BEFORE THE INDEPENDENT COMMISSIONERS
AT CHRISTCHURCH

UNDER the Resource Management Act 1991

IN THE MATTER of Plan Change 4 to the Canterbury Land and Water Regional Plan

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EVIDENCE IN CHIEF OF SCOTT PEARSON AND ANGELA CHRISTENSEN ON BEHALF OF NORTH CANTERBURY AND CENTRAL SOUTH ISLAND FISH AND GAME COUNCILS

29 January 2016

Central South Island Fish and Game
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QUALIFICATIONS AND EXPERIENCE

1 My name is Scott Pearson.

2 I provide environmental advisory services to the North Canterbury Fish and Game Council, and have done so since September 2012.

3 I hold a Master of Science degree (Hons) in natural resource management and tourism from Lincoln University and an undergraduate degree in Resource Studies, with majors in ecology and land and water management.

4 Over the last three years, I have coordinated Fish and Game's responses to the Hurunui Waiau Regional River Plan, the proposed Canterbury Land and Water Regional Plan, the Selwyn Waihora Variation 1 plan change; and several major resource consent cases by Hurunui Water Project, Ngai Tahu Farming Limited, Grasmere Station (P&E Limited) and MainPower/Rooney Group. This work involved preparing and presenting submissions and expert evidence.

5 My role with Fish and Game has included acting as environmental spokesperson for the North Canterbury Region and the provision of national advice to the New Zealand Office of Fish and Game on RMA matters.

6 I am contracted by North Canterbury Fish and Game, a statutory body that works in the interests of Fish and Game New Zealand, in the management, maintenance and enhancement of sports fish and game and their habitats (section 26C Conservation Act 1987).

7 In preparing my evidence I have reviewed Plan Change 4 to the Canterbury Land and Water Regional Plan ("**Plan Change 4**"). I have reviewed the Section 32 report and the S42A officers report from Environment Canterbury.

Qualifications and Experience

8 My name is Angela Fay Christensen.

9 I am employed as a Resource Officer by the Central South Island Fish and Game Council ("**Fish and Game**"). I have been employed by Fish and Game since February 2015.

10 As a Resource Officer I am required to provide direction and professional advice to the Chief Executive Officer and the Council on the impacts to sports fish and game bird habitat resulting from water resources and land use proposals and related local, regional and national planning provisions.

11 I hold a Bachelor of Environmental Studies from Massey University and a Master of Sustainable Communities with Distinction from Northern Arizona University.

12 I am familiar with the Land and Water Regional Plan and have been involved with the processes and hearings as they relate to the subregional plans on behalf of Fish and Game.

13 In preparing my evidence I have reviewed Plan Change 4 to the Canterbury Land and Water Regional Plan ("**Plan Change 4**"). I have reviewed the Section 32 report and the S42A officers report from Environment Canterbury.

SCOPE OF EVIDENCE

14 The basis of our evidence includes reference to:

(a) The planning framework for Plan Change 4 and relevant policy instruments including the Resource Management Act 1991, the National Policy Statement on Freshwater Management 2014, the New Zealand Coastal Policy Statement 2010, the Canterbury Water Management Strategy 2009, the Canterbury Regional Policy Statement 2013, and the North Canterbury and Central South Island Sports Fish & Game Bird Management Plans under the Conservation Act 1987.

(b) The North Canterbury Fish and Game Council and Central South Island Fish and Game Council's joint submission.

(c) Commentary on the Section 42A officers' report.

PLANNING FRAMEWORK AND POLICY INSTRUMENTS

15 The purpose of Plan Change 4 is to address issues around the implementation of the Land and Water Regional Plan (LWRP) in relation to definitions, policies, rules, schedules and maps. The Regional Council must fulfil its obligations to meet the purpose and principles of the Resource

Management Act 1991 ("**RMA**"), in accordance with the council's functions under section 30 of the RMA. Part 2 of the RMA focuses on sustainable management, which means managing the use, development and protection of natural and physical resources while safeguarding the life-supporting capacity of air, water, soil and ecosystems as well as avoiding, remedying, or mitigating any adverse effects of activities on the environment, amongst other things.

