

Resource Management Act 1991**First Schedule****Form 5 – Submission on Publicly Notified Proposal for Policy Statement or Plan**

To: Canterbury Regional Council (Environment Canterbury)

Submission on: Proposed Pareora Catchment Environmental Flow and Water Allocation Regional Plan

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Structure of this Submission

Comment has only been made on Objectives, Policies and Rules not supported or supported in part by Forest and Bird.

General Comments

Forest and Bird agrees that a stand alone plan for the Pareora catchment is an appropriate management mechanism. It is acknowledged that Environment Canterbury has taken a collaborative approach and considered the view of relevant stakeholders during the preparation of this Plan. However the end result appears to be an overly pragmatic approach in establishing a flow and allocation regime. This is reflected in the wording of some of the objectives and policies and the flow and allocation regime as set out in Table 1. It is considered that insufficient weight has been given to the declining state of the significant habitat of indigenous fish and bird species of the Pareora River as a result of extraction for community drinking water and irrigation. The decline in the ecological health of the river according to the writers of the relevant technical reports will continue unless more water is left in the river to protect these values.

There has been an inadequate assessment of what species use the river and their habitat needs. The conservation status of New Zealand fish species has recently been revised and published. This alters the threat status of some fish species found in the Pareora and the Plan should give weight to the significance of these species and their habitat requirements in considering an appropriate flow regime.¹ There has been no assessment of the flow regime needed to maintain bird habitat

There has been no assessment of effects on threatened river bird species that use reaches of the river nor consideration of an appropriate flow regime to protect them

The specific provisions this submission relates to are as discussed below:

Part 4

Birds

Forest and Bird South Canterbury branch members have observed South Island oyster catchers breeding on the river. It is therefore inaccurate to state that the dotterel are the only threatened bird species using the river.

Relief sought

Amend Part 4 “Birds” to ensure it accurately describes bird species found in the river and their current conservation status as recently amended.ⁱⁱ

Fish

Subsequent to the notification of the Plan the conservation status of New Zealand fish species has been amended, including the threat ranking of some of the indigenous fish species found in the Pareora. For example Canterbury Mudfish (*Neochanna burrowsius*) threat status has been revised and is now ranked as ‘nationally critical’.

Relief sought:

Amend ‘Section 4 Fish’ to reflect the most recent conservation status of threatened fish species found in the Pareora River.

Objective 2

Objective 2 is not supported

Discussions in Part Three and Four of the Plan acknowledges that the current flow regime is having an adverse effect on the in stream values of the river. Objective 2 considers the economic and social benefits of surface water abstraction whilst ‘maintaining existing ecological values’. The status quo, in respect to existing resource consents to take both surface and connected groundwater during crucial times for both indigenous fish and bird species, is having an adverse effect on these species resulting in their decline. Additionally there has been, in the opinion of Forest and Bird, an inadequate description of the in-stream values of the river acknowledged in the Plan. For example not all fish species have been identified, there has been no assessment of a flow regime required to protect bird habitat and there is technical information commissioned by Environment Canterbury stating a flow significantly greater than notified in this Plan is required to protect these aquatic species.

Objective 2 does not give sufficient weight to the declining state of the ecological health of the river nor properly sets out how the adverse effects on significant ecological values that should be avoided, remedied or mitigated. Subsequently the Objective does not give effect to Part 11 matters, is inconsistent the Environment Canterbury (Environment Canterbury (Temporary Commissioners and Improved Water Management) Act , where particular regard must be given to the vision and principles of the Canterbury Water Management Strategy, and the Regional Policy Statement.

Relief Sought

Amend Objective 2 so that the Objective acknowledges the declining state of the important ecological values of the river and the need to avoid, remedy or mitigate any adverse affect on these values.

ⁱ Allibone, Richard , David, Bruno , Hitchmough, Rodney , Jellyman, Donald , Ling, Nicholas , Ravenscroft, Peter and Waters, Jonathan(2010) 'Conservation status of New Zealand freshwater fish, 2009', New Zealand Journal of Marine and Freshwater Research,, First published on: 27 September 2010

Objective 3**Objective 3 is not supported.**

This objective does not properly consider the declining health of the river as a result of current abstraction of groundwater on the surface water. The Objective does not provide for sustainable management and as a result does not give proper effect to Part 11 of the RMA nor the vision and principles of the CWMS.

