to Table 1 (minimum flows and allocation blocks) the Officers at page 35 of their report state that they are unclear what the Department's position will be to various policies should Table 1 not be replaced in accordance with the Department's submission.

The minimum flows sought in the Department's submission are based on flows outlined in earlier background technical reports commissioned by Environment Canterbury (Jowett report and letter 2006) on the ecological values and flows in the mainstem and tributaries of the Waipara. Since those recommendations were made, the threat rankings of a number of the species used to model flow curves and minimum flows necessary to protect their habitat, have been increased. It is therefore the Department's position that protection mechanisms, as a result of our increased knowledge of the population status of Longfin eel and Black Fronted Tern in particular, need to be higher than those mechanisms based on previous rankings.

Consequently, the Department considers the minimum flows in the proposed plan do not give sufficient weight to section 6(c) matters, and if the flows supported by the Department are not adopted, the Policies to which the flows are linked do not represent sustainable management and are therefore not supported.

I would also note that the concluding paragraph of Mr Jowett's s42a report states that the proposed minimum flow recommendations and his suggested minimum flows will have detrimental effects on native fish populations and river bird feeding.

2. In relation to the Department's submission on the duration of consents, the Officers at page 65 of their report state that they interpret there to be a conflict between the relief sought and explanation in the Department's submission on Policy 3.8.

The Department's submission on this policy reads:

Policy 3.8

Policy 3.8 outlines the duration limits for new resource consents (being five years) which include new consents issued to replace expired consents. The limited timeframe will allow abstraction rates to continue in their current capacity. The plan does not promote future strategic planning/thinking or sustainable management in terms of the adverse effects current consents are having.

Relief Sought:

"To limit the duration of any new resource consent (including new consents issued to replace expired consents that are continuing to be exercised under s124 of the RMA) issued to take or use stream depleting groundwater or to take, use, dam or divert surface water within the Waipara River Catchment to five (5) years, until such time as the environmental flow and allocation regime for the Waipara River Catchment is finalised through the making of this Plan operative. To review all consents current at the time this plan was notified within 5 years of the plan becoming operative."

The Department does not see any conflict as the Policy as notified only applied to new resource consents. The Department supported limiting the term of new consents, but further made the point in its explanation that the policy did not address the adverse effects of current consents and it was the fact that this aspect was not addressed which was opposed. Relief was then sought to address the issue of current consents through the inclusion of a review clause.

3. In relation to the Department's submission on fish screening for diversions (Rule 1.3, Page 64 of the Officers report), I agree with the Officers analysis and recommendation that, provided flow remains continuous and water is not diverted out of the riverbed, then fish screening is not required for a diversion.

Yours sincerely



David Newey
Senior Planner
Canterbury Conservancy