16 In order to achieve the purpose of the RMA, the regional council must give particular regard to the intrinsic values of ecosystems, the maintenance and enhancement of the quality of the environment and the protection of the habitat of trout and salmon when managing the use, development and protection of natural and physical resources.

17 As set out under section 30 RMA, every regional council has the following functions for the purpose of giving effect to the RMA in its region:

(a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of natural and physical resource of the region;

(b) The preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance;

(c) The control of the use of land for the purpose of:

(i) Soil conservation;

(ii) The maintenance and enhancement of the quality of water in waterbodies and coastal water;

(iii) The maintenance of the quantity of water in waterbodies and coastal water;

(iv) The maintenance and enhancement of ecosystems in waterbodies and coastal water…..

18 Plan Change 4 is required to give effect to the New Zealand Coastal Policy Statement 2010 ("**NZCPS**") as the area contained within Plan Change 4 includes coastal marine areas and coastal environments. The NZCPS recognises that activities that take place on land can adversely impact coastal water quality, attributable to point source and non-point source contamination. The NZCPS works towards meeting a number of objectives through a policy framework in order to achieve the purpose of promoting

the sustainable management of natural and physical resources as per the RMA in relation to New Zealand's coastal environment.

19 NZCPS Objective 1 states:

Objective 1 To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

- maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;

- protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and

- maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.

20 The Canterbury Water Management Strategy ("**CWMS**") lists a number of fundamental principles to underpin the strategy, namely the environment, irrigation, recreation and amenity, access and sustainable management. A set of targets (including, but not limited to, ecosystem health, water use efficiency, recreational and amenity opportunities) are identified to help establish clear direction in order to reach the desired outcome. The outcome states:

"*To enable present and future generations to gain the greatest social, economic, recreational and cultural benefits from our water resources within an environmentally sustainable framework*".

21 While the targets are not bound by legislation, the CWMS provides a framework to help achieve the purpose of the RMA, which we have set out in detail above.

22 Plan Change 4 is required to give effect to the Canterbury Regional Policy Statement 2013 ("RPS") as per section 67 of the RMA. Policies and methods are set out within the document to guide how the objectives will be met. The RPS contains a number of objectives, policies and methods that address freshwater management.

23 RPS Objective 7.2.1 Sustainable management of freshwater:

> The region's fresh water resources are sustainably managed to enable people and communities to provide for their economic and social wellbeing through abstracting and/or using water for irrigation, hydro-electricity generation and other economic activities, and for recreational and amenity values, and any economic and social activities associated with those values, providing:
>
> > (1) the life-supporting capacity ecosystem processes, and indigenous species and their associated freshwater ecosystems and mauri of the fresh water is safe-guarded;
> >
> > (2) the natural character values of wetlands, lakes and rivers and their margins are preserved and these areas are protected from inappropriate subdivision, use and development and where appropriate restored or enhanced; and
> >
> > (3) any actual or reasonably foreseeable requirements for community and stockwater supplies and customary uses, are provided for.

24 RPS Objective 7.2.3 - Protection of intrinsic value of waterbodies and their riparian zones:

> > The overall quality of freshwater in the region is maintained or improved, and the life supporting capacity, ecosystem processes and indigenous species and their associated fresh water ecosystems are safeguarded.

FISH AND GAME SUBMISSIONS

25 Fish and Game provided a submission on the notified version of Plan Change 4, which sets out specific relief sought.

Submissions

26 In the following paragraphs we will explain the reasoning behind Fish and Game's submissions.

27 It is important to recognise the diverse values of each region within Canterbury and how the provisions within the plan affect these values.

28 Policy 4.13 – This policy covers discharges of contaminants into or onto land where it may enter water or to surface water bodies or groundwater.

Fish and Game submitted that affording priorities as “first” and “second” was not clear as to the intended results for surface water quality.

29 Objective A1 of the National Policy Statement on Freshwater Management 2014 (NPSFM) sets clear direction as to the management of contaminant discharges as they relate to ecosystems and life-supporting capacity in freshwater bodies. The objective states:

> To safeguard:
>
> > a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and
> >
> > b) the health of people and communities, at least as affected by secondary contact with freshwater;
>
> in sustainably managing the use and development of land, and of discharges of contaminants.