Relief sought

Amend Objective 3 to make it explicit that there should be no further abstraction on groundwater takes to avoid adverse effects on surface water,

Objective 5**Objective 5 is not supported**

This objective recognises that the current run of river abstraction regime is having an adverse effect on in stream values but does not go far enough. As recorded by Environment Canterbury's technical advice and the observations of our Forest and Bird members there is a decline in important fish and bird species in the river as a result of the current abstraction regime. The Objective should give greater emphasis to the efficient use of water to allow for a greater return of water to the river as a means of avoiding, remedying or mitigating adverse effects on in stream values.

Relief sought

Delete '*where possible*' from Objective 5.

Policy Section 1 –Surface Water Takes, Use , Damming or Diversion**Policy 1.2 Supported in part**

Forest and Bird considers that the flow and allocation regime as set out in Table 1 of the proposed Plan shows little relationship with a flow regime recommended by technical reports commissioned by Environment Canterbury during the preparation of this Plan (de Joux, Scarf, Golder Associates) to better protect important habitat for threatened indigenous fish and bird species. The flow and allocation regime as set out in Table 1 gives insufficient weight to the habitat requirements of these species and a flow regime that would halt their decline within the river catchment.

Because this Policy relates to the proposed Table 1 it is considered that the policy cannot give proper effect to Part 11 matters

Relief sought

Retain wording of Policy 1.2 contingent on changes to Table 1 to be discussed further on in this submission at "Table 1-Environmental Flow and Allocation Regime for the Pareora River and Tributaries".

Policy 1.4 Supported in part

This policy states that the taking or using of water should not adversely affect instream values. However Forest and Bird considers that Table 1 referred to in this policy has not considered the habitat requirements for indigenous fish and bird species and therefore cannot give proper effect to Part 11 RMA matters nor the Vision and principles of the CWMS.

Relief sought

Retain wording of Policy 1.4 contingent on changes to Table 1 to be discussed further on in this submission at "Table 1-Environmental Flow and Allocation Regime for the Pareora River and Tributaries".

Policy 1.8 and Policy 1.9 Supported in part

Although these policies are intended to avoid any further adverse effects on ecological values by capping the run of river takes, the flow and allocation regime as set out in Table 1 does not properly consider the flows required to avoid adverse effects on significant fish and bird habitat and therefore this policy can not give proper effect to Part 11 RMA.

Relief sought

Retain wording of Policies 1.8 and 1.9 contingent on changes to Table 1 to be discussed further on in this submission at “Table 1-Environmental Flow and Allocation Regime for the Pareora River and Tributaries”.

Policy 1.12 Supported in part

As discussed above it is submitted that the proposed flow and allocation regime as set out in Table 1 does not properly consider the habitat requirements of significant indigenous fish and bird species.

Relief sought

Retain wording of Policy 1.12 contingent on changes to Table 1 to be discussed further on in this submission at “Table 1-Environmental Flow and Allocation Regime for the Pareora River and Tributaries”.

Policy 1.13 is not supported

Frost protection should not be exempt from the requirement to comply with Table 1. The ‘Explanation’ to this policy appears to give undue weight to existing farm practice with no certainty that the volume of water abstracted for frost protection will not have an adverse effect on the life supporting capacity of the river and relies on a review of possible effects sometime in the future.

Relief sought

Delete Policy 1.13 and amend relevant rules accordingly.

Policy 1.14 is supported in part

This policy encourages the Timaru District Council (TDC) to discharge additional water in the south branch of the Pareora at a time of year that will be most beneficial to trout (October-November). It fails to encourage the releasing of water at a time that will be most beneficial for indigenous fish and birds, i.e. during the months of September-February.

Relief sought

Amend the period where the TDC will be encouraged to discharge water to align with the most suitable times to protect the habitat requirements for indigenous fish and bird species during the months from September to February and amend the Explanation to this policy accordingly.

Policies 1.17-1.18 supported in part

Policy 1.17 and {Policy 1.18 does not take into account the run of river abstraction and the adverse effects on threatened indigenous fish and bird species. As a result these policies do not address the ‘imbalance’ of existing use and instream values other than the requirements of trout. This is especially concerning given the absence of any consideration and proper assessment of a flow regime required to protect threatened bird species using the river.

