

GW NRP PC1 HS1

Comments on Rule R151A after reading reply and additional comments from Mr O'Brien (Response to request for information 27 November 2024).

Mr O'Brien states in his reply, paragraph 7, in relation to clause (d) of paragraph 17 in Minute 3, that there is no discharge element to any part of proposed diversion in Rule R151A. The water in the river upstream of the diversion is the same flow as downstream, the river is only changing path.

Literature would disagree with the premise stated here: it has been well documented over decades that channel straightening, in and of itself, has negative impacts on water quality and flow, instream habitat, and aquatic flora and fauna (Horsak et al., 2009, Brierley et al., 2022). This underpins Fish and Game's request to not allow stream diversions to necessarily be permitted activities based on the norms of today's engineering and urban design; allowing these structures "locked in" is likely to increase the difficulty allowing for better design and engineering in the future, and perpetuates two potentially wrong and harmful beliefs: firstly that channelised and straightened streams are identical to their original state except for their new positioning, and secondly that where waterways have adapted to a degraded state, that this should now be considered their normal or baseline state.

I appreciate the examples given in Mr O'Brien's reply, and as previously stated, I understand that currently many diversions will be difficult or impossible to return to a natural path. As stated above, however, while many small diversions may appear to have minimal or unobservable effects on the stream, it has also been shown that these do, in fact, have an observable effect on the waterbody, particularly if observed together with other cumulative impacts, and compared to an unmodified state. Discretionary activity status allows for impact analysis, and as Aotearoa New Zealand catches up with other parts of the world in applying nature-based solutions to freshwater issues, it is likely to become more necessary than ever that such analysis is done.

In paragraph 22, it is considered the likely number of river diversions captured by this rule is significantly lower than 75. If there are as few consents as hoped for, listing these should not be an onerous task. I disagree that there is enough information on the nature of the activity proposed by R151A to allow for permitted activity status without analysis or listing of consents required. As discussed during the hearing, if this rule was to be included in the NRP, having the relevant consents listed (perhaps in a Schedule allowing for addition or subtraction of consents as required) would grant the needed transparency, and allow for easier decision making in the future if any further consents tick past the 10-year mark and are considered for capture by this Rule R151A.

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References

Brierley, G., Hikuroa, D., Fuller, I., Tunnicliffe, J., Allen, K., Brasington, J., Friedrich, H., Hoyle, J. & Measures, R. (2022). Reanimating the strangled rivers of Aotearoa New Zealand. *WIREs Water*. Retrieved from <https://wires.onlinelibrary.wiley.com/doi/pdfdirect/10.1002/wat2.1624>

Horsak, M., Bojkova, J., Zahradkova, S., Omesova, M. & Helesic, J. (2009). Impact of reservoirs and channelization on lowland river macroinvertebrates: A case study from Central Europe. *Limnologia*, 39. Retrieved from <https://www.sciencedirect.com/science/article/pii/S007595110800011X>