30 The s42A report also recognised the confusion and concern that the policy wording caused by affording discharges priorities as first and second as they relate to surface water quality and recommends the proposed wording be amended so that the intention of the amendment remains and also meets the requirements of the NPSFM. We agree with the recommendation and support the amendment as set out on page 181 of the s42A report.

31 Policy 4.31 – This policy sets direction for livestock exclusion from waterbodies by identifying areas where particular regard must be given as referred to in the subclauses (a-c). We understand that the previous wording “closely upstream” did not adequately protect all of the various instream values associated with these waterbodies and that the intent of the policy is to improve the management of activities that may damage ecosystem and community valued sites. As discussed later in this statement in reference to Rule 5.168 (which is directly impacted as a result of the change to this policy wording) we consider that a clear intent of Policy 4.31, with respect to salmon spawning sites, is to avoid their degradation. The proposed Policy wording does not adequately protect salmon spawning sites from the potential upstream impacts of stock that may occur further upstream than “closely adjacent.”

32 As argued in Fish and Game’s submission; stock disturbance in the bed of a waterway, upstream of a high value salmon spawning site can dislodge

sediment and negatively impact spawning. As fine sediment settles out of the water column, benthic habitats, spawning gravels and incubating redds may be smothered. The most utilised salmon spawning sites appear to provide high levels of sub-gravel flow[1], which makes these sites especially vulnerable to the effects of sedimentation upstream and within the site.

33 It is known that salmon fry have higher survival rates in the more stable spawning streams, particularly up to three months in age. Due to the greater abundance of salmon fry in healthy spawning streams, there is a scarcity of rearing space in the early life stages[2], meaning the extent and protection of high quality rearing habitat is very important. Protection of the Schedule 17 spawning sites from stock disturbance upstream to the source, is therefore a significant priority for both protection of the immediate salmon spawning sites (containing the redds) and the availability of early stage rearing habitat.

34 We therefore believe the policy must adequately protect the upstream freshwater environment (beyond "closely upstream" or "closely adjacent" areas), from the effects of stock-induced erosion in the river bed and consequential sediment transport and deposition into the spawning area. This situation is particularly true for spring-fed headwater streams, such as the Hydra Waters in the Upper Rakaia Catchment that offer very high water quality with more stable flow levels, see **Image 1**. These types of stream are less capable of self-cleansing from the effects of heavy stock disturbance, when compared to hill-fed rivers that have larger flood events to reset the river environment and remove stock induced sediment, pathogens and associated periphyton growth. See **Image 2, Image 3** and **Image 4** as examples of stock disturbance effects.

[1] Ross Millichamp EIC, paragraph 4.5, HWRRP Hearing, October 2012.
[2] Ross Millichamp EIC, paragraph 4.6, HWRRP Hearing, October 2012

Image 1: The Hydra Waters, Upper Rakaia Catchment

Image 2: Cattle in “One Tree Swamp”, a salmon spawning tributary of the Waimakariri River. Note the patches of light coloured bed where sediment is accumulating, making it unsuitable for spawning.

Image 3: Winding Creek with cattle before fencing was put in place.

Image 4: This image provides an example of stock damage to a salmon spawning site in Glenariffe Stream.

35 We submit that proposed Policy 4.31 would better safeguard life-supporting capacity and protect sensitive ecosystem habitats with the following amendment to subclause (b):

excluding stock from ~~swimming~~ freshwater bathing sites listed in Schedule 6, inanga and salmon spawning sites listed in Schedule 17A, and other sensitive waterbody areas and the waterbody bed and banks closely adjacent toA ~~upstream of~~ these areas; and upstream of spring-fed salmon spawning sites in Schedule 17A for slope gradients up to 3 degrees; and

The application of a slope gradient has been determined by analysis of common slope gradients for the following known salmon spawning sites, noting that the majority of sites fall within the 3 degree slope gradient range, as shown in **Figure 1**.