Relief sought

Amend Policy 1.17 to provide for an increase in a run of river flow at a time of year which will be most beneficial to indigenous fish and bird species being during the months from September-February and amend the Explanation to this policy accordingly

Retain wording of Policy 1.18 contingent on changes to Table 1 to be discussed further on in this submission at “Table 1-Environmental Flow and Allocation Regime for the Pareora River and Tributaries”.

Policy 1.19 is supported in part

This policy recognises the flow regime as proposed is lower than recommended for instream values even with the increases during a time that is beneficial for trout.

As discussed above an increase in flow during the months of October and November will not address the imbalance between the proposed flow and allocation regime and the habitat needs of threatened indigenous fish and bird species and therefore will not give proper effect to Part 11 RMA matters. Considering the declining ecological health of the Pareora as a result of current abstraction and the acknowledgment in the proposed plan that the proposed flow and allocation regime is lower than is

required for instream values signaling a change to in a review in 10 years time is overly pragmatic and is not sustainable management.

A five years review period is consistent with other catchment plans within the Canterbury region and will be adequate time period to allow current users to make necessary amendments to their current farm practice..

Relief sought

Amend Policy 1.19 so that any review on the effects of the minimum flow on instream values is in 5 years to give meaningful recognition that the proposed plan is inadequate in regards to the protection of important instream values.

Amend the Explanation to this policy accordingly.

Policy 3.5 supported in part

As discussed previously this policy relates to Table 1 which is submitted does not provide for the sustainable management of the significant habitat of threatened indigenous fish and bird species.

Relief sought

Retain wording of Policy 3.5 contingent on changes to Table 1 to be discussed further on in this submission at “Table 1-Environmental Flow and Allocation Regime for the Pareora River and Tributaries”.

Part 7 –Rules Surface Water

Rule 2-Restricted Discretionary Activities

Rule 2.3 supported in part

It is considered that this rule should make it clear that there should be no taking, use or diversion of water from the Pareora River lagoon.

Relief sought

Amend Rule 2.3 so there is an additional clause in the standard and terms to make it clear that taking, using and diverting of water is a restricted discretionary activity provided it is not within the Pareora River lagoon.

Rule 4 –Non Complying Activities

Rule 4.2 is not supported

The provision for the potential damming of the mainstem, albeit as a non-complying activity, is opposed and it is submitted that damming should be prohibited.

This Rule fails to acknowledge the significance of the river for indigenous fish and birds and the subsequent declining health of the ecology of the river and does not give proper effect to the Vision and Principles of the CWMS.

Relief sought

Delete Rule 4.4 and create new prohibited Rule with the same or similar wording and amend any related policies accordingly.

Rule 4.3 is not supported

This policy provides for the potential to take, use or dam the Pareora River lagoon. It is submitted that this is not sustainable management and therefore inconsistent with Part 11 matters RMA. It is also inconsistent with the NZ Coastal Policy Statement and the Visions and Principles of the CWMS. There appears to be a lack of assessment within this Plan as to the possible adverse effect of such an activity.

Relief sought

Add new Prohibited Activity Rule to make it explicit that any take, use damming or diversion of water from the Pareora River lagoon is a prohibited activity.

Table 1 –Environmental Flow and Allocation Regime for the Pareora River and Tributaries.

The minimum flows as set out in Table 1 does not concur with the recommended flows by the relevant experts commissioned by Environment Canterbury (de Joux, Scarf, Golder Associates) to sustain the habitat needs of threatened indigenous fish and to maintain a continuous water flow throughout the lower reaches of the river.

Additionally there appears to be no assessment of the flow regime required to protect significant bird habitat and instream habitat requirements seem to be limited to the needs of trout.

According to the aquatic ecology report provided by Golder Associates there should be a minimum flow of 660l/s (or higher) at the Hut site.

The Plan has not properly considered all threatened species using the river and has not accorded those identified with their most recent conservation status. As noted previously in this submission the conservation status of Canterbury mudfish is now nationally critical.

This Plan acknowledges that flow and allocation regime as notified does not properly protect the instream values yet this table and related objectives, policies and rules settles for the status quo and leaves a review of any adverse effect as a result of current consents for sometime well into the future. This it is submitted cannot be considered sustainable management.

Relief sought

Amend Table 1 to accord with flows required to protect the threatened indigenous fish and bird species to give proper effect to Part 11 RMA matters. The minimum flow rate for all 'A' block consents are set at 660l/s and amend the rest of the content of Table 1 accordingly. 660l/s should be applied all year.

Forest and Bird wishes to be heard in support of this submission.

Address for service

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