Stream	Run (m)	Rise (m)	Lower (NZTM)	Upper (NZTM)	Degrees	% Grade
Glenariffe	1680	13	E1467674 N5203100	E1466214 N5202560	0.44	0.77
Double Hill	8130	60	E1468217 N5203426	E1461237 N5205276	0.42	0.74
Manuka Point	4140	40	E1456197 N5206956	E1452427 N5206506	0.55	0.97
Hydra Waters (Titan Stream)	6920	40	E1467282 N5206840	E1461757 N5209410	0.33	0.58
Ryton River	7940	158	E1481232 N5206736	E1483309 N5212733	1.14	1.99
Goat Hill	2350	23	E1468720 N5212522	E1469980 N5213987	0.56	0.98
Hennah Stream	2470	47	E1481777 N5207515	E1481310 N5209709	1.09	1.9
Mellish Stream	310	19	E1455644 N5185347	E1455945 N518234	3.51	6.13
Mellish Stream (longer)	3510	160	E1455644 N5185347	E1458699 N5184273	2.61	4.56

Figure 1: Slope Gradients for Salmon Spawning locations in the Upper Rakaia Catchment

36 Policy 4.92A – The policy addresses catchment restoration activities specifically undertaken for the sole purpose of habitat restoration. After reading the S42a report, we still have concerns with the permitted activity of macrophyte removal without adequate guidance from a rule in the plan with regard to methods for removal, what can be considered habitat restoration and who is able to carry out this work. The Fish and Game submission requested the addition of "nuisance" macrophytes to prevent unnecessary removal and habitat disturbance. We have considered the rules that are governed by this policy and believe that as they are permitted activities, it is important to reference "nuisance," in order to provide more surety that the activities undertaken for the purpose of habitat restoration do not

compromise instream habitat or significant spawning sites. The inclusion of "nuisance" sets clearer parameters in which works can be conducted as a permitted activity.

37 Rule 5.68A – The rule seeks to further define stock exclusion rules 5.68-5.71 by defining the bed of braided rivers and artificial lakes. Fish and Game submitted on subclause 2 of the rule as it relates to artificial lakes. We believe that artificial lakes may become degraded as a result of stock access to them with further consequences for downstream natural waterways.

38 Significant damage to waterways can arise from three major types of pollutants. Pathogens can be directly deposited to waterways from urine and faeces as well as flushing into waterways via watercourse banks with rainfall and erosion. Sediment discharge from livestock disturbing and carrying soil into waterways negatively impacts fish and invertebrate habitat along with recreational and aesthetic values. A 2007 NIWA study found that in-stream sediment could be reduced by 30-90% by stock exclusion.[3] Increased nutrients negatively impact waterbodies as high levels of Nitrogen and Phosphorus can lead to algal blooms, oxygen depletion and ecological damage.

39 We consider it appropriate for the rule to apply to artificial lakes that discharge to a natural watercourse in order to be consistent with Rule 5.68. The s42A report recommends an amendment to subclause 2 on page 141 of the report. We support this recommendation and amendment.

40 Rule 5.68 – The rule, at subclause 3, is amended to permit cattle to stand in lakes in the hill and high country areas if it is not in a "Lake Zone" or classified as a "High Naturalness Waterbody." Stock exclusion from waterbodies is not a new issue and the impacts of not excluding stock from waterbodies is well known and documented.

41 The proposed amendment to Rule 5.68 has created a new threshold for permitting cattle to stand in lakes (in the hill and high country) via classification of lake values. We generally support the use of "value classification" of a water body for regional planning purposes, but are

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[3] McKergow, L.A.; Tanner, C.C.; Monahan, R.M., Anderson, G. (2007). Stocktake of diffuse pollution attenuation tools for New Zealand pastoral farming systems. NIWA Client Report HAM2007-161 under subcontract to AgResearch for Pastoral 21 Research Consortium. P 102.

concerned this rule will now be inconsistent with Policy 4.31, particularly clause (c) which states:

> "limiting access to wetlands, and the banks or beds of lakes and rivers to stock species that prefer to avoid water and at stocking rates that avoid evident damage."

It is well known that cattle are not a species that avoids water, which highlights the first inconsistency of the rule. It is also well known, that in many areas of the Canterbury high country there are increasing stocking densities of beef and dairy support cattle, as land is developed through activities such as vegetation clearance, the application of more fertiliser and increased development on either new freehold land following tenure review[4], or through increased production requirements placed on international land sale purchase agreements for high country stations[5].

42 The conclusions drawn in the S42a Report with respect to excluding some lakes in the hill country on the grounds of cost versus environmental benefit have not adequately taken into account LWRP Policy 4.31(c), s70 (RMA), the objectives and policies of the National Policy Statement for Freshwater Management 2014 (NPS), and the policies of the Canterbury Regional Policy Statement (in particular Objectives 7.2 and 7.2.3 and Policy 7.3.7), in relation to the present reality of increasing stocking densities of cattle following development of the hill and high country. In order to become consistent with Policy 4.31 and the associated objectives in the Plan, Fish and Game seeks the requested relief of applying Rule 5.68(c) to all lakes and rivers in the hill and high country.

43 In recognition of the economic concerns noted in the S42a and S32 reports from including all lakes, and the previous LWRP appeals with regard to the original inclusion "of rivers", we believe it is appropriate to set some parameters in order to make this requested relief achievable in a S32 context.

44 Firstly, the inclusion of rivers would be limited to spring-fed streams within a slope gradient of up to 3 degrees. This requirement recognises the higher priority for protecting lower gradient spring-fed streams, given their importance for both salmon and trout spawning habitat.

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[4] Examples include Lake Grasmere Station, Glenaan, Glenariffe and Double Hill Stations.
[5] Examples include Mt Algidus Station and Glenthorne Station.

45 Secondly, stock access to lakes and spring-fed rivers in the hill and high country could be managed to allow limited stock drinking water access via a confined portion of a lake or river, using limited access fencing solutions or by utilising natural environmental features capable of excluding stock access to the rest of the water body. The ongoing management of these fenced areas is considered less problematic for spring-fed streams as opposed to other streams or rivers, which experience much larger flood events.

46 With the inclusion of the proposed rule parameters above, the amended 5.68 3(c) would read:

(c) cattle standing in any lake; and

(d) cattle standing in any river outside of the hill and high country, or any spring-fed river in the hill and high country with a slope gradient of up to 3 degrees.

47 It is important to note that in the Horizons One Plan Decision [5-135] it was found that:

"*Keeping stock out of waterways is such a basic step in protecting waterways from effluent pollution that it must be regarded as an absolute requirement*".

Furthermore, one of the assumptions in Overseer is that all stock are kept out of waterbodies, meaning no direct discharges. This is an important consideration under the LWRP rule framework, especially with the proposed inclusion of Good Management Practices and the MGM Matrix, in the upcoming Plan Change 5.

48 Rule 5.138 – Fish and Game made a submission on this rule and the associated Code of Practice that is referenced within it. Fish and Game was consulted during the initial drafting of the document and extensive feedback was provided, which was incorporated into the document. Fish and Game seeks a number of further amendments to the COP to safeguard ecosystem health and life-supporting capacity. The s42A report did not address nor assess the submission point made by Fish and Game, which was attached as Appendix 1 in the original submission. Fish and Game respectfully requests our submission point on this rule and associated COP to be considered in order to ensure that the activities associated with defences against water and acknowledged as permitted are clear, certain and appropriately safeguard life-supporting capacity and ecosystem health.

49 Rule 5.140A – The rule relates to equipment or devices on or in the bed of a lake or river for monitoring surface waterbodies. It is considered a permitted activity if conditions listed in subclauses 1-5 of the rule are met. Fish and Game submitted that certain activities could result in the stranding of fish in pools or channels stemming from the works carried out and that a sub clause to mitigate this risk should be included. The s42A report addressed the concern by recommending that the bed be returned to as near as practicable to its original state upon completion of a specific works as opposed to the completion of the overall general activity. We support the amendment as proposed in the s42A report as detailed on page 92.

50 Rule 5.145 – Fish and Game submitted that fuel should be securely stored overnight or removed from the site to prevent the potential for chemicals to enter waterways, which would negatively impact life-supporting capacity and ecosystem health. We have considered the assessment within the s42A report and accept the recommendation that the submission point is not included in the Plan as it is covered sufficiently by the Hazardous Substances and New Organisms Act 1996.

51 Rule 5.168 – The rule allows for any associated discharge of sediment or sediment-laden water arising from the use of land for earthworks within defined distances from waterbodies where sediment may enter surface water as a permitted activity provided certain conditions are met. At subclause 3, the rule stipulates that the activity does not occur “adjacent” to significant salmon spawning sites.

52 Prior to this Plan Change, Policy 4.31 guided the rule and referenced “closely upstream” to these areas, which was intended to safeguard spawning habitats and fish during the spawning season. However, now that the guiding policy has deleted “upstream,” the associated rule does not afford enough protection to spawning habitats, de-emphasises the importance of upstream protection, and contains ambiguity in relation to what “adjacent to” means at a catchment scale, e.g. does it mean the riparian strip, the paddock next to the water body or a wider area?

53 Sensitivity of spawning habitats encompasses migration, spawning, protection of spawning habitats, embryo and fry development, and juvenile growth and development, all of which are adversely affected not only by direct physical damage to habitats, but also impacts of sediment and contaminants that may originate upstream.

54 Sediment does occur as a natural component of many natural aquatic systems, which is transported as suspended sediment and bedload, mostly at times of high river flows and floods. Small particles, such as clay and silt, are generally transported in suspension, whereas larger particles, such as sand and gravel, usually roll or slide along the riverbed. However, erosion from land use activities and loss or disturbance of riparian zones, can greatly enhance sediment supply both during low and high flow events. Sediment levels during floods are considerably higher in agricultural catchments than similar catchments with native vegetation[6].

55 Increased levels of suspended and deposited sediment can have dramatic effects on stream ecosystems. Increased sediment loads can:

- smother natural benthos;
- reduce water clarity and increase turbidity;
- decrease primary production because of reduced light levels;
- decrease dissolved oxygen;
- cause changes to benthic fauna;
- kill fish; or
- Reduce resistance to disease;
- Reduce growth rates; and
- Impairs spawning, and successful egg and alvein development[7].

56 The subjectivity of the term “adjacent” and the ability to enforce compliance with it, and as such, its appropriateness in a PA rule is an important point to consider. Furthermore, spawning reaches may move over time in response to local changes in habitats, and may not always be visible or readily identifiable.

57 s70(1)(g) RMA (Rules about discharges) states:

> (1) Before a regional council includes in a regional plan a rule that allows as a permitted activity—
>
> (a) a discharge of a contaminant or water into water; or

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[6] Russell Death. Statement of Technical Evidence for the Environment Court concerning proposed One Plan. 17 February 2012.
[7] Ibid.

(b) a discharge of a contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water,—

the regional council shall be satisfied that none of the following effects are likely to arise in the receiving waters, after reasonable mixing, as a result of the discharge of the contaminant (either by itself or in combination with the same, similar, or other contaminants):

(g) any significant adverse effects on aquatic life.

58 Therefore, the Council must be certain that no significant adverse effects on aquatic life can occur in order for the rule to have permitted activity status.

59 For the activity to be permitted, the rules that govern the activity must be clear and certain. We believe that significant salmon spawning sites cannot be appropriately managed under a PA rule using the word "adjacent" without provision of a suitable definition of the word. In order for the rule, as a permitted activity to be clear and certain, we recommend that proposed subclause 3 be amended as follows:

The activity does not occur adjacent to <u>or upstream of</u> a significant salmon spawning reach <u>or adjacent to</u> an inanga spawning site listed in Schedule 17; or in any inanga spawning habitat during the period of 1 January to 1 June inclusive;

60 The above amendment would address the adverse effects of sediment deposition in significant salmon spawning areas and is guided by the same approach and reasons stated for Policy 4.31.

61 High naturalness waterbodies – The change seeks to replace the previous definition titled "Outstanding freshwater bodies" with "High naturalness waterbodies" and is seen to provide better consistency with other policies and rules in the Land and Water Regional Plan (LWRP). For regional plans, the policies implement the objectives, and the rules (if any) implement and achieve the policies (sections 67(1) and 68(1)). While it is accepted that the term "high naturalness waterbody" is used throughout the LWRP, Objective 3.14 referenced "outstanding freshwater body."

62 We believe that “outstanding” encompasses more than just “high naturalness waterbodies” and do not think that they are equivalent or mean the same thing. A waterbody may be outstanding for reasons other than high naturalness, for instance it may have high amenity value, aesthetic values, recreational values, fishery values, indigenous values or of a form or quality that is threatened or rare. For example, braided waterbodies are considered outstanding if they still exist, or a lowland waterbody that still has high water quality can also be considered as outstanding.

63 There are waterbodies in the Canterbury Region that are protected by Water Conservation Orders namely Te Waihora/Lake Ellesmere, the Rakaia, the Rangitata and the Ahuriri.

64 The Rangitata River Water Conservation Order was recognised as having the following outstanding characteristics, features and values

(a) Amenity and intrinsic values;

(b) Habitat for terrestrial and aquatic organisms;

(c) Fishery values;

(d) Wild, scenic and other natural characteristics;

(e) Scientific and ecological values;

(f) Recreational, historical, spiritual or cultural characteristics;

(g) Significance in accordance with tikanga Maori.[8]

65 The Rakaia River Water Conservation Order includes and provides for

(a) An outstanding natural characteristic in the form of a braided river;

(b) Outstanding wildlife habitat above and below the Rakaia River Gorge, outstanding fisheries, and outstanding recreational, angling, and jet boating features.[9]

66 The Ahuriri River Water Conservation Order includes and provides for outstanding wildlife habitat, outstanding fisheries, and outstanding angling features.[10]

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[8] Water Conservation (Rangitata River) Order 2006. Ministry for the Environment.
[9] Water Conservation (Rakaia River) Order 1988. His Excellency the Administrator of the Government.

67 The Te Waihora/Lake Ellesmere has or contributes to the following outstanding amenity or intrinsic values which warrant protection:

(a) Habitat for wildlife, indigenous wetland vegetation and fish; and

(b) Significance in accordance with tikanga Maori in respect of Ngai Tahu history, mahinga kai and customary fisheries.[11]

68 Many of the values listed for each waterbody under the Water Conservation Order above are outside of what is thought of as "High naturalness."

69 The NPSFM refers specifically to "outstanding freshwater bodies" in Objectives A2 and B4. Nowhere in the NPSFM does it reference "high naturalness waterbodies."

70 The Canterbury Regional Policy Statement (CRPS) makes reference to outstanding water bodies at Policy 7.3.3, which reads

Policy 7.3.3 Enhancing fresh water environments and biodiversity

To promote, and where appropriate require the protection, restoration and improvement of lakes, rivers, wetlands and their riparian zones and associated Ngāi Tahu values, and to:

(1) identify and protect areas of significant indigenous vegetation and significant habitats, sites of significant cultural value, wetlands, lakes and lagoons/hapua, and other outstanding water bodies; and

(2) require the maintenance and promote the enhancement of indigenous biodiversity, inland basin ecosystems and riparian zones; and

(3) promote, facilitate or undertake pest control.

71 We believe that while "high naturalness" is used more extensively throughout the Plan, it is still highly relevant to include "outstanding" so that the Plan clearly identifies the importance of waterbodies that are considered outstanding and gives appropriate regard to waterbodies protected under Water Conservation Orders.

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[10] National Water Conservation (Ahuriri River) Order 1990. His Excellency the Governor-General in Council.

[11] National Water Conservation (Te Waihora/Lake Ellesmere) Order 1990. His Excellency the Governor-General in Council.

CONCLUSION

72 We believe that Plan Change 4 must safeguard the life supporting capacity and ecosystem health and processes of freshwater within the Canterbury Region. The Plan must recognise and provide for the values listed throughout the LWRP and other instruments as discussed, by ensuring that land uses, including farming activities, are sustainably managed.

73 We thank you for reading the enclosed Evidence in Chief.

Scott Pearson and Angela Christensen

29 January